

THE CORPORATION OF THE TOWNSHIP OF Plummer Additional**BY-LAW 2022-45****Amends 2016-35****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 1st and October 31st in each year.
 - a) Regular open air burning permits are not required between November 1st and March 31st, 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 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 2016-35 (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 17th day of August, 2022.


Mayor: Beth West


Clerk: Vicky Goertzen-Cooke

SCHEDULE "A" TO BY-LAW NO 2022-45
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 metres length by 2 metres width by 2 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 fee of \$25 is required in addition to the permit fee. Unpaid fees shall be added to the landowner taxes and collected as such.
13. Residents can apply for a season-long special burn permit if the location of the recurring burn will not move. The Community Fire Safety Officer, or Bruce Mines Fire Chief must authorize approval and complete a pre-burn inspection on site prior to the permit being issued. An annual fee of \$100 is required to be paid in full prior to the issuing of the permit.

**SCHEDULE "C" TO BY-LAW NUMBER 2022-45
CORPORATION OF THE TOWNSHIP OF PLUMMER ADDITIONAL
FIRE PERMIT**

EMERGENCY NUMBER TO CALL: 911

Permit Number (Completed by office):	
Permit Type:	Annual Outdoor Fire <input type="checkbox"/> Special Burn Permit <input type="checkbox"/> *Special Burns to be approved by CFSO (or designate) prior to burning.*
Fee:	\$20 <input type="checkbox"/> Annual Permit \$45 <input type="checkbox"/> Annual Permit+ Special Permit \$25 <input type="checkbox"/> Special Permit (if Annual Permit Fee has been previously paid)
Date:	
Name:	
Are you the Landowner?	Yes <input type="checkbox"/> No <input type="checkbox"/> If no, please attach copy of written permission from the Landowner (required).
Civic Address: (where the burning will take place)	
	Bruce Mines, ON P0R 1C0
Contact Number:	
Cell Number:	
Mailing Address (Number, Street Name, City, Province/State, Postal/Zip Code)	
Email Address:	

Has permission to start a fire upon the above described lands from two hours before sunset to two hours after sunrise from April 1st to October 31st of the year 20XX.

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 attached to this permit.

The amount to be burned at any one time shall not exceed a size of: **2 metres length by 2 metres width by 2 meters 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 attached to this permit.

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

FOR OFFICE USE ONLY

Date Application Processed: _____

Permit Number: _____

Total Fee Submitted: _____ Cash ☐ Cheque ☐ Electronic ☐

Receipt No.: _____

Signature of Landowner/Agent

Signature of Representative for the Corporation of the Township of Plummer Additional

CORPORATION OF THE TOWNSHIP
OF PLUMMER ADDITIONAL

(Signature of Landowner/Agent)

Per: _____
(Office Signature)

SCHEDULE "D" TO BY-LAW NO 2022-45
(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 2022-45
(Amends 2014-36, 2011-47, 2004-57, 2016-35)
BURNING PERMIT FEES

1. Annual Outdoor Fire Permit (April 1-October 31) \$ 20.00
- Landowners must have an Annual Outdoor Fire Permit to purchase a Special Burn Permit**
2. Special Burn Permit Request \$ 25.00**
 + (full cost recovery)
 *Special Burns to be approved by CFSO or designate prior to burn.
3. Annual Special Burn Permit (one location only) \$100.00*
 + (full cost recovery)
 *Annual Special Burn Permits and the specified location to be approved by the CFSO or designate prior to burn.

Schedule F to By-Law 2022-45

Agricultural/Special 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

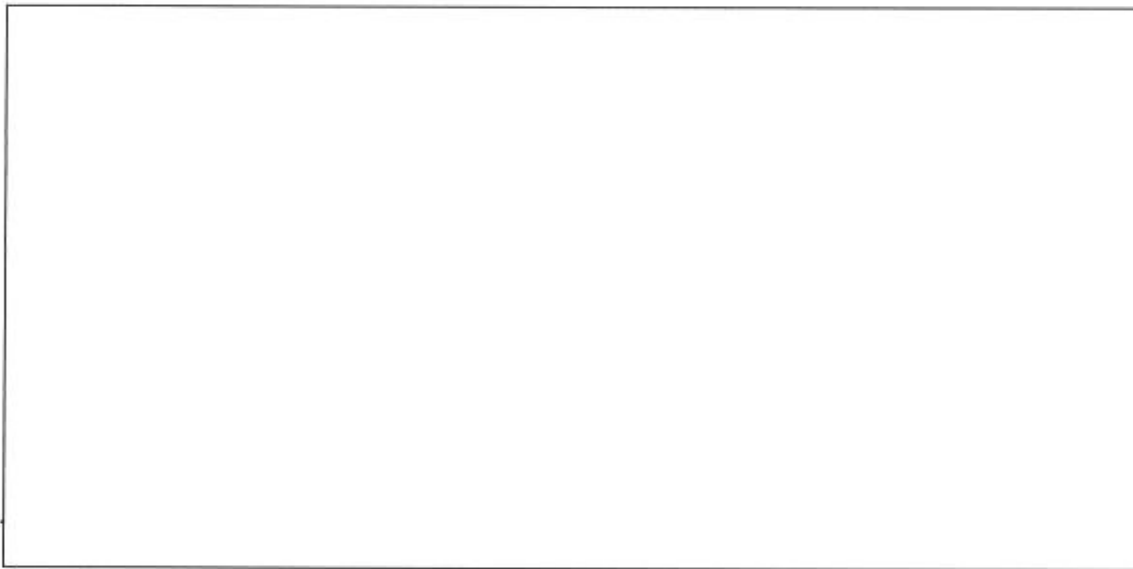
10. Will smoke interfere with traffic/neighbours? Yes __ No __

If yes, how will you warn people?

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

This agricultural burn 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: _____

