

CORPORATION OF THE MUNICIPALITY OF TWEED

BY-LAW NO. 2016-17

Being a By-Law to regulate the setting of open air fires and provide for fees for contravention of this By-Law and costs of suppression.

WHEREAS the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended provides:

- in subsection 7.1(1)(a) that a Council of a municipality may pass By-Laws regulating fire prevention, including the prevention of spreading of fires;
- in subsection 7.1(1)(b) that a Council of a municipality may pass By-Laws regulating the setting of open air fires, including establishing the times during which open air fires may be set;
- in subsection 7.1(3) that a By-Law passed under section 7.1 may deal with different areas of the municipality differently;
- in subsection 7.1(4) that a municipality may appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether By-Laws enacted in accordance with this section are being complied with;

AND WHEREAS paragraph 2.6.3.4 of the Fire Code provides that open air burning shall not be permitted unless approved by the Fire Chief, or unless such burning consists of a small, confined fire, supervised at all times, and used to cook food on a grill or a barbeque;

AND WHEREAS Section 391 of the Municipal Act, 2001 c. 25 as amended, authorizes Councils of local municipalities to pass By-Laws imposing fees for the services provided;

AND WHEREAS the Council of the Corporation of the Municipality of Tweed feels it is imperative that a procedure for permission to openly burn be established;

NOW THEREFORE the Council of the Corporation of the Municipality of Tweed hereby enacts as follows:

DEFINITIONS

1. For the purpose of this By-Law the following definitions shall apply:
 - a) **Barbeque:** means appliances including a hibachi, or structure designed and intended solely for the cooking of food in the open air, and other similar commercially manufactured devices designed and intended solely for the cooking of food in the open air, but does not include devices predominantly designed for personal warmth, fire pits or campfires.
 - b) **Open Burning Device:** means any manufactured device or properly constructed fire pit not to exceed twenty-six inches (26") in diameter for the purpose of containing a recreational fire.
 - c) **Recreational Burning:** means an "open air burn" that is set and maintained solely for the purposes of providing warmth or recreational enjoyment.
 - d) **Farm:** means a premise associated with and located on land devoted to the practice of farming and used primarily for the housing of equipment or livestock or the production, storage or processing of agricultural and horticultural produce or feeds.

- e) **Fire Chief:** means the Fire Chief for the Municipality of Tweed Fire Department or such designate appointed by the Fire Chief, or designated under this By-Law, acting under the Fire Chief's direction.
- f) **Fire Department:** means the Municipality of Tweed Fire Department and any member thereof.
- g) **Open Air Burning:** means the burning of any material outside of a building, including without limiting the generality of the foregoing, wood, cardboard, brush or garden waste where the flame is not wholly contained and is thereby, open to the air.
- h) **Municipality:** means The Corporation of the Municipality of Tweed.
- i) **Prohibited debris:** means any waste, product or thing that, when burned may result in the release to the atmosphere of dense smoke, offensive odors or deleterious products, tires, rubber, plastic, pathological waste, household refuse.

GENERAL PROVISIONS

- 2. This By-Law may be cited as the Open Air Burning By-Law.
- 3. No person shall light a fire on any land within the Corporation of the Municipality of Tweed for any purpose other than to cook on a barbecue without the benefit of an approved burning permit as set out in Schedule 'A' issued under the provisions of this By-Law.
- 4. Only recreational burning will be allowed within the geographic limits of the Village of Tweed provided a burning permit has been issued and all burning is contained within an open burning device, equipped with a spark arrester and is C.S.A. (Canadian Standards Association) approved.
- 5. Regulations for Recreational Burning:
The following regulations shall apply with respect to Recreational Burning:
 - a) Recreational burning shall be confined to an approved open burning device.
 - b) No material other than commercially produced charcoal, briquettes or clean, dry seasoned wood, not including pressure treated wood or creosote treated wood, may be burned.
 - c) The wood being burned shall be totally confined within the open burning device.
 - d) Recreational burning shall be confined to a location that provides for a minimum distance of 3 metres (9.8 feet) in all directions from adjacent properties.
 - e) Smoke from recreational burning must not obscure roads or homes and must not inconvenience other persons or properties.
 - f) Recreational burning shall be confined to an area that is a minimum of 3 metres (9.8 feet) from combustible structures or objects.
 - g) An effective extinguishing agent or device of sufficient size and with the capability of extinguishing the fire shall be immediately available for use.
 - h) Recreational burning shall be attended, controlled and supervised by a competent person at all times and shall be completely extinguished before the recreational burn site is vacated.
 - i) Recreational burning is not permitted when the wind speed exceeds 30 kilometers per hour, during a restricted fire ban, or when a smog alert has been declared by the Ministry of Environment.

- j) Recreational burning is permitted at ground level only.
6. Every person burning under the authority of a burning permit shall comply with all provisions of Schedule 'B' of this By-Law.
 7. Every person being the holder of a burning permit shall upon request of the Fire Chief, Deputy Chief, Captain, Fire Prevention Coordinator, or By-Law Enforcement Officer of the Municipality of Tweed produce said permit.
 8. This By-Law shall be administered by the Fire Chief or his/her designate of the Municipality of Tweed.
 9. The Fire Chief or his / her designate may, at any time, and in the exercise of his or her sole discretion, issue a "Fire Ban" effective for a specified period of time, prohibiting the setting of any and all "Open Air Fires" within any area of the Municipality. During this time all Burning Permits will be revoked.
 10. The Fire Chief or his / her designate may revoke any or all "permits", or refuse to issue "permits" where, in the opinion of the Fire Chief or his / her designate, the ability to control the fire is hampered by the existence of a Dangerous Condition, which exists on or in the proximity of the proposed Open Air Burning site.
 11. The Municipality of Tweed shall levy the fees as set out in the attached Schedule 'C' which fees shall be due and owing to the Municipality of Tweed for each occasion upon which the Fire Department attends at the site of an open air fire at which there is no permit holder or at which the provisions of schedule 'B' of the fire permit have been contravened. Said fees are payable to the Municipality of Tweed by the party or parties who are deemed by the Fire Chief or his agent or assign, to be responsible for the cause of the fire.
 12. Where said fees are not paid within thirty days of the date of demand, said fees will be added to the tax roll of the Municipality of Tweed and will be collected in like manner as municipal taxes.
 13. In addition to any other penalty prescribed by this By-Law any person who contravenes any provision of this By-Law is guilty of an offence and is liable to a fine or penalty for each offence established pursuant to the Provincial Offences Act and included with Schedule 'D' forming part of this By-Law.
 14. The Fire Department shall be exempt from the provisions of this By-Law with respect to open air burning set for the purposes of educating and the training of individuals.
 15. Regulations for Open Air Burning on Farms:


The following regulations shall apply with respect to open air burning on farms:

 - a) No person shall conduct an open air burn on a farm without first obtaining a burning permit.
 - b) No person shall conduct, or permit to be conducted, an open air burn on a farm without first notifying the Fire Department in person or by telephone.
 - c) All persons who are required to give notification prior to an open air burn on a farm shall also notify the Fire Department in person or by telephone at the conclusion of the burn.
 - d) Open air burning on farms may only be conducted during daylight hours.
 - e) Open air burning shall be attended, controlled and supervised by a competent person at all times and shall be completely extinguished before the burn site is vacated.

- f) All other steps shall be taken as may be necessary to prevent the fire from getting beyond control or causing damage or becoming a danger to life and/or property.
 - g) Open air burning on farms is not permitted when the wind speed exceeds 30 kilometers per hour, during a restricted fire ban, when a smog alert has been declared by the Ministry of Environment or when the Natural Resources Canada fire danger rating is greater than low.
 - h) Open air burning shall be confined to an area that is at least 45 metres (150 feet) from any building, highway, road, or wooded area.
 - i) Steps must be taken to ensure that smoke caused by an open air burn does not have a negative impact on the visibility of motorists using roads in the vicinity of the burn and must not inconvenience other persons or property.
 - j) At no time shall prohibited debris be permitted to be burned.
16. In the event any Court of competent jurisdiction should adjudge that any section or sections of this By-Law may not be valid for any reason, such section or sections shall be deemed to be severable from the remainder of the By-Law and the remainder of the By-Law shall stand and be enforceable to the same extent as if the offending section or sections had not been included therein.
17. Every person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P. 33.
18. This By-Law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of the Municipality of Tweed.

Read a first and second time this 26th day of April, 2016.

Read a third and final time, passed, signed and sealed in open Council this 26th day of April, 2016.


MAYOR


ACTING CAO/CLERK

Schedule "A" to By-Law No. 2016-17

CORPORATION OF THE MUNICIPALITY OF TWEED
BURNING PERMIT

In accordance with the requirements of Municipality of Tweed By-Law No. 2016 –17 and subject to the limitations thereof, and subject also to the terms and conditions of Schedule "B", this permit is issued to:

Name of permit holder (please print)

Postal Address

to start a fire upon the following lands:

Municipality of Tweed

Paid \$ _____
Date _____

Street Address or Property Location (Lot & Conc.) for Vacant Land

Telephone No.

Email

for the purpose of:

Incinerator	{ }	Brush Burning	{ }
Land Clearing	{ }	Backyard Fire Pit	{ }
Other:	_____		

from and including:

Day/Month/Year

to and including:

Day/Month/Year

It is incumbent upon the permit holder to read and follow all the terms and conditions contained in this Burning Permit.

I have read, understand and agree to follow the terms and conditions listed on the back of the Burning Permit within the Municipality of Tweed.

Signature of permit holder

Date

Signature of issuing officer

Date

Notify Your Neighbours Before Any Open Air Burning.

To Check Fire Conditions Before Burning Call 613-478-2535.

If the Municipal Office is closed you will be provided with an alternate number to call.

Watch for signs locally or check the Municipal website at www.tweed.ca for burn bans.

Open Air Burning On Farms – You Must Call The Fire Department

At 613-478-2535 Before Starting Burn And When Burn Is Completed.

Personal information on this form is collected under the authority of the Municipal Act R.S.O. 1990, c.M.45 and will be used for the purpose of regulating and administering By-Law No. 2016-17 in the Municipality of Tweed.

TO REPORT FIRES DIAL 911

It is incumbent upon the permit holder to read and follow all the terms and conditions contained in this Burning Permit.

Schedule "B" to By-Law No. 2016-17

CORPORATION OF THE MUNICIPALITY OF TWEED BURNING PERMIT TERMS AND CONDITIONS

The following are the burning terms and conditions set for allowable burning within the Municipality of Tweed.

1. The permit holder shall keep a valid burning permit and a copy of the terms and conditions at the site of the burning operation conducted under the permit.
2. The person in charge of the burning operation conducted under this permit shall produce and show the permit to any of the following persons: Fire Chief, Deputy Fire Chief, Fire Captain, Fire Prevention Coordinator, or By-Law Enforcement Officer of the Municipality whenever requested.
3. All open air burning must be done during daylight hours with the exception of recreational burning.
4. The fire must be tended by at least one (1) responsible adult until out and that person must have adequate knowledge, tools and water to contain the fire.
5. The area to be burned must be less than 3 meters (9.75 feet) by 3 meters (9.75 feet).
6. The length of flaming edge must be less than 12 meters (39 feet).
7. The fire must be less than 2 meters (6.5 feet) high.
8. The fire must not be less than 3 meters (9.75 feet) from any building, structure, hedge, fence, vehicular roadway, overhead wiring, or any object or material which has the potential to ignite.
9. No piles to be burned shall be greater than 2 meters (6.5 feet) high and 2 meters (6.5 feet) in diameter. Piles must be separated by a minimum of 10 meters (32.5 feet). No more than one pile can be burning at any time.
10. At no time will any materials be ignited or allowed to burn if wind conditions are such that burning embers, particles or smoke are, or could pose, a threat or inconvenience to any persons or properties.
11. The permit holder and/or the corporation, company, agency, club or group represented by the permit holder assumes full responsibility for: a) any injuries to persons or damages to properties resulting from the fire or its products, and b) any costs incurred by the Municipality, including wear or damages to equipment, to control or extinguish the fire and/or other fires caused by said fire or its products.
12. All residual materials not consumed by the fire must be removed within twenty-four (24) hours from the time of extinguishment, stipulated in the permit, to a proper garbage receptacle or to designated waste site. Note: It is the permit holder's responsibility to ensure all residual ashes are completely extinguished and cool before removing and discarding.

13. Special terms and conditions:

Incinerator burning:

- * All burning must be in an enclosed device.
- * Incinerator burning must be conducted during daylight hours.
- * At least 5 meters (16.25 feet) from any forest area.
- * At least 2 meters (6.5 feet) from any flammable materials.
- * Covered by mesh less than 5 millimeters (0.19 inches) in size.
- * A responsible adult must monitor the fire until out.

Recreational burning:

- * Fire must be confined to an approved open burning device.
- * Only charcoal or clean, dry, seasoned wood without preservatives can be burned.
- * Burning to be at least 3 meters (9.8 feet) from adjacent property.
- * Burning to be at least 3 meters (9.8 feet) from all buildings.
- * Burning to be supervised by an adult at all times.
- * An effective extinguishing agent or device of sufficient size and with the capability of extinguishing the fire shall be immediately available.
- * Burning is permitted at ground level only.
- * Smoke from recreational burning must not obscure roads or homes and must not inconvenience other persons or properties.
- * Recreational burning is not permitted when the wind speed exceeds 30 kilometers per hour, during a restricted fire ban, or when a smog alert has been declared by the Ministry of the Environment.

Open air burning on Farms:

- * The Fire Department must be notified before start of burn and when burn is completed.
- * Open air burning on farms must be conducted during daylight hours.
- * Open air burning must be supervised by a competent person.
- * Open air burning is not permitted when the wind speed exceeds 30 kilometers per hour, during a restricted fire ban, or when a smog alert has been declared by the Ministry of the Environment or when the Natural Resources Canada fire danger rating is greater than low.
- * Open air burning must be confined to an area that is at least 45 meters (150 feet) from any building, highway, road, or wooded area.
- * Steps must be taken to ensure that smoke does not have a negative impact on motorists using roads in the vicinity of the burn.

**DURING A RESTRICTED FIRE BAN AS ANNOUNCED BY THE MUNICIPALITY OF TWEED FIRE CHIEF,
ANY AND ALL BURING PERMITS ARE REVOKED UNTIL THE BAN IS LIFTED.**

CORPORATION OF THE MUNICIPALITY OF TWEED

By-Law No. 2016-17

Schedule "C"

Rates for Fire Equipment and Services

Annual Burning Permit Fee: \$10.00

<u>FIRE EQUIPMENT</u>	<u>RATE</u>
Pumper	\$450.00 per hour
Pumper/Tanker	\$450.00 per hour
Tanker	\$450.00 per hour
Emergency Vehicle	\$450.00 per hour
Firefighters	Included with apparatus

In any case where a fraction of an hour is charged, the fee shall be taken to the next full hour i.e. equipment committed for 1.25 hours will be charged for 2 hours.

NOTE: All consumables used (foam, etc.) shall be replaced by the person(s) whose fire was extinguished, at cost.

CORPORATION OF THE MUNICIPALITY OF TWEED

By-Law No. 2016-17

Schedule "D"

SET FINE SCHEDULE

PART 1, PROVINCIAL OFFENCES ACT

By-Law No. 2016-17, being a By-Law to regulate the setting of open air fires and provide for fees for contravention of this By-Law and costs of suppression.

ITEM	SHORT FORM WORDING	OFFENCE CREATING PROVISION	SET FINES
1.	Burning material(s) without a Burning Permit.	Section 3	\$200.00
2.	Burning material(s) within the geographic limits of the Village of Tweed not contained in a C.S.A. approved open burning device.	Section 4	\$200.00
3.	Burning material(s) with a size greater than 3 meters by 3 meters by 2 meters high.	Schedule "B" (5)	\$200.00
4.	Burning material(s) with flaming edge greater than 12 meters.	Schedule "B" (6)	\$200.00
5.	Set or maintain a fire during non-prescribed time of day.	Schedule "B" (3)	\$200.00
6.	Fail to have a competent adult tending fire.	Schedule "B" (4)	\$200.00
7.	Burn material(s) closer than 2 meters to a building.	Schedule "B" (8)	\$200.00
8.	Burn material(s) closer than 2 meters to a structure.	Schedule "B" (8)	\$200.00
9.	Burn material(s) closer than 2 meters to a hedge.	Schedule "B" (8)	\$200.00
10.	Burn material(s) closer than 2 meters to a fence.	Schedule "B" (8)	\$200.00
11.	Burn material(s) closer than 2 meters to a vehicular roadway.	Schedule "B" (8)	\$200.00
12.	Burn material(s) closer than 2 meters to overhead wiring.	Schedule "B" (8)	\$200.00
13.	Burning pile with size greater than 2 meters high by 2 meters in diameter.	Schedule "B" (9)	\$200.00
14.	Burning more than one pile at the same time.	Schedule "B" (9)	\$200.00
15.	Burn material when wind may cause fire to spread.	Schedule "B" (10)	\$200.00
16.	Burn material when wind may cause excessive smoke or odor to cause discomfort to person in the vicinity.	Schedule "B" (10)	\$200.00
17.	Failure to follow terms and conditions for incinerator burning.	Schedule "B" (13)	\$200.00
18.	Failure to follow terms and conditions for recreational burning.	Schedule "B" (13)	\$200.00
19.	Failure to follow terms and conditions for open air burning on farms.	Schedule "B" (13)	\$200.00

NOTE: The penalty provision for the offences indicated above is section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.