

# THE CORPORATION OF THE TOWNSHIP OF CENTRAL FRONTENAC

## BY-LAW No. 2009-293

### BEING A BY-LAW IDENTIFIED AS THE BURN BY-LAW

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**WHEREAS** pursuant to Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** pursuant to Section 5(3) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, a municipal power, including a municipalities capacity, rights, powers and privileges under Section 8, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

**NOW THEREFORE** under the authority of the Municipal Act 2001 and the Forest Fire Prevention Act the Council of the Corporation of the Township of Central Frontenac hereby enacts as follows:

This by-law applies to all types of open air burning including campfires, incinerators, and brush burning. It does not apply to small contained fires for the purpose of cooking, or the operation of outdoor wood furnaces.

#### **Definitions:**

A **campfire** is defined as a small fire surrounded by an elevated perimeter on at least three sides, measuring no more than 60 cm by 60 cm (2 ft. x 2 ft.). Flame height shall not exceed 60 cm (2 ft.).

An **incinerator** is defined as a steel “shipping” style barrel or similar sized non-combustible device, and may include a woodstove or outdoor fireplace. There shall be a platform in the bottom of the barrel or firebox with air inlets below the fire to supply adequate combustion air to aid in a more complete and clean burn. Steel mesh with openings not exceeding 5 mm (3/16 inch) shall be placed on the top of the barrel or exhaust point of the device to serve as a spark arrestor.

A **brush/yard waste pile** is defined as a pile of fine fuels, leaves, boughs, and brush not exceeding 2m (6 ft.) diameter and 2m (6 ft.) in height. The flame height shall not exceed 3m (10 ft.).

#### Open Air Burning Status levels:

“Burn Ban Off”=all types of burning permitted with proper permit.

“Burn Ban Level 1”=burning restricted to incinerators and campfires.

“Burn Ban Level 2”=burning restricted to campfires only.

“Burn Ban On”= Total burning ban on all types of open air burning.

1. Permits are required for burning between April 1<sup>st</sup> and October 31<sup>st</sup>, and burning shall only be done between 1900 hours (7 pm.) and 0700 hours (7 am.) the following morning.
2. A permit is not required from November 1<sup>st</sup> to March 31<sup>st</sup>, however burning is restricted to two hours before sunset until two hours after sunrise.
3. The burning of buildings, hay, straw, tires, or any other materials restricted by the Ministry of the Environment is prohibited and permits cannot be obtained for such fires.
4. The Fire Chief or his designate may issue at their discretion an order to restrict or ban any fires within the Township of Central Frontenac at any time. It is the responsibility of the permit holder to verify the current burn status to ensure compliance.
5. Any permit issued, may at the absolute discretion of the Fire Chief or his designate, be revoked at any time.
6. Only clean, dry and untreated wood, brush and leaves are to be burnt. Alternatives such as composting and chipping should be considered before open air burning. Recyclable products such as paper and plastics shall not be burnt. Burning of refuse and synthetic products is strictly forbidden.
7. Campfires shall be at least 3m (10 ft.) from any combustibles (trees, shrubs, buildings) and 6m (20 ft.) from any property line.

8. Incinerators shall be at least 3m (10 ft.) from any combustibles and 15m (50 ft.) from any property line or forested area.
9. Brush/yard waste piles shall be at least 6 m. (20 ft.) from any combustibles and 15 m. (50 ft.) from any forested area, building, utility pole/service, or property line.
10. A three day Brush/yard waste permit is required and is in effect from the date selected until the third day. No extensions or time amendments are permitted. If burning is not conducted during the permit period a new permit is required.
11. Burning is not permitted during high winds and extremely dry conditions, or when the smoke is a nuisance to neighbouring properties.
12. All remaining embers or ashes shall be removed or wet down thoroughly before leaving fire area.
13. No burning is to be done on pavement or road allowance, which would interfere with traffic.
14. Open field clearing burns can only be done with the approval of the Fire Chief or designate and must be less than 1 hectare in total size with the length of flaming edge less than 20 metres. These types of burns can only be conducted early in the season. Any costs associated with site visits and standby crews is the responsibility of the person(s) conducting the burn. (See schedule "C")
15. A responsible competent person(s) must attend to all fires and ensure they have adequate tools and water to contain the fire.
16. Should the fire department respond to an incident as a result of non-compliance with any section(s) of this by-law, a fee for service shall be charged to the party having the fire, as per schedule "A"
17. Any person who sets a fire in the open air and fails to maintain proper care and control of it or to fully extinguish it, shall be liable to the Corporation of the Township of Central Frontenac for the full expense incurred by the Township of Central Frontenac Fire and Emergency Services to extinguish the fire. Rates shall be in accordance with Schedule "A" of this By-law and are due and payable upon receipt and shall bear interest calculated at the same rate and in the same manner as municipal taxes from the due date until paid in full.
18. In addition to any other remedies available to the municipality, any amount due to the Township of Central Frontenac, by any person who is a registered owner of real property within the Township of Central Frontenac for the call out of the Township of Central Frontenac Fire and Emergency Services in accordance with this by-law, may be added to the tax roll for the person's real property and collected in like manner as municipal taxes in accordance with Section 398(2) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.
19. Any person who contravenes any provision of the By-law is guilty of an offense and upon conviction is liable to payment of a fine not to exceed \$5,000.00.

This by-law shall repeal By-law # 2003-130 and become effective upon its passing.

**READ A FIRST AND SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2009.**

**READ A THIRD AND FINAL TIME AND PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2009.**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

I hereby certify the above to be a true copy of By-law Number 2009-293 passed by the Council of Township of Central Frontenac at its meeting held on March 24<sup>th</sup>, 2009.

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CAO/Clerk – John DuChene

## **SCHEDULE “A”**

### **TO BY- LAW 2009-293**

As per the Township of Central Frontenac’s Burn By-law any expense incurred by the municipality to extinguish a fire shall be based on the Ontario Ministry of Transportation rates of \$350.00 per hour per vehicle.

In addition, there may be a fee for service applied for complaints investigation where the party is burning outside of the permitted times, does not have a burn permit, or is in willful non-compliance with any of the requirements of this by-law.

First Incident -\$50.00

Second Incident- \$200.00

Third Incident - \$350.00

Notwithstanding the above fees, the permit may be revoked by the Chief Fire Official or Deputy Fire Chief for the remainder of the season, where it is believed there has been flagrant disregard for the Open Air Burning regulations.

## **SCHEDULE “B”**

### **TO BY-LAW 2009-293**

#### Fee schedule

Campfire permit - \$2.00 per season.

Incinerator permit-\$5.00 per season.

Brush/yard waste pile permit - \$2.00 per occasion.

## **SCHEDULE “C”**

### **TO BY-LAW 2009-293**

#### Clearing Burns Standby Fees

Site Visit by Fire Official before clearing burn - \$35.00

Stand-by of two fire crew and Apparatus - \$90.00 per hour

Additional Crew - \$15.00 per hour.