

The Corporation of the Township of Tudor and Cashel

By-Law 2012-08

BEING a By-law for the control of burning and fees for various services provided to The Corporation of Township of Tudor and Cashel, by Limerick and Madoc Township Fire Departments. These fees are for their attendance at sites of fires within the Municipality of Tudor and Cashel.

WHEREAS The Fire Protection and Prevention Act, 1997 Section 7.1 provides that a Council of a municipality may pass By-laws for regulating the setting of open air fires, including establishing the times during which open air fires may be set within the limits and boundaries of the Municipality of Tudor and Cashel;

AND WHEREAS Ontario Regulation 207/96 made under the Forest Fires Prevention Act of Ontario provides for outdoor fires;

AND WHEREAS Section 391 (1)(a) of the Municipal Act, 2001 authorizes a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS the Council of the Township of Tudor and Cashel deems it prudent to enact a By-law for the purpose of retrieving costs incurred by the Municipality and costs associated or as outlined or levied in the Protection Agreements with the Township of Limerick or the Township of Madoc regarding fires deliberately set or arson type fires, that shall include but not be restricted to grass fires, burning of leaves or any type of open burning.

NOW THEREFORE, the Council of the Corporation of the Township of Tudor and Cashel hereby enacts as follows:

Section 1:DEFINITIONS

For the purpose of this By-law;

Council shall mean the members of Council so elected in and for the Corporation of the Township of Tudor and Cashel

Municipal Law Enforcement Officer shall mean the officer(s) so appointed as the Fire Officers by the Ministry of Natural Resources authorities to enforce local by-laws including open air burning regulations as referenced by the Forest Fire Prevention Act and Ontario Regulation 207/96 (outdoor fires).

Fire Chief shall mean the Chief of the Fire Departments in attendance, also Chief Fire Official under the Fire Marshall's Act or in his absence his appointed designate.

Building shall mean any structure composed of walls and a roof or any part or combination thereof which is used as shelter, accommodation, enclosure or storage containing humans, animals, equipment, goods or materials or a structural system housing any of the above.

Owner shall mean any person, firm, company or corporation of the property(s) under consideration and shall include the person(s) occupying such property.

Open Air Fire shall mean the ignition by fire of combustibles for the purposes of burning vegetation, dead grass, brush, the disposal of certain refuse or building materials, the clearing of land, and includes fires in barrels, drums, incinerators and pits, cooking fires and camp fires but shall not include:

- a) Fires emanating from blow torches, cutting or welding torches, paving equipment or other such apparatus as associated with a service or occupation

and shall be referenced to Ontario Regulation 207/96 (outdoor fires) noted as schedule "B" attached.

- b) Normal smoking materials (tobacco)
- c) A grill or barbeque

Fire Ban shall mean open fire is **not permitted** under any circumstances, even for cooking or warmth. The regulation does allow for the use of portable gas stoves.

Adverse Effect shall mean one or more of the following:

- a) Impairment of the natural environment for any use that can be made of it
- b) Injury or damage to property or to plant or animal life
- c) Harm or material discomfort to any person
- d) An adverse effect on the health of any person
- e) Impairment of the safety of any person
- f) Rendering any property or plant or animal life for human use
- g) Loss of enjoyment of normal use of property
- h) Interference with the normal conduct of business

Prohibited Materials shall include

- a) Household waste
- b) Rubber or rubber products
- c) Plastic or plastic products
- d) Waste petroleum products
- e) Tar or tar products
- f) Pressure treated or painted lumber
- g) And material prohibited by the environmental Protection Act, R.S.O. 1990 as amended.

Section 2: GENERAL INFORMATION

For the purpose of this by-law;

- a) Person or persons shall mean singular number or numbers of males, females or parties composed of both sexes, or same sex parties.
- b) Words interpreted, as singular shall also apply as a corresponding meaning when used in the plural.

Section 3: REQUIREMENTS:

1. The provisions of this by-law shall apply to all land and areas designated as being within the legal boundaries of the Corporation of the Township of Tudor and Cashel as outlined in the Fire Protection Agreements with the Townships of Limerick and Madoc.
2. Except for the purpose of cooking or obtaining warmth, burning will **not be permitted** between 7:00a.m and 7:00p.m local time on any day from and including the 1st day of April to and including the 31st day of October in any year.
3. Any fires set out of doors after 7:00pm must be extinguished by 7:00am the following day
4. Any fires set out in accordance with the provisions of this By-law shall be in the presence of a competent adult who shall be in **constant attendance** and who shall take all reasonable steps to stop any fire set out of doors from spreading to or endangering other property.
5. **No person shall leave** the site of a fire set out of doors in the municipality in accordance with this By-law without fully extinguishing the fire.
6. Every person who sets a fire in accordance with this by-law shall ensure that the adequate personnel, equipment and water are available at the site to contain the fire.

7. No person shall set or maintain a fire at any time or by any method which contains prohibited materials as defined in this by-law.
- 8. No burning will be permitted during high winds.**
9. No open air burning shall commence or be maintained when the wind is in such a direction or intensity to cause and or all of the following:
 - i. Any odour to such an extent or degree as to cause discomfort the persons in the immediate area;
 - ii. Excessive smoke or any other adverse effect as defined in this by-law;
 - iii. Any dangerous condition.
10. No person who sets fire out of doors in the Municipality in accordance with the provisions of this By-law with the exception of section 12, shall permit more than 2 cubic metres of material to be burned at any one time.
11. Fires set should be on bare mineral or rock and at least 2 meters from any flammable material.
12. Notwithstanding the provisions of Section 2 of this By-law, no one, during any period of any year shall burn or cause to burn grass on a property unless such fire is confined to a burning edge of no greater than 30 meters, and attended at all times by one, or more competent adults.
13. An incinerator must have a proper mesh cover and be no closer than five metres from any forest and two metres from any other flammable material.
14. If the Fire Chief or his/her designate orders a fire extinguished the person responsible shall extinguish the fire immediately.
15. Where, in the opinion of the Fire Chief or his/her designate a potential dangerous situation exists due to fire, smoke , weather , environmental or health concerns the Fire Chief or his/her designate may rescind, suspend or cancel any or all burning and may declare a complete fire ban.
16. The decision of the Fire Chief or his/her designate and or Fire Marshall shall be final in the requirements for assistance and/or responsibility.

OFFENCES

1. Any person who contravenes any provision of this by-law is guilty of an offence and is subject to a fine as set out in Schedule C of this By-law.
2. Any costs incurred by the Municipality as a result of fires deliberately set with or without malice and which require fire department assistance may be billed directly to those persons responsible.

ADMINISTRATION

The Fire Chief, Municipal Law Enforcement Officer and any person so appointed by the Corporation of the Township of Tudor and Cashel shall have authority to administer this by-law in its entirety.

Any other By-Laws, resolutions or actions of the Council that are inconsistent with the provisions of this By-Law are hereby repealed and rescinded.

This By-Law shall be deemed to have come into force this first day of May 2012.

Clerk

Reeve

SCHEDULE " A "

To By-Law No. 2012-08 Respecting
LIMERICK FIRE FIGHTING COSTS

2 HOUR MINIMUM

EQUIPMENT	COST/HOUR
Pumper	\$120.00
Tanker	\$120.00
Honda Pumps (ea)	\$15.00
Generator	\$15.00

MAN HOURS	COST/HOUR
Chief & Deputy	\$25.00
Firemen	\$20.00

Mileage for each private vehicle used 0.41 cents per kilometre.

Any other costs that may be incurred as a result of said fire will be charged out accordingly, such as M.N.R. assistance, water bombs, neighbouring fire department assistance, but not limited to the above.

Equipment and man hours are calculated to the next whole hour.

NOTE: ALL RATES ARE SUBJECT TO THE CURRENT FIRE AGREEMENT

SCHEDULE "B"

To By-law no. 2012-08 Respecting

MADOC FIRE FIGHTING COSTS

	Fees
Per call	\$500.00
First hour or part (per unit)	\$350.00
Each half hour or part after first hour(per unit)	\$125.00

Any other costs that may be incurred as a result of said fire will be charged out accordingly, such as M.N.R. assistance, water bombs, neighbouring fire department assistance, but not limited to the above.

Equipment and man hours are calculated to the next whole hour.

NOTE: ALL RATES ARE SUBJECT TO THE CURRENT FIRE AGREEMENT

Schedule "C"

By-Law no. 2012-08

Part I Provincial Offences Act

	FINES
Set fires during prohibited time	\$200.00
Leave fire without fully extinguishing	\$200.00
Set fire without adequate equipment/water available to contain the fire	\$200.00
Fail to prevent the fire from spreading or endangering other property	\$200.00
Burn more than prescribed size or area	\$200.00
Burn prohibited materials as described	\$200.00
Cause adverse effects as described by burning	\$200.00
Burning when all out of doors burning is prohibited by Fire Official	\$500.00