

# CORPORATION OF THE TOWN OF LAKESHORE

## BY-LAW NUMBER

61-2010

### A BY-LAW TO REGULATE THE SETTING OF OPEN AIR BURNING AND IDENTIFY THE PRECAUTIONS OBSERVED FOR SUCH FIRES WITHIN THE TOWN OF LAKESHORE

**WHEREAS**, the Municipal Act 2001, S.O. 2001, c.25, as amended and the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, authorizes a council of a municipality to pass By-laws regulating fire prevention, including the prevention of the spreading of fires and regulating the setting of open air burning, as well as the establishing of the times during which open air burns may be set.

**NOW THEREFORE, THE COUNCIL OF THE TOWN OF LAKESHORE ENACTS AS FOLLOWS :**

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#### INTERPRETATION

1. In this By-law:

**"Camp Fire"** is confined within a Container having a maximum burn area of 24 inches (61 cm) in any horizontal and vertical direction;

**"Campground"** means a parcel of land used or maintained as an overnight tenting or camping area, where people are temporarily accommodated in tents, trailers or similar facilities, whether or not a fee or charge is paid for the rental thereof, but does not include a mobile home or a mobile park.

**"Container"** means any earth pit, structure or enclosure of brick, cement, metal or other similar material in which a Fire may be set;

**"Council"** means the council for the Corporation of the Town of Lakeshore.

**"Domestic"** means by design and intention to be used in or around the home or household and is rated by ULC or CSA;

**"Enclosed Fire"** takes place within a burn barrel or container of similar construction and size such as a 45 gallon drum and covered at all times;

**"Environmental Protection Act"** means the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended;

**"Equipment and Resources"** means a water supply at the burn site to control and/or extinguish the size of the fire if required and/or sufficient personnel and equipment such as rakes, shovels, backhoes, bulldozers or front-end loaders;

**"Farmer"** means an individual who's primary occupation is farming that consists of lands and buildings used to grow crops and/or rearing of animals within an area zoned agricultural;

**"Fire"** means Camp Fire, Enclosed Fire and Open Air Fire

**"Fire Chief"** means the Fire Chief for the Town of Lakeshore or designate;

**"Fire Department"** - means the Fire Department of the Town of Lakeshore;

**"Open Air Fire"** is set in the Open Air by any person within the boundaries of the Town, but does not include an Enclosed Fire or Camp Fire;

**"Ontario Fire Code"** means O.Reg. 213/07 as amended made under the Fire Protection and Prevention Act 1997,.c4, as amended;

**"Open Air"** means any open place, yard, field, lot, part lot or construction area which is not enclosed by a building or structure;

**"Owner"** means the registered owner or any person having control over any portion of the building or property under consideration;

**"Permit"** means permission from the Fire Chief to set a Fire;

**"Town"** means the Corporation of the Town of Lakeshore;

**"Vegetation"** means plants collectively.

## GENERAL PROVISIONS

- 2.1 No person under 18 years of age shall set, maintain or supervise any Fire
- 2.2 No person shall set any Fire on highways, associated ditches, commercial or industrial properties or municipal property within the Town of Lakeshore.
- 2.3 No person shall set or allow any Fire to burn:
  - a) with the aid of flammable or combustible liquids or accelerants of any kind;
  - b) unless the Equipment and Resources, as defined within this By-law, are available at the fire site at all times during the fire;
  - c) on any site, or in the vicinity of any site, where construction or related activities are carried out;
- 2.4 No person shall maintain any Fire when the wind is in such direction or force to cause any or all of the following:
  - a) Smoke, which causes annoyance, irritation or interferes with the natural enjoyment of persons on adjacent properties or decreases the visibility on any highway;
  - b) Spread of the Fire through any grass, leaves, brush, ditch banks or any other vegetated areas;

- 2.5 No person shall set or maintain any Fire when rain or fog is present, or at times that are deemed by the Ministry of the Environment as Smog Alert Days or when other adverse atmospheric conditions or local circumstances warrant;
- 2.6 No person shall set Fire to dispose of materials or waste from commercial, industrial, construction or demolition sites. These materials or wastes shall not be transported to residential or agricultural areas for burning purposes;
- 2.7 No person shall set or allow an Open Air Fire to burn without first having obtained a Permit from the Fire Chief.
- 2.8 Notwithstanding the issuance of a Permit in accordance with this By-law, no person shall set or maintain an Open Air Fire:
  - a) unless the person to whom the Permit has been issued or such other person as may be designated in the Permit, is in attendance at the fire until such Fire has been completely extinguished;
  - b) When the material to be burned is greater than 3 feet (91 cm) by 3 feet (91 cm) by 3 feet (91 cm) or the limit set by the Fire Chief;
  - c) When the distance is less than 21 feet (7 meters) or the limit set by the Fire Chief from any building, structure, hedge, fence, roadway of any kind or nature, overhead wiring or property line.
  - d) After sunset and prior to sunrise on the day(s) as specified by the Permit;
  - e) In contravention of the Ontario Fire Code, the Environmental Protection Act, or any other regulatory requirements of the Province of Ontario or the Government of Canada
- 2.9 A Farmer who intends to set or maintain an Open Air Fire on a specified day for disposal of vegetable matter or vegetation on farm lands that is normal and incidental for farming purposes shall apply for a Permit to cover the time period of the proposed fire;

### EXCEPTIONS

- 3.1 The provisions of this By-Law shall not apply to the the Town's officers and employees while in the discharge of their duties;
- 3.2 Domestic barbeques and permanent outdoor fireplaces used solely for the cooking of food on a grill and domestic personal warmth devices where the fuel used is natural gas / propane / charcoal or clean dry wood do not require a Permit;
- 3.3 Camp Fire(s) do not require a Permit provided that:
  - a) the provisions contained in Sections 2.1 through to and including 2.6, above, are met;
  - b) all materials to be burned are contained within the perimeter of the container;
  - c) the size of the burn area is no larger than 2 feet (61 cm) by 2 feet (61 cm) by 2 feet (61 cm);
  - d) The center of the Camp Fire is to be a minimum of 15 feet (4.5 m) away from any property line and a minimum of 10 feet (3 m) from permanent combustible structures or objects or the limit set by the Fire Chief.

d) Campgrounds, as permitted under the zoning bylaw, are exempt from this paragraph (3.3 d) and paragraph 2.4a provided the size of the burn area is smaller than 18 inches (46 cm) by 18 inches (46 cm) by 18 inches (46 cm); and

e) Only clean dry wood or charcoal is being burned.

3.4 Enclosed Fire(s) do not require a Permit provided:

a) the provisions contained in Sections 2.1 through to and including 2.6, above, are met;

b) the fire is contained and covered at all times by a suitable metal wire mesh;

c) the metal wire mesh being used to cover the fire has grid openings not exceeding .25 inch (6mm) in size;

d) the center of the Enclosed Fire is a minimum of fifteen (15) feet (4.5 m) away from any property line and a minimum of 10 feet (3 m) from permanent combustible structures or objects or the limit set by the Fire Chief; and

e) Only clean dry wood is being burned.

#### **ENFORCEMENT**

4.1 The Fire Chief or his designate shall administer this By-law;

4.2 Enforcement of this By-law is the responsibility of the Fire Chief, any Police Officer or any By-law Enforcement Officer;

4.3 Permission for a Fire may be revoked at any time by the Fire Chief when there is a breach of any of the provisions of this By-law or where, in the Fire Chief's opinion there is a danger of such Fire spreading or otherwise endangering life or property. Immediately upon receiving notice of cancellation or suspension, the owner shall extinguish the Fire;

4.4 Any Person who fails to comply with provisions of the By-law or who fails to extinguish a Fire once notification to do so has been given by the Fire Chief shall be liable to the Municipality for all expenses incurred for the purpose of controlling and extinguishing the fire;

4.5 The Fire Chief may refuse to issue or may revoke any or all Permits; or where in the opinion of the Fire Chief a situation exists that is not appropriate for burning, a Fire ban may be issued for any or all areas within the Town of Lakeshore.

4.6 Permits/ permission may be issued over the phone by calling the Lakeshore Fire Department Administration at 519-728-0550 Monday through Friday from 08:30 to 16:30 hours. Weekend permits must be requested during regular business hours.

4.7

#### **COST RECOVERY**

5.1 Notwithstanding any other provision of this By-law and in addition to any other remedy the Town may have, pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, the Town shall be entitled to recover all costs incurred by the Fire Department in extinguishing a Fire set in contravention of this By-law.

The rates to be charged for extinguishing a Fire set in contravention of this By-law as set out in Schedule "A" are set in accordance with the Tarriffs and Fees By-law.

#### SEVERABILITY

- 6.1 Should any section, subsection, clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the said section shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

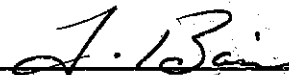
#### REPEALS

- 7.1 All By-laws regulating Open Air Fires passed by the former Town of Belle River or the former Townships of Lakeshore, Maidstone, Rochester, Tilbury North, or Tilbury West are hereby repealed.

#### EFFECTIVE DATE

- 8.1 This By-law shall be deemed to have come into force and take effect on the date of the final passing thereof.

**THIS BY-LAW WAS READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 15 DAY OF JUNE, 2010.**



**TOM BAIN  
MAYOR**



**MARY MASSE  
CLERK**

/sr

**Schedule "A"**  
**To**  
**By-law 61-2010**

<b>Open Burn By-law Cost Recovery Formula</b>	
Fire Administration only attends location	1/2 the current MTO rate for a single manned fire apparatus
Camp Fire extinguishment only	1/2 the current MTO rate for a single manned fire apparatus
Fire Extinguishment using less than 6 FF	Current MTO rate for a single manned fire apparatus
Fire Extinguishment using greater than 6 FF and less than 12 FF	Current MTO rate for 2 manned fire apparatus
Fire Extinguishment requiring a 2 station response	Current MTO rate for 4 manned fire apparatus