

THE CORPORATION OF THE MUNICIPALITY OF CALVIN

BY-LAW NO. 2011-004

**BEING A BY-LAW TO PRESCRIBE REGULATIONS FOR OUTDOOR BURNING IN THE MUNICIPALITY OF CALVIN.**

**WHEREAS** the Fire Protection and Prevention Act, S.O. 1997, c. 7.1 as amended provides that a council of a municipality may pass by-laws regulating the prevention of the spreading of fires and the setting of open air fires, including establishing the times during which open air fires may be set; and

**NOW THEREFORE** the Council of the Corporation of the Municipality of Calvin hereby enacts the following:

**DEFINITIONS**

1. In this by-law;

**“Approved”** means approved by the Chief Fire Official;

**“Chief Fire Official”** means the local municipal Chief Fire Official as defined in the Ontario Fire Code;

**“Fire Region”** means that part of the province of Ontario as described in O. Reg. 207/96 under the Forest Fires Prevention Act;

**“Fire Season”** means the period from the 1<sup>st</sup> day of April to the 31<sup>st</sup> day of October in each year or as determined by the Minister of Natural Resources.

**“Municipality”** means the Corporation of the Municipality of Calvin.

**BURNING RESTRICTIONS**

2.
  - (1) No person shall start a fire outdoors unless conditions will allow the fire to burn safely from start to extinguishment.
  - (2) No person who starts a fire outdoors shall leave a fire without leaving a competent person in charge of the fire.
  - (3) A person who starts a fire outdoors or, if the person who started the fire is not present, a person in charge of a fire outdoors shall take all necessary steps to tend the fire, keep the fire under control, and extinguish the fire before leaving the site.
  - (4) No person shall start or tend a fire outdoors except on land they legally occupy or they have permission of the person who has lawful occupation of the property on which the fire is started.
3. All persons setting an open-air fire in the *Municipality* shall ensure the following conditions have been met:
  - i. The person is burning piled wood, brush, leaves or discarded wood by-products.
  - ii. The material is burned in a single pile that is less than 2 meters in diameter and less than 2 meters high.
  - iii. The fire is started not earlier than two hours before sunset, and is extinguished not later than two hours after sunrise the following day, or earlier, during the *fire season*.
  - iv. The fire is at least 2 meters away from any combustible materials.
  - v. The person tending the fire has tools or water adequate to contain the fire within the fire site.
4. All persons setting a fire in an outdoor incinerator in the *Municipality* shall ensure the following conditions have been met:
  - i. The person is burning wood, brush, leaves or discarded wood by-products.
  - ii. The incinerator is an enclosed device constructed entirely of non combustible material, which is not capable of holding more than one cubic meter of unburned material.
  - iii. The incinerator is at least five meters from any forest or woodland.
  - iv. The incinerator is at least two meters from any flammable materials.
  - v. The outlet of the incinerator is covered with a screen having a mesh size of not more than five millimeters.
5. No person shall burn crop residue or grass or leaf litter, without first obtaining *approval* from the *Chief Fire Official* pursuant to the following conditions.
  - i. The total fire area to be burned does not exceed one hectare;

- ii. A responsible person is available to tend the fire until the fire is extinguished;
  - iii. The length of flaming edge does not exceed 30 meters;
  - iv. The fire is started two hours before sunset, or later, and is extinguished two hours after sunrise the following day, or earlier during *fire season*.
  - v. The person tending the fire has the tools or water adequate to contain the fire within the fire site.
6. Without in any way limiting the prohibition set out in section 2,3,4 and 5 above, or any exemptions below, only dry wood or wood by products shall be burned in fires set outdoors.
7. No person shall set any fire outdoors to burn, or shall burn outdoors, any kitchen garbage, construction materials or materials made of / or containing rubber, plastic, petroleum or tar.
8. No open air fire shall be ignited when the conditions as such may cause any or all of the following:
- i. A decrease in visibility on any highway or roadway,
  - ii. Inconvenience or irritation to others,
  - iii. Fire spread through the grass, brush, forested area or other property that was not intended to be burned.
  - iv. A contravention of other Municipal By-Law, Provincial or Federal Legislation.

**EXEMPTIONS**

9. Notwithstanding the provisions of sections 3,4 or 5 open fires may be set when such burning consists of a small confined fire, less than one meter in diameter and one meter in height, supervised at all times and is used to cook food on a grill or a barbecue, or is for personal warmth.

**PERMITS**

10. No permits are required within this *Municipality*, however, each person whether an owner, resident or visitor shall abide by the rules set out in this by-law and are subject to the fines and penalties which it carries.
11. The *Chief Fire Official* or designate may order any fire extinguished or enact a fire ban within the municipality where and when conditions warrant.


**PENALTY**

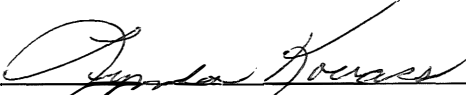
12. All persons setting an open fire within the *Municipality*, may be held:
- a) Responsible for any damage to property or injury to persons occasioned by the said fire, and
  - b) Liable for any costs incurred by the *Municipality*, the Ministry of Natural Resources and including any necessary personnel, equipment and apparatus called in to extinguish the fire.
13. Every person who contravenes any provision of this by-law is guilty of an offence against this by-law and shall, upon conviction therefore be subject to the fines set out under the Forest Fires Prevention Act and/or the Fire Protection and Prevention Act, recoverable under the Provincial Offences Act.

All previous By-laws pertaining to outdoor burning within the Municipality of Calvin are hereby repealed.

This By-Law comes into full force effect upon the date of passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED AT AN OPEN MEETING BEFORE COUNCIL THIS 22<sup>ND</sup> DAY OF MARCH 2011.

  
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 Mayor

  
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 Clerk-Treasurer