

# THE CORPORATION OF THE TOWNSHIP OF WHITEWATER REGION

## BY-LAW NO # 13-03-591

A by-law regulating Open Air Burning in the Township of Whitewater Region and the provision of fire permits and the conditions to be observed

**WHEREAS** pursuant to Section 7.1, paragraph (a) and (b) of the Fire Protection and Prevention Act, S.O. 1997 as amended, Councils may pass by-laws to establish regulations and precautions for the setting of fires, 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;

**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:**

### **DEFINITIONS:**

***Building*** - means a permanent structure or part of a structure occupied or capable of being occupied in whole or in part for its intended use, and includes a vacant structure that could be occupied for its intended use except for its state of disrepair

***Chief Fire Official*** – means the Fire Chief of the Township of Whitewater Region Fire Department or his designate.

***Fire Permit*** – means a permit issued by the Chief Fire Official or his designate, to a person, authorizing that person to burn in accordance with the terms and conditions stated on the permit and in accordance with the By-law 13-03-591. See Schedule "A"

***Municipal Fire Warden*** – means a person appointed by the council of the Township of Whitewater Region with the authority to issue fire permits.

***Structure*** - shall mean any permanent or temporary thing constructed or erected which requires location on the ground or attachment to something located on the ground, which is not adapted for occupancy. For the purpose of this By-Law, structure shall include a tent, platform, staging, wall, retaining wall, antenna, shed, garbage bin, fence, sign and every other construction or erection of a thing that is not a building.

***Special Fire Permit*** – shall mean a permit issued by the Chief Fire Official or his designate authorizing a person to burn material not specifically identified in this by-law and under special circumstances.

### **Permits**

1. All persons setting or maintaining an open air fire in the Township of Whitewater Region must first obtain a Fire Permit from a municipal fire warden or the municipal office. Permits are valid for a period of 14 days from the date of issue and may be renewed by contacting the Whitewater Region Municipal Office unless a Fire Ban is in place. This section does not apply to campfires on property zoned Tourism Commercial.
2. A person who has obtained a fire permit pursuant to section 1 shall;
  - (a) Only burn grass, weeds, wood or material that is composed of wood by-products or any other specifically approved material.
  - (b) Not ignite or maintain a fire within 60 metres of a structure,

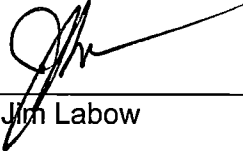
- (c) With the exception of those areas identified in **Schedule "A"**; not ignite or maintain a fire within the former Villages of Beachburg, Cobden, Forrester's Falls, Westmeath, Lapasse and Haley Station including the Haley Townsite.
  - (d) Not ignite or maintain multiple fires or fires greater than 2 metres in diameter and greater than 2 metres in height and 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 specified on the permit are available at the site at all times during the fire,
  - (f) Keep said permit on his or her possession at all times during the burn,
  - (g) Be in attendance at the burn site to 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 person named on the permit shall extinguish any fire started under the permit.
4. Notwithstanding the provisions of section 1 hereof, the Chief Fire Official may, upon receipt of an application for a Special Permit, 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, any person or persons may ignite and maintain an open air fire, without permit, for the purpose of cooking food or for personal warmth subject to the following conditions. Fires used for cooking or for warmth MUST:
- (a) Not be ignited or maintained within the Villages of Beachburg, Cobden, Forrester's Falls and Haley Station including the Haley Townsite. See Schedule "A".
  - (b) Not exceed 2 cubic feet of material to be burned at any one time.
  - (c) Ensure that the means of extinguishing the fire is available at the site at all times during the fire,
  - (d) Be confined or enclosed by non-combustible material
  - (e) Be monitored and tended until it is extinguished.
6. No person shall ignite or maintain a home incinerator or burn barrel within the former Villages of Beachburg, Cobden, Forrester's Falls, Westmeath, Lapasse and Haley Station and the Haley Townsite. See Schedule "A".
7. Any person who sets a fire, in contravention of this by-law, is liable for costs incurred by the fire department, including personnel, equipment and apparatus necessary to extinguish said fire or exposures and the Township shall have a lien on the property for the costs and the amount shall be deemed to be municipal real property taxes and may be added by the Treasurer to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.
8. 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.
9. A farmer who intends to set or maintain a fire in the open air on a specified day, for the disposal of vegetable matter or vegetation on farm lands which is normal and incidental for farming purposes, is required to notify the fire department for each day of the proposed fire and a fire permit will be issued to cover the specified period.
10. No fires shall be set or maintained on any municipal property without the

permission of a Township of Whitewater Region Fire Chief.

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 Offenses Act R.S.O. 1990, P33.
12. This by-law may be cited as the "Open Air Burning By-law".
13. Schedule "A" is hereby deemed to for part of this By-Law.
14. In the winter months from December to March of each year, daytime burning will be allowed with a permit. The Fire Chief may revoke permits if snow is not on the ground.

All By-laws or parts of by-laws previously passed that are inconsistent with the provisions of this by-law are hereby repealed.

Passed: this 6th day of March, 2013.

  
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Mayor Jim Labow

  
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CAO/Clerk Christine FitzSimons

TOWNSHIP OF WHITEWATER REGION

PART II PROVINCIAL OFFENCES ACT

By-law # 13-03-591

OPEN AIR BURNING BY-LAW

| Item # | Column 1<br>Short Form Wording  | Column 2<br>Offence Section | Column 3<br>Set Fine |
|--------|---|-----------------------------|----------------------|
| 1      | Set Fire – No Permit  | Section 1                   | \$200.               |
| 2      | Maintain Fire – No Permit   | Section 1                   | \$200.               |
| 3      | Burn – Unapproved Material  | Section 2(a)                | \$200.               |
| 4      | Ignite/Maintain Fire within 60 metres of a structure  | Section 2(b)                | \$200.               |
| 5      | Ignite/Maintain Fire – Prohibited Area – Beachburg / Cobden / Westmeath / Lapasse / Forrester's Falls, Haley's Station including Haley Townsite | Section 2(c)                | \$200.               |
| 6      | Fire – Too Large  | Section 2(d)                | \$200.               |
| 7      | Specified Means of Extinguishing Fire – Not Available   | Section 2(e)                | \$200.               |
| 8      | Permit Holder – Not In Possession of Permit   | Section 2(f)                | \$200.               |
| 9      | Permit Holder – Not In Attendance   | Section 2(g)                | \$200.               |
| 10     | Permit Holder – Fail To Extinguish Fire   | Section 2(g)                | 250.                 |
| 11     | Fail To Extinguish Fire – Permit Cancelled  | Section 3                   | 250.                 |
| 12     | Ignite/Maintain Fire – Restricted Area – Beachburg / Cobden   | Section 5(a)                | 250.                 |
| 13     | Fire – Exceed ½ cubic metre of material   | Section 5(b)                | 150.                 |
| 14     | No Means of Extinguishing Fire  | Section 5(c)                | 200.                 |
| 15     | Fire Not Confined or Enclosed By Combustible Material   | Section 5(d)                | 150.                 |
| 16     | Fail to Monitor Fire  | Section 5(e)                | 250.                 |
| 17     | Fail to Extinguish Fire   | Section 5(e)                | 250.                 |
| 18     | Ignite or Maintain a Home incinerator   | Section 6                   | 150                  |
| 19     | Ignite or Maintain a Burn Barrel  | Section 6                   | 150.                 |
| 20     | Prohibited Fire - Wind  | Section 8                   | 200.                 |
| 21     | Farmer – No Permit  | Section 9                   | 200.                 |

**NOTE:** The general penalty provision for the offences above is section 11 of By-law 13-02-591

# SCHEDULE A

*Fires NOT permitted in the following areas:*

| AREA             | ROAD NAME       | NUMBER RANGE      | AREA             | ROAD NAME   | NUMBER RANGE   |
|------------------|-----------------|-------------------|------------------|-------------|----------------|
| <b>ROSS</b>      | ALVA            | All               | <b>WESTMEATH</b> | ANNE        | ALL            |
|                  | BOXCAR          | All               |                  | BLACKWELL   | ALL            |
|                  | CALVIN          | 653 to 1022       |                  | CREEK       | ALL            |
|                  | CEDAR HAVEN     | Odd # 1 to 23     |                  | FRANCOEUR   | ALL            |
|                  | FIREHALL        | All               |                  | FERRY       | ALL            |
|                  | FORESTERS FALLS | Odd # 171 to 287  |                  | GORE        | 1 to 35        |
|                  |                 | Even # 164 to 300 |                  |             | 1650 to 1970   |
|                  |                 | 1887 to 2408      |                  | GRACE       | ALL            |
|                  | GODFREY         | 152 to 185        |                  | GRAHAM      | ALL            |
|                  | GYPSY           | All               |                  | JESSIE      | ALL            |
|                  | HALEY           | 1145 to 1511      |                  | LACROIX BAY | 1 to 183       |
|                  | HARRIET         | All               |                  | LAPASSE     | 2334 to 2416   |
|                  | HEATHER PLACE   | All               |                  | MARIE       | ALL            |
|                  | HOWARD          | All               |                  | MIDDLE      | ALL            |
|                  | KERR            | 2322 to 2342      |                  | PHOEBE      | ALL            |
|                  |                 |                   |                  | PLUG        | ALL            |
|                  | SKYLINE         | All               |                  | RAGLAN      | ALL            |
|                  | SPRINGFILED     | All               |                  | RAPID       | 1 to 150       |
|                  | SULLIVAN        | All               |                  | RECREATION  | ALL            |
|                  | SUMMERFIELD     | All               |                  | RIVERDALE   | ALL            |
| TAMMY            | All             |                   |                  |             |                |
| WAITE            | All             | SYNTON            | ALL              |             |                |
|                  |                 | WESTMEATH         | 2015 to 2172     |             |                |
| AREA             | ROAD NAME       | NUMBER RANGE      | AREA             | ROAD NAME   | NUMBER RANGE   |
| <b>BEACHBURG</b> | ANDERSON        | ALL               | <b>COBDEN</b>    | ARCHIBALD   | ALL            |
|                  | BEACHBURG       | 1486 to 1986      |                  | ARTHUR      | ALL            |
|                  | CAMERON         | ALL               |                  | ASTROLABE   | Even #2 to 290 |
|                  | CAROLINE        | ALL               |                  | BONNECHERE  | ALL            |
|                  | CINDY           | ALL               |                  | BROMLEY     | ALL            |
|                  | DUFFERIN        | ALL               |                  | COWLEY      | ALL            |
|                  | EARL            | ALL               |                  | CRAWFORD    | ALL            |
|                  | ELLIOTT         | ALL               |                  | CREAMERY    | ALL            |
|                  | HANNAH          | ALL               |                  | DIXON       | ALL            |
|                  | HARRIS          | ALL               |                  | GOULD       | ALL            |
|                  | HUME            | ALL               |                  | JASON       | ALL            |
|                  | JAMIESON        | ALL               |                  | JOHN        | ALL            |
|                  | LAPASSE         | 1 to 53           |                  | MACHERCHER  | ALL            |
|                  | LITTLE          | ALL               |                  | MAIN        | ALL            |
|                  | MALCOLM         | ALL               |                  | MEADOW      | ALL            |
|                  | MINTO           | ALL               |                  | MORRISON    | ALL            |
|                  | MORRIS          | ALL               |                  | MORTON      | ALL            |
|                  | ROBERTSON       | ALL               |                  | MUSKRAT     | ALL            |
|                  | SAINT AUGUSTINE | ALL               |                  | PEMBROKE    | ALL            |
|                  | SMITH           | ALL               |                  | ROSS        | ALL            |
| STEWART          | ALL             | SIMMONS           | ALL              |             |                |
| VERA             | ALL             | SIMPSON           | ALL              |             |                |
| WATCHORN         | ALL             | TRUELOVE          | ALL              |             |                |
|                  |                 | VANKESSEL         | ALL              |             |                |
|                  |                 | WALLACE           | ALL              |             |                |
|                  |                 | WREN              | ALL              |             |                |