

**THE CORPORATION OF THE TOWN OF LAURENTIAN HILLS**

**BY-LAW No. 08 – 14**

**BEING** a By-Law to prescribe the times for the setting of open air fires in the Town Laurentian Hills and the precautions to be observed.

**WHEREAS**, Sections 10 (2) of the Municipal Act 2001, Chapter 25, as amended, provides that a municipality may pass by-laws respecting the health, safety and well being of persons;

**AND WHEREAS** the Fire Protection and Prevention Act, 1997, Part II, Section 7.1 (b) provides the Municipality with the authority to allow and regulate open air burning;

**AND WHEREAS** section 391 of the Municipal Act S.0 2001, as amended states that a municipality may pass by-laws to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

**NOW THEREFORE** the Council of the Corporation of the Town of Laurentian Hills hereby enacts the following:

1. In this by-law:
  - (a) "Town" shall mean the Corporation of the Town of Laurentian Hills.
  - (b) "Fire Chief" for the purpose of this by-law shall mean the Fire Chief of the Town's Fire department.
  - (c) "Person" includes an individual, group or association, firm partnership, organization, company, corporation or cooperative.
  - (d) "Clerk" shall mean the Clerk of the Town.
  - (e) "By-Law Enforcement Officer" means the By-Law Enforcement Officer for the Town of Laurentian Hills
  - (f) "Open air fire" means a fire set in the open air for the purpose of burning grass or brush and shall include any masonry or metal fireplace and metal drums but does not include a cooking fire, campfires or barbeques.
  - (g) "Prohibited Materials" Shall mean any materials such as but not limited to household waste, petroleum products, plastics, rubber, painted lumber, tires, furniture, carpeting, Styrofoam or any other item that could cause noxious or toxic smoke or fumes
  - (h) "Fire Ban" means a state and related period of time declared by the Fire Chief during which time no one may set or maintain an open air fire, within the Town for reasons related to public safety and protection of property.
2. No person shall set an open air fire within the Town from April 1 to October 31, in any year, except under the following conditions:
  - (a) such burning consists of a small confined fire that is supervised at all times by an adult and is used to cook food or is for personal warmth provided that no more than one-third of a cubic meter of material is permitted to be burned at any one time, and an adequate means of extinguishing the fire must be available at all times,
3. No person shall burn prohibited materials any time of the year.
4. From November 1 to March 31, no person shall set or cause to be set an open air fire in the Town within 9.144 meters (30 feet) of any buildings, fences, trees, brush pile or other structures or combustible materials that could be ignited by flame, sparks or heat radiating from the fire.
5. No person shall leave an open air fire unattended or unsupervised at any time until it has been fully extinguished.

6. **FIRE BANS** - The Fire Chief may at any time, and in the exercise of his or her sole discretion, issue a partial or total fire ban, effective for a specified period of time, prohibiting the setting of any, and all Open Air Fires within any area of the Town based on MNR Guidelines, MNR indices rating or local conditions:
- (a) no person shall at any time while a fire ban is in effect set, maintain or allow any open air fire, cooking fire or camp fire,
  - (b) enclosed barbeques fueled by gas, propane or briquettes are exempt from section 6 of this By-Law,
  - (c) in accordance with Ministry of Natural Resources Guidelines Public or Private Campgrounds are exempt from section 6 of this By-Law.

The Fire Chief will assess the need for a total or partial Fire Ban on a daily basis and will downgrade or cancel the Fire Ban as soon as possible based on MNR indices rating and local conditions.

7. No outdoor fire shall be maintained when the wind is in such a direction or intensity to cause any or all of the following:
- (a) the possible spread of the fire to neighboring building(s) or properties
  - (b) a decrease in the visibility on any highway or roadway
  - (c) any odour to such an extent or degree so as to cause discomfort to the persons residing in the immediate area
8. Any person who starts or sets out an open fire within the Town, either with or without a permission pursuant to the provisions of the by-law, shall be responsible for and shall indemnify and save harmless the Town from any damage to property or injury to persons that may be caused by the fire and, in addition, any person who starts or sets out an open air fire within the Town shall completely reimburse the Town for any expense that may be incurred by the Town or its Fire Department for personnel, equipment or any other expense where the assistance of the Fire Department or Ministry of Natural Resources is required to control or extinguish the fire. A minimum fee of \$410.00 per fire fighting vehicle used to extinguish the fire shall be charged.
9. This By-Law shall be administered by the Fire Chief and enforced by the By-Law Enforcement Officer.
10. Any 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 in the *Provincial Offences Act* and may be subject to a fine of up to \$2,000.00 plus costs.
11. That By-Law No. 27/00 in its entirety and any and all other previous By-Laws pertaining to the setting of open air fires are hereby repealed and rescinded.

READ a first and second time this 16<sup>th</sup> day of July 2014

READ a third time and final time and passed this 16<sup>th</sup> day of July 2014