

**THE CORPORATION OF THE TOWNSHIP OF Plummer Additional****BY-LAW 2016-35****Amends 2014-36****Provincial Offences – approval (original by-law 2004-57 as amended)****TO ESTABLISH an OPEN AIR BURNING By-Law**

**WHEREAS** Section 130 of the Municipal Act 2001 S.O. 2001, c.25 provides that Councils of local municipalities may regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety and well being of the inhabitants of the municipality.

**AND WHEREAS** Section 391 of the Municipal Act, 2001 S.O. 2001, c.25, provides that despite any Act, a municipality may pass by-laws imposing fees or charges on any class or persons;

**AND WHEREAS** subsection 2.6.3.4. of the Ontario Fire Code provides that open air burning shall not be permitted unless approved or unless such burning consists of a small contained fire supervised at all times and used to cook food on a grill or a barbecue;

**AND WHEREAS** The Forest Fire Prevention Act and the Fire Protection and Prevention Act set out minimum standards for the control of open air burning, these shall be deemed to be included as part of this By-Law.

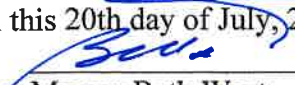

**NOW THEREFORE the Council of the Corporation of the Township of Plummer Additional enacts as follows: -**

1. For the purposes of this by-law, the following definitions shall apply:
  - a) “Agricultural Waste” shall include any animal fecal deposits or manure, and animal carcasses;
  - b) “Approved” means approved by the Community Fire Safety Officer or his/her designate;
  - c) “Campfire” means a small contained fire supervised at all times and used to cook food or to provide warmth within an approved location under Ontario Regulation 230/00 “Outdoor Fires” as detailed in Schedule “A” attached to and forming part of this by-law;
  - d) “Domestic Waste” shall include kitchen waste, food scraps, cloth, rags, clothing, plastics, and any other materials which contents include any of the aforementioned;
  - e) “Fire Ban” (**includes Fireworks**) means when the Community Fire Safety Officer, taking into account all relevant factors make the decision that any open air burning, including campfires, is to be prohibited, all permits are cancelled and no open air burning of any kind is to be allowed until such a time as in the opinion of the Community Fire Safety Officer the conditions have reached a point where it is safe to further allow open air burning.
  - f) “Incinerator” means an enclosed device that conforms to NFPA 8 that is used to burn approved refuse. **\*\* Incinerators will not be allowed after January 1, 2015: no new incinerator permits in 2014 will be issued upon the date that this by-law is passed.**

- g) "Industrial Waste" shall include used automobile and truck bodies, tires, oil, grease, paint, cloth, rags, plastics, or other material which contents include any of the aforementioned;
  - h) "Open Air Burning Permit" means a permit issued to any person by the Community Fire Safety Officer, or his/her designate, listing the name, address, telephone number of the person who is to be permitted to burn, and the times and dates of the permit being valid, as well as being signed by the applicant and the Community Fire Safety Officer or his/her designate, an example of which is detailed in **schedule "C"** attached to and forming part of this by-law.
  - i) If the Bruce Mines Fire Department responds to a grass fire where the said resident is not in possession of a duly authorized open air burning permit, the Bruce Mines Fire Department shall invoice the Plummer Additional Township for cost recovery; these costs will in turn be invoiced to the offender, over and above any fines levied as a result of a charge being laid. Unpaid balances shall be added to the Taxes of the landowner(s) and collected as such.(this is normal practice)
2. No fire will be set in the open air without an approved "Open Air Burning Permit" between the dates of April 1<sup>st</sup> and October 31<sup>st</sup> in each year.
- a) Regular open air burning permits are not required between November 1<sup>st</sup> and March 31<sup>st</sup>; but the rules of Municipal By-laws and Forest Fire Prevention Act are to be complied with during this period.
3. This by-law shall apply to all land within the geographical limits of the Township of Plummer Additional and to the setting of fires in the open air on any land.
4. A fire wholly contained within a permanent or portable barbecue that is used for the preparation of food for human consumption shall not be deemed to be a fire for the purposes of this by-law.
5. No person(s) or owner(s) of land shall:
- a) Set a fire or permit the setting of a fire, or having set or permitted the setting of a fire, permit a fire to continue to burn without first having obtained an "Open Air Burning Permit" in the form attached as **schedule "C"** and in accordance with the "Open Air Burning Procedures" in the form attached as **schedule "A"** from the Community Fire Safety Officer or his/her designate, and in accordance with the provisions of this by-law, and any other relevant Act or regulations.
  - b) Set a fire or allow a fire to burn in or on any highway, park, walkway, public land, or upon any land owned by the Corporation of the Township of Plummer Additional, without first having obtained approval to do so from the Community Fire Safety Officer or his/her designate.
  - c) Burn Industrial waste, agricultural waste, domestic waste, petroleum products, plastics, rubber, painted lumber, mixed demolition debris, or anything else( you could insert wet materials, such as leaves, wood, etc.) that will cause excessive smoke or fumes in addition to any other materials identified in the regulations contained in the Environmental Protection Act;
  - d) Set a fire or allow a fire to continue to burn if he or she is not he registered owner, without written permission from the registered owner as approved.
6. Where an Open Air Burning permit pursuant to this by-law has been issued, the applicant and the owner shall jointly and severally be responsible for any damage or injury to the persons or property with respect to the setting of a fire or permitting the fire to burn and to insure that: -

- a) Before a Special Burn under the Special Burning Permit takes place the applicant has confirmed approval of the actual date and time the burning will take place.
- b) The "Open Air Burning Permit" is maintained at the burn site at all times and when asked to do so will produce for examination to any member of the Bruce Mines Volunteer Fire Department, or the Community Fire Safety Officer.
7. The "Open Air Burning Permit" can be cancelled or suspended at any time by the Community Fire Safety Officer or his/her designate and immediately upon receiving notice of such cancellation or suspension; the person issued the permit shall ensure the extinguishment any fire started under the permit.
8. Notwithstanding the provisions of section 4, 5, and 6 hereof the Community Fire Safety Officer may, approve the setting of any fire within the geographical limits of the Township of Plummer Additional.
9. The Community Fire Safety Officer or Bruce Mines Fire Chief or designate can and shall declare a "Fire Ban" for the whole of the municipality when in his/her opinion the conditions no longer allow for the safe and effective use of Open Air Burning, and such a Fire Ban will remain imposed until such time that in the opinion of the Community Fire Safety Officer or Bruce Mines Fire Chief or designate (this is permissible) conditions have returned to a safe enough level to further allow Open Air Burning. Notification will consist of the canceling of all outstanding Open Air Burning Permits, as well as posting notices at the Municipal office, and public media announcements.
10. Every person who contravenes any provision of this by-law is guilty of an offence and may be charged in accordance with the terms of section 210.1 (35) of the Municipal Act, c. M45, R.S.O. 1990, paragraph 35. As well as being in violation of the Fire Protection and Prevention Act, The Forest Fire Prevention Act, and subsection 2.4.4.4 2.6.3.4. Of the Ontario Fire Code. And may be charged with an offence under the Provincial Offences Act under this by-law, with a minimum fine of \$200.00, or as prescribed in **schedule "D"** "Set Fines and Short Form Wording".
11. The permittee shall be required to pay to the municipality, the necessary burning permit fee, which is detailed in **Schedule "E"** attached to and forming part of this By-law.
12. This By-Law amends By-Law 2014-36 (original 2004-57, 2011-47) and all other by-laws previously passed for this purpose.
13. That Schedules A, C, D, E and F form part of this By-law.
14. That Schedule C and F may be amended by Council resolution.  
NOTE: Schedule B – Incinerators – removed – no longer an allowed use.

READ three times and passed in open Council this 20th day of July, 2016.

  
\_\_\_\_\_  
Mayor: Beth West  
  
\_\_\_\_\_  
Clerk: Vicky Goertzen-Cooke

SCHEDULE "A" TO BY-LAW NO 2016-35

REGULATIONS FOR OUT DOOR FIRES

GENERAL CONDITIONS TO BE COMPLIED WITH BY PERMITTEE

1. The permittee shall keep the permit at the site of the burning operation conducted under this permit and shall show the permit upon request to any person in proper authority.
2. The permittee shall have at the location of the fire sufficient persons and firefighting equipment to control the fires and the permittee assumes full responsibility for determining the sufficiency of persons and equipment.
3. The permittee shall keep the fire at least 15 metres from any structure and 5 metres from any property line (this is an adequate distance), combustible material (trees, grass, woodpiles, etc.
4. The amount to be burned at any one time shall not exceed a size: of 2 3-metres length by 2 3 metres width by 2 3-metres in height.
5. Items NOT permitted to be burned (include but are not limited to): plastics, rubber, wet materials, shingles, or any item(s) that would create undue smoke conditions.
6. The permittee shall not leave the site of the fire, until the fire has been completely extinguished.
7. The permittee shall be responsible to determine if restricted fire zone conditions are in effect.
8. The permittee assumes full responsibility for all damages of every nature and kind which may arise as a result of the fire set by the permittee and irrevocably agrees to indemnify and save harmless the Township from any claims made against the Township in consequence of damages arising from the fire set by the permittee.
9. The Township may cancel or suspend the fire permit at any time and immediately upon receiving a notice of such cancellation or suspension the permittee shall extinguish any fire started under the permit.
10. Any costs and expenses incurred by the Township or any Provincial Authority in controlling or extinguishing the fire set by the permittee shall be paid by the permittee.
11. Every person who fails to comply with the terms of this permit is guilty of an offence under the Forest Fire Prevention Act, and/or the Ontario Fire Code and upon conviction is liable to a fine or to imprisonment as provided in the said legislation.
12. Special Permit: Prior to the lighting of any fires **in excess** of what is allowed under this permit, the Community Fire Safety Officer, or Bruce Mines Fire Chief or designate must issue approval, Pre-burn inspections will be performed on site as required and fees for inspection shall be charged back to the landowner(s) for a full cost recovery. An initial deposit of \$25 is required in addition to the permit fee. Unpaid fees shall be added to the landowner taxes and collected as such.

**SCHEDULE "C" TO BY-LAW NO 2016-\_\_**  
**CORPORATION OF THE TOWNSHIP OF PLUMMER ADDITIONAL**  
**FIRE PERMIT**

**EMERGENCY NO. TO CALL (911)**

**PERMIT TYPE: Please Check One Only**  
 **Annual Outdoor Fire** **\$12.00**  
 **Special Burn Permit (in addition to annual fee)** **\$25.00 deposit + (full cost recovery) \*Special Burns to be approved by CFSO (or designate) prior to burning.**

**Permit NO.** \_\_\_\_\_ **DATE:** \_\_\_\_\_ **Fee(s) paid \$** \_\_\_\_\_

**Civic Address (where the burning will take place):** \_\_\_\_\_

**NAME:** \_\_\_\_\_

Are you the Landowner? Yes or No;  
If no to the above: Attach copy of written permission from the Landowner (required).

**MAILING ADDRESS:** \_\_\_\_\_

**PHONE:** \_\_\_\_\_ **Cell:** \_\_\_\_\_

**Email:** \_\_\_\_\_

Has permission to start a fire upon the above described lands from two hours before sunset to two hours after sunrise from April 1<sup>st</sup> to October 31<sup>st</sup> of the year 20\_\_\_\_\_.

The holder of this permit acknowledges having received Forest Fire Prevent Act Ont. Reg. 230/00 (as amended) and will abide by the conditions set out in said regulations and the conditions printed on the reverse side of this permit.

The amount to be burned at any one time shall not exceed a size: of 2 3-metres length by 2 3 metres width by 2 3-metres in height. [Special Burn Permit required if outside of this limit]

I, the undersigned have read and agree to comply with the conditions set out and the conditions on the reverse side of this Permit.

It is the Landowner's responsibility to be aware of when a Fire Ban (includes Fireworks) is on; call the office 705-785-3479 or tune into Q104.3, 100.5, or check [www.Sootoday](http://www.Sootoday); \*\*If there is a fire ban in Bruce Mines, there is one in Plummer Twsp.

CORPORATION OF THE TOWNSHIP  
OF PLUMMER ADDITIONAL

\_\_\_\_\_  
**(Signature of Landowner/Agent)**

**Per:** \_\_\_\_\_  
**(Office Signature)**

SEE REVERSE SIDE OF THIS PERMIT (Schedule A)

**SCHEDULE "D" TO BY-LAW NO 2016-35**  
**(Approved under by-law 2004-57)**  
**The Township of Plummer Additional**  
**"Set Fines and Short Form Wording"**  
**Provincial Offences Act Part #1**

<u>Short Form Wording</u>	<u>Offence Reference</u>	<u>Set Fine</u>
1- "Burning without a permit"	#4 (a)	\$200.00
2- "Burning without approval"	#5 (a)	\$200.00
3- "Burning non-approved materials"	#4 (c)	\$100.00
4- "Burning when Fire Ban installed"	#8	\$250.00
5- "Burning on property not owned, Without written permission from Owner.	#4 (d)	\$150.00

**NOTE:**

Penalty Provision for the offences indicated above is section 9 of By-Law #2004-57  
A certified copy of which has been filed.

**SCHEDULE "E" TO BY-LAW NO 2016-**

**(Amends 2014-36, 2011-47 & 2004-57)**  
**BURNING PERMIT FEES**

- |  |            |
|--|------------|
| 1. Annual Outdoor Fire Permit (April 1-October 31) | \$ 12.00   |
| 2. Special Burn Permit Request                     | \$ 25.00** |
| \$25 deposit + (full cost recovery)                |            |

\*Special Burns to be approved by CFSO or designate prior to burn.

Schedule F to By-Law 2016-35  
**Agricultural Burn Planning Checklist**

The permit holder and/or person in charge is responsible for all costs associated with property damage and fire fighting costs resulting from escaped fires.

**NAME:** \_\_\_\_\_ **PHONE:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_ **Alt. Phone:** \_\_\_\_\_

**1. Where will the burning take place?**

Civic Number & Road: \_\_\_\_\_

LOT: \_\_\_\_\_ CONCESSION: \_\_\_\_\_

If there is no civic number assigned:

Area to be burned is North/South/East/West (circle one) of the nearest road intersection located at: \_\_\_\_\_ and \_\_\_\_\_

**2. When will the burning take place?**

DATE: \_\_\_\_\_ TIME OF DAY: \_\_\_\_\_ NUMBER OF DAYS: \_\_\_\_\_

**3. What is being burned?**

- Brush Piles
- Wind row
- Field crops

**4. Who will be doing the burning?**

Name of person in charge (if different from above): \_\_\_\_\_

Phone: \_\_\_\_\_

Cell: \_\_\_\_\_

Number of helpers: \_\_\_\_\_

**5. How will the fire be ignited?**

\_\_\_\_\_

**6. What equipment will be on hand to put out the fire?**

(I.e. Backpacks, Shovels, Pails and Sacks, Water Supplies)

**7. What steps will you take if the fire starts to escape?**

**8. Under what weather conditions will the burning be done?**

Wind Speed: less than 15 km/hr.

Comments: \_\_\_\_\_

**9. Who will be notified that the burn is taking place?**

Which neighbours? \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_

Which fire Services: Town of Bruce Mines: 705-785-3493 (before 4:30 pm)

What is the Fire Emergency contact number? 911

**10. Will smoke interfere with traffic/neighbours? Yes \_\_\_ No \_\_\_**

If yes, how will you warn people?



**11. What are the boundaries around the area to be burned?**

This agricultural bum plan checklist may form part of the fire permit and if so, should be kept with the fire permit.

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**Sketch of Treatment Area:**

**SIGNATURE OF PERMITTEE:** \_\_\_\_\_

**SIGNATURE OF Township Representative:** \_\_\_\_\_

**DATE ISSUED:** \_\_\_\_\_

This burn plan and/or fire permit can be cancelled or suspended at any time by the Fire Chief' or Fire Officer. This burn plan and/or fire permit can be cancelled or suspended at any time by the Fire Chief or Community Fire Safety Officer.

**OFFICE USE:**

Inspection: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_