

CORPORATION OF THE MUNICIPALITY OF TWEED

BY-LAW NO. 2011-17

Being a By-Law to regulate fire matters in the Municipality of Tweed and to repeal By-Law 98-13 and By-Law 2001-07.

WHEREAS Section 475 (3) of the Municipal Act, 2001 amends the Fire Protection and Prevention Act, 1997 by providing 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;

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 Corporation of the Municipality of Tweed deems it necessary to set regulations for open air fires and to set fees for fire equipment and services in certain situations;

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

DEFINITIONS

1. For the purpose of this by-law the following definitions shall apply.
 - i. 'Municipality' shall mean the Municipality of Tweed.
 - ii. 'Village' shall mean the former Village of Tweed.
 - iii. 'Fire Chief' shall mean the Fire Chief for the Municipality of Tweed.
 - iv. 'Fire Department' shall mean the Municipality of Tweed Fire Dept.
 - v. 'Open air fire' shall mean the ignition by fire of combustibles for the purpose of burning grass, clean wood and other combustible materials and includes fires in barrels, drums, incinerators and pits, cooking fires and campfires.
 - vi. '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.
 - vii. '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) any material prohibited by the Environmental Protection Act, R.S.O. 1990 as amended.

GENERAL PROVISIONS

2. Except for cooking or obtaining warmth no fires shall be set out of doors in the Municipality of Tweed between the hours of seven o'clock in the morning (7:00 a.m.) and seven o'clock in the evening (7:00 p.m.) between the first (1st) day of April and the thirty-first (31st) day of October inclusive in any year.
3. Except for the period from September 15th to November 30th inclusive in any year, no fires shall be set out of doors for any purpose in that portion of the Municipality described as the Village of Tweed.
4. Any fires set out of doors under Section (3) shall be for the sole purpose of burning leaves, and shall not be set between the hours of seven o'clock in the morning (7:00 a.m.) and seven o'clock in the evening (7:00 p.m.) inclusive in any year.
5. Any fire set out of doors after 7:00 p.m. must be extinguished by 7:00 a.m. the following day.
6. No person shall leave the site of a fire set out of doors in the Municipality in accordance with the provisions of this by-law without fully extinguishing the fire.
7. Every person who starts a fire out of doors in the Municipality in accordance with the provisions of this by-law shall ensure that adequate personnel, equipment and water are available at the site to contain the fire.
8. Any fires set out of doors in the Municipality in accordance with the provisions of this by-law shall be in the presence of a competent adult person who shall be in constant attendance and who shall take all reasonable steps to prevent any fire set out of doors from spreading to or endangering other property.
9. Notwithstanding the provisions of Sections 2, 3 and 4 of this by-law, the Fire Chief or his/her designate may upon application approve the setting of any fire to the conditions set out by the authorization.
10. Notwithstanding the provisions of Sections 2, 3 and 4 of this by-law, all out of doors burning may be cancelled at any time by the Fire Chief or his/her designate.
11. No fire set out of doors in the Municipality in accordance with the provisions of Sections 2, 3 and 4 of this by-law, with the exception of Section 9, shall permit more than one (1) cubic metre of material or more than one tenth (1/10) hectare to be burned at any one time.
12. 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.
13. No open air burning shall be commenced or maintained when the wind is in such a direction or intensity to cause any or all of the following:
 - i. any odour to such an extent or degree as to cause discomfort to the persons in the immediate area;
 - ii. excessive smoke or any other adverse effect as defined in this by-law;
 - iii. any dangerous condition.

OFFENCES

14. 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 A of this by-law.

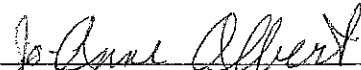
15. Any person who sets a fire contrary to the regulations of this by-law and who permits such fire to burn out of control and who causes the dispatch of the fire department personnel and vehicles as a result of such burning shall be responsible for the costs of extinguishing such fire in accordance with Schedule B of this by-law.
16. Any person who contravenes any provision of this by-law is guilty of an offence and is liable upon conviction to such penalties as are established under the Provincial Offences Act, R.S.O. 1990, as amended.

EFFECTIVE DATE

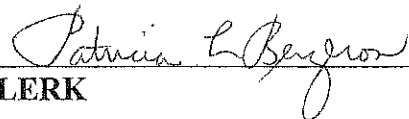
17. That By-Laws 98-13 and 2001-07 be repealed in their entirety.
18. This by-law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of the Municipality of Tweed.

Read a first and second time this 10th day of May, 2011.

Read a third and final time, passed, signed and sealed in open Council this 10th day of May, 2011.



REEVE



CLERK

CORPORATION OF THE MUNICIPALITY OF TWEED

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SCHEDULE 'B'

Rates for Fire Equipment and Services

Pumper	\$ 150.00 per hour
Pumper / Tanker	\$ 150.00 per hour
Tanker	\$ 150.00 per hour
Emergency Vehicle	\$ 150.00 per hour
Firefighter	\$ 20.00 per hour

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SCHEDULE 'A'

Part I Provincial Offences Act

*** Set fines in the amount of \$200.00 per fine to be requested for the following offences:*

1. Set fire during prohibited time
2. Set fire in the Village when prohibited
3. Set fire in the Village other than for leaves.
4. Leave fire without fully extinguishing it
5. Set fire without adequate equipment/water available to contain the fire.
6. Fail to prevent fire from spreading or endangering other property.
7. Fail to meet conditions set out in the permit to burn.
8. Burn when all of out of doors burning is prohibited by a Fire Official.
9. Burn more than prescribed size or area.
10. Burn prohibited materials as described.
11. Cause adverse effect as described by burning.