

**THE CORPORATION OF THE TOWNSHIP OF
KILLALOE, HAGARTY AND RICHARDS**

BY-LAW # 49-2016

Being a By-Law to rescind and replace By-law #39-2016 and By-Law # 51-2014, being a by-law for prescribing the time for setting fires in the Township of Killaloe, Hagarty and Richards, and the precautions to be observed.

WHEREAS Section 8(1) of the Municipal Act, 2001 states that: The powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 11 of the Municipal Act, 2001 establishes the Spheres of Jurisdiction under which lower tier municipalities may pass by-laws;

AND WHEREAS Section 7.1(1) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended, provides that a municipality may pass by-laws regulating fire prevention, including the prevention of the spreading of fires, and;

Regulating the setting of open air fires, including establishing the times during which open air fires may be set;

NOW THEREFORE the Council for the Corporation of the Township of Killaloe, Hagarty and Richards hereby enacts as follows:

1. All persons setting an open-air fire or an incinerator fire in the Township of Killaloe, Hagarty and Richards shall comply with the following regulations:
 - (a) The material to be burned shall be limited to clean wood, clean wood wastes, grass and wood by-products, these being subject to Ministry of Environment Regulations Part 5, Section 25 definitions.
 - (b) Brush piles for burning must be no larger than two meters in diameter, two metres high and placed not less than ten metres apart. There may be no more than three brush piles burning at any one time.
 - (c) There shall be no burning within five metres of an adjacent property or within five metres of a combustible structure.
 - (d) In the case of burning grass, the area to be burned shall be less than one acre and the length of the flaming edge shall be less than thirty metres.
 - (e) The person conducting the burning is responsible for supervising the burning, and must ensure that the means of fire extinguishment is available at the site at all times during the fire, for example shovels, rakes, water and sufficient manpower to control the fire.
 - (f) During the fire season from April 1 to October 31, inclusive, the person responsible for conducting the burning must ensure that the fire is ignited no earlier than two hours before sunset, or later, and is extinguished no later than two hours after sunrise, or earlier.
 - (g) No person or corporation shall ignite a Flying Lantern within the Township of Killaloe, Hagarty and Richards. For the Purpose of this by-law "Flying Lantern (also known as a "Sky or Chinese Paper Lantern") shall mean a small hot air balloon made of paper or any other material with an opening at the bottom where a small fire may be suspended such that the lantern will rise and float in the air while ignited.
2. All persons setting or maintaining an incinerator fire shall comply with the following conditions:
 - (a) They shall be enclosed devices.
 - (b) They shall be at least five meters from any forest.
 - (c) They shall be at least five meters from any flammable material.
 - (d) They shall be at least five meters from a combustible structure.
 - (e) The top shall be covered by mesh less than 5 mm in size.
 - (f) There shall be a responsible person over the age of 16 years monitoring the fire until it is out.

3. All persons setting an open-air fire in the Township of Killaloe, Hagarty and Richards shall:
 - (a) Be responsible for any damage to property or injury to persons, occasioned by the said fire.
 - (b) Be held liable for costs incurred by the fire department, including personnel, equipment and apparatus necessary and called in to extinguish the said fire or exposures (fire started from the initial fire).
 - (c) When ordered by the Fire chief or his/her designate, extinguish their fire.
4. No person shall set or maintain an open air fire when the wind is in such a direction or intensity as to cause any of the following,
 - (a) A decrease in visibility on any highway or roadway.
 - (b) A rapid spread of fire through a grass or brush area.
 - (c) A fire hazard, or other adverse effects to properties and individuals affected by the products of combustion.
5. A farmer who intends to set or maintain a fire in the open air on a specified day for disposal of vegetable matter or vegetation on farm land which is normal or incidental for farming purposes shall:
 - (a) Contact the Fire Chief or his/her designate for approval prior to igniting the fire.
6. Every person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33., and for all costs incurred by the Township of Killaloe, Hagarty and Richards for extinguishing the fire.
7. This by-law shall be administered and enforced by the Fire Chief or Deputy Fire Chief(s) or other such person as Council of the Township may designate.
8. This by-law may be cited as the “Township of Killaloe, Hagarty and Richards Open-Air Burning By-Law”.
9. This by-law repeals all previous open-air burning by-laws of the Township of Killaloe, Hagarty and Richards.
10. This by-law shall come into force and take effect upon final passing thereof.

Read a first and second time this 20th day of December, 2016.

Read a third time and finally passed this 20th day of December, 2016.

Mayor

CAO/Clerk-Treasurer

Corporation of the Township of Killaloe, Hagarty and Richards

Part 1 Provincial Offences Act

By-Law # 49-2016 - Open Air Burning By-Law

	COLUMN 1 <i>Short Form Wording</i>	COLUMN 2 <i>Offence Creating Provision or Defining Offence</i>	COLUMN 3 – SET FINE
1	Burning of materials not permitted	Section 1(a)	\$250.00
2	Burning of over-sized brush piles, burning of too many brush piles, or piles placed too close together	Section 1(b)	\$250.00
3	Burning within 5 metres of adjacent property or combustible structure	Section 1(c)	\$250.00
4	Burning too large of an area of grass or where the leading edge exceeds 30 metres	Section 1(d)	\$250.00
5	Burning without adequate extinguishment devices and/or failure to supervise burning	Section 1(e)	\$250.00
6	Burning outside of the prescribed fire season permitted hours	Section 1(f)	\$250.00
7	Ignite flying lantern	Section 1(g)	\$250.00
8	Improper operation of an incinerator – Incinerator not enclosed	Section 2(a)	\$250.00
09	Improper operation of an incinerator – Incinerator within 5m of forest	Section 2(b)	\$250.00
10	Improper operation of an incinerator – incinerator within 5m of flammable material	Section 2(c)	\$250.00
11	Improper operation of an incinerator – incinerator within 5m of combustible structure	Section 2(d)	\$250.00
12	Failure to extinguish fire or comply when ordered	Section 3(c)	\$250.00
13	Open air burning so as to cause a decrease in visibility on any highway or roadway	Section 4(a)	\$250.00
14	Open air burning so as to cause a rapid spread of fire through a grass or brush area	Section 4(b)	\$250.00
15	Open air burning so as to cause a fire hazard or other adverse effects to properties and individuals affected by the products of combustion	Section 4(c)	\$250.00
16	Burning on a farm for disposal of vegetable matter without the approval of the Fire Chief or his/her designate	Section 5(a)	\$250.00

Note: The penalty provision for the offences indicated above is Section 6 of By-Law #49-2016, a certified copy of which has been filed.