

THE CORPORATION OF THE TOWNSHIP OF WESTMEATH

BY-LAW 99-14

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

WHEREAS Section 21 paragraphs 35, 47, 48 and 49 of the Municipal Act, R.S.O. 1990 Chapter M 45 as amended, provide that councils of municipalities may pass by-laws for prescribing the times that fires may be or may not be set and for the provision of fire permits together with the precautions to be observed by persons setting fires, including the penalties resulting from infractions.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WESTMEATH HEREBY ENACTS AS FOLLOWS:-

1. All persons setting an open air fire in the Township of Westmeath between April 1st and October 31st in each year shall first obtain a fire permit from a municipal fire warden pursuant to this Section.
2. In the case of all fires set within the Township of Westmeath, whether or not a fire permit is obtained, the following precautions must be observed.
 - (a) the material to be burned shall be limited to wood or products of wood
 - (b) not more than 1 cubic meter of material is to be burned at any one time
 - (c) in the case of burning grass the area to be burned should be less than (1) hectare and the length of the flaming edge shall not be more than 30 meters.
 - (d) the parties must ensure that means of extinguishing the fire as designated in the permit shall be available at the site at all times during the fire.
3. The Fire Chief of the Township of Westmeath or his designate, may upon application, grant a fire permit at any time imposing such conditions and/or provisions as he may see fit.
 - (a) notwithstanding the granting of the fire permit by the Chief Fire Official or his designate the same may be cancelled or suspended at any time by the Chief Fire Official or his designate and anyone upon receiving notice of such cancellation or suspension, including the permittee shall extinguish any fire started pursuant to the permit.
 - (b) The Chief Fire Official or his designate may, without the issuance of a fire permit, approve the setting of any fire at any time subject to the fire being supervised by the Chief Fire Official or his designate of the Township of Westmeath
 - (c) a fire permit issued pursuant to this by-law by the Chief Fire Official or his designate, shall be in the form attached hereto as Schedule "A".
4. Notwithstanding the provisions of this by-law, open air fires may be set, other than within the residential area of the Township of Westmeath (as designated in the Township of Westmeath Official Plan as Hamlet) for the exclusive purpose of cooking food on a grill or barbeque or for personal warmth providing the fire is supervised at all times.
5. No person shall set an open fire for any purpose whatsoever at any time of the year in a residential area of the Township of Westmeath (as designated in the Township of Westmeath Official Plan as Hamlet.)
6. No open fires shall be permitted unless under the immediate direction of the Chief Fire

Official or his designate 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

7 A farmer shall be entitled to receive a permit for an open fire for use on his farm property for the disposal of vegetable matter or vegetation for purposes which are normal and incidental for farming purposes and he shall be required to advise of the day of the fire and each day thereafter on which the use of the fire continues

8 All persons setting an open fire in the Township of Westmeath shall, in every circumstance,

- (a) be responsible for any damage to property or injury to person occasioned by the fire;
- (b) be liable for costs incurred by the Fire Department including the cost of personnel, equipment and apparatus necessary and called in to extinguish any fire started from the initial fire.

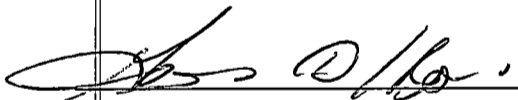
9 Every person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine of not more than \$ 2,000.00 exclusive of costs under the Provincial Offences Act.

10. This By-law may be cited as "Township of Westmeath Open Air Burning By-Law".

11. This By-Law replaces and rescinds By-Law 97-06.

12. This By-law shall come into full force and effect upon the final passing thereof.

PASSED AND ENACTED this 9th Day of June 1999.



Reeve



Clerk