

**THE CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION**

**BY-LAW NO # 02-01-52**

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A by-law for prescribing the time for setting fires in the Township of Whitewater Region and the provision of fire permits and the conditions to be observed

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**WHEREAS** Section 210 (35) of the Municipal Act, R.S.O. 1990, as amended, provides that councils of municipalities may pass by-laws for prescribing the times that fires may be set and the precautions to be observed by persons setting out fires;

**AND WHEREAS**, the Ontario Fire Code Section 2.6.3.4 permits open air burning if approved;

**AND WHEREAS**, the Council of the Corporation of the Township of Whitewater Region deems it expedient to allow open air burning and to establish a permit system to control and/or regulate open air burning;

**AND WHEREAS**, the Council of the Township of Whitewater Region deems it necessary to amend Bylaw 01-06-31 Open air Burning;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION HEREBY ENACTS AS FOLLOWS:**

1. All persons setting open air fire in the Township of Whitewater Region between April 1<sup>st</sup> and October 31<sup>st</sup> in each year shall first obtain a fire permit from a municipal fire warden pursuant to this section.
2. All persons setting an open air fire in the Township of Whitewater Region shall first obtain a fire permit in the fire season as per Section (1) from the Municipal Office or a fire warden pursuant to this section. The material to be burned shall be limited to wood or by-products of wood. A person who has obtained a fire permit pursuant to this section shall:
  - (a) shall not ignite a fire within two hundred feet (60 Metres) of a structure;
  - (b) shall not ignite a fire within the former Villages of Beachburg and Cobden, the Hamlets of Westmeath and Lapasse, as designated in the former Township of Westmeath Official Plan and the suburban area as designated in the former Township of Ross Official Plan;
  - (c) not ignite a single pile fire greater than 2 metres in diameter and greater than 2 metres in height;
  - (d) in the case of burning grass, the area to be burned should be less than (1) hectare and the length of the flaming edge should be less than 30 metres;
  - (e) ensure that the means of extinguishing the fire designated on the permit form is available at the site at all times during the fire;
  - (f) the said permit shall be in accordance with Schedule "A" attached hereto.

- (g) monitor and tend the fire until it is extinguished
3. A fire permit may be cancelled or suspended at any time by a Chief Fire Official or his designate and immediately upon receiving notice of such cancellation or suspension, the permittee shall extinguish any fire started under the permit.
  4. Notwithstanding the provisions of section 1 hereof, the chief fire official may, upon application, approve the setting of any fire subject to the fire being supervised by an area Fire Chief of the Township of Whitewater Region or his designate.
  5. Notwithstanding the provisions of section 1 hereof, open air fires may be set when such burning consists of a small confined fire, supervised at all times and is used to cook food on a grill or a barbecue, or is for personal warmth. A person who has set a fire to cook food or for personal warmth shall:
    - (a) not ignite a fire within the former Villages of Beachburg and Cobden,
    - (b) not permit more than (½) cubic metre of material to be burned at any one time;
    - (c) ensure that the means of extinguishing the fire designated on the permit form is available at the site at all times during the fire;
    - (d) monitor and tend the fire until it is extinguished.
  6. (a) No person shall set an uncontained fire, including but not limited to grass fire;  
  
(b) No person shall ignite an open air fire in the fire season as per section (1) before 6:00pm , and all persons shall extinguish an open air fire no later than 8:00am, unless written approval is received by the Municipal Office from the Fire Chief of the Township Fire Department or his/her designate.
  7. No person shall be permitted to ignite a home incinerator/burn barrel within the former Villages of Beachburg and Cobden, the Hamlets of Westmeath and Lapasse, as designated in the former Township of Westmeath Official Plan and the suburban area as designated in the former Township of Ross Official Plan
  8. All persons setting an open fire in the Township of Whitewater Region shall:
    - (a) be responsible for any damage to property or injury to persons occasioned by the said fire;
    - (b) be 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 initial fire).
  9. No open air fire shall be permitted when the wind is in such direction or intensity so as to cause any or all of the following:
    - (a) a decrease in visibility on any highway or roadway;
    - (b) a rapid spread of fire through grass or a brush area;
    - (c) a rapid spread of fire to any building structures.
  10. A farmer who intends to set or maintain a fire in the open air during the fire season as per section (1) on a specified day for disposal of vegetable matter or vegetation on farm lands which is normal and incidental for farming purposes shall be issued a permit to cover the period of the proposed fire, and will be

required to notify the fire department for each day of the proposed fire.

11. Every person who contravenes any provision of this by-law is guilty of an offence and is liable to a maximum fine of \$5,000.00 exclusive of costs under the Provincial Offences Act R.S.O. 1990, P33.
12. No fires shall occur on any municipal property without the permission of a Township of Whitewater Region Fire Chief.
13. This by-law may be cited as "Township of Whitewater Region Open Air Burning By-law".
14. Schedule "A" is hereby deemed to for part of this By-Law.
15. Bylaw 01-06-31 shall be repealed and this by-law shall come into full force an effect upon the final passing thereof.

PASSED and ENACTED this 9th day of January, 2002.

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Clerk

**TOWNSHIP OF WHITEWATER REGION  
FIRE PERMIT**

Under Bylaw # 02-01-52 , and subject to limitations thereof, and also subject to the terms and conditions herein this permit is:

Issued To: Name \_\_\_\_\_ Tel.# \_\_\_\_\_

Address \_\_\_\_\_

To start a fire upon the following lands: Ward \_\_\_\_\_

Concession \_\_\_\_\_ Lot \_\_\_\_\_

Civic Address \_\_\_\_\_

For the purpose of: Burning Brush  Clearing Land  Weed Control

Burning Grass  Other

Area \_\_\_\_\_

Permit period: from and including the \_\_\_\_\_ day of \_\_\_\_\_ 2001

and including the \_\_\_\_\_ day of \_\_\_\_\_ 2001  
subject to the following conditions:

**Time: During the fire season as per Section (1) no fire shall be ignited before 6:00pm and must be extinguished before 8:00am.**

Means of Extinguishment Available \_\_\_\_\_

The permittee shall keep the permit at the site of the burning operation conducted under the permit. The person in charge of the burning operation conducted under this permit shall produce and show the permit to any officer whenever requested by the officer. This permit may be canceled or suspended by an officer at any time. Every person who starts a fire shall ensure that he/she has adequate tools, equipment, and water to contain the fire.

Read carefully and sign.

Under Bylaw # the regulations, and subject to limitations thereof, and subject also to the terms and conditions set out herein, and Township Burning Policy, the permittee shall be responsible for the control and extinguishment of his/her fires. In the event that proper care and control is not taken, the permittee will be

responsible for any and all costs incurred to authorities to remedy the situation.

Date: \_\_\_\_\_ Permittee Signature \_\_\_\_\_

**Emergency No. 9 – 1 – 1** Issuer's Signature \_\_\_\_\_

**SCHEDULE 'A'**  
**TOWNSHIP OF WHITEWATER REGION**

BY-LAW # 02-01-52  
List of requirements-

1. No person shall set out burning fire without first obtaining a fire permit from the Township between April 1<sup>st</sup> and October 31<sup>st</sup> in each year.
2. No person shall ignite an open air fire before 6:00pm , and all persons shall extinguish an open air fire no later than 8:00am, unless written approval is received by the Municipal Office from the Fire Chief of the Township Fire Department or his/her designate.
3. All persons setting an open air fire in the Township of Whitewater Region shall first obtain a fire permit from the Municipal Office or a Fire Warden pursuant to this section. The material to be burned shall be limited to wood or by-products of wood. A person who has obtained a fire permit pursuant to this section shall:
  - (a) not ignite a fire within two hundred feet (60Metres) of a structure;
  - (b) shall not ignite a fire within the former Villages of Beachburg and Cobden, the Hamlets of Westmeath and Lapasse, as designated in the former Township of Westmeath Official Plan and the suburban area as designated in the former Township of Ross Official Plan;
4. No person shall set fires out of doors to burn, or shall burn out of doors, toxic materials.
5. No person shall set fires out of doors except in the presence of a competent adult person. This person shall be in constant attendance of any burning operation in order to prevent same from spreading and/or endangering other property.
6. No person shall set out a fire in an area where it may have cause to spread due to grass, other vegetation, or wind.
7. No outside fire which causes inconvenience or irritation to others shall be permitted.
8. No person shall leave the site of a fire set outdoors before the fire is fully extinguished.
9. Every person who starts a fire shall ensure that he/she has adequate tools, equipment and water to contain the fire.
10. Notwithstanding the provisions above, open air fires may be set when such burning consists of a small confined fire, supervised at all times and is used to cook food on a grill or barbecue, or is for personal warmth. The person shall:
  - (a) shall not ignite a fire within the former Villages of Beachburg and Cobden.
11. All persons setting an open fire in the Township of Whitewater Region shall:
  - a) be responsible for any damage to property or injury to persons occasioned by the fire.
  - b) be liable for the costs incurred by the fire department including personnel, equipment, and apparatus necessary and called to extinguish the fire.
12. No open air fire shall be maintained when the wind is in such direction or intensity so as to cause any or all of the following:
  - a) a decrease in visibility on any highway or roadway;
  - b) a rapid spread of fire through grass or a bush area,
  - c) a rapid spread of fire to any building structures.
13. 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 lands which is normal and incidental for farming purposes shall be issued a permit to cover the period of the proposed fire, and will be required to notify the Fire Department for each day of the proposed fire.

