

THE CORPORATION OF THE TOWN OF PARRY SOUND

BY-LAW NO. 2003-4608

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Being a by-law to establish prescribed times for setting open air fires, precautions to be taken and a system for issuing permits for burning within boundaries of the Corporation of the Town of Parry Sound

WHEREAS S.O. Section 130, of the Municipal Act, 2001, provides that the Council may regulate matters related to the health, safety, and well-being of the inhabitants of the municipality; and

WHEREAS S.O. Section 129 of the Municipal Act 2001, provides that Council can prohibit and regulate matters that it deems to be a public nuisance: and

WHEREAS S.O. section 391 of the municipal Act 2001, provides that municipalities may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done on behalf of the municipality; and

WHEREAS the Fire Prevention and Protection Act 1997 provides that the Chief Fire Official is required to approve open air burning, appropriate fire safety provisions contained in a by-law may be used as conditions of approval;

NOW THEREFORE the Council of the Corporation of the Town of Parry Sound enacts as a by-law the following:

1. DEFINITIONS

- 1.1 For the purpose of this By-Law the following definitions shall apply:
- 1.2 "Fire Department" means the Parry Sound Fire Department.
- 1.3 "Fire Permit" means a permit issued by the Municipality pursuant to this By-Law.
- 1.4 "Chief Fire Official" means the Fire Chief as defined in the Fire Protection and Prevention Act or designate.
- 1.5 "Municipal Employee" means an officer, servant or other employee of the municipality, including any firefighter.
- 1.6 "Municipality" means the Corporation of the Town of Parry Sound.
- 1.7 "Permittee" means a person who is at least eighteen (18) years of age and who has been issued a fire permit by the Municipality.
- 1.8 "Absolute Prohibition Area" means a geographical area within the Municipality being the Central Business District in the Town of Parry Sound as defined in the Town of Parry Sound Official Plan, within which no burning is permitted.
- 1.9 "Restricted Fire Zone" means an area designated by an Order made by the Minister of Natural Resources.

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- 1.10 “ Camp/Recreational Fire” means a small fire set for the purpose of cooking, warmth or socializing. A Camp Fire can not be any greater than 75cm (30inches) in diameter by and/or 90cm (36 inches) in height.
- 2. REGULATION OF OUTDOOR FIRES**
- 2.1 A fire of any type shall not be ignited during periods of dry conditions, drought, or high winds or when a prohibition against open burning has been declared by the Chief Fire Official or his designate or during a Restricted Fire Zone imposed by the Ministry of Natural Resources.
- 2.2 No person who starts a fire outdoors shall leave the fire without leaving a person in charge of and tending the fire.
- 2.3 Burning of materials such as rubber tires, paint, asphalt material, chemical wastes, synthetic or man-made materials or any other materials considered to create excessive smoke or smell is not permitted.
- 2.4 A person who starts a fire outdoors or, if the person who started the fire is not present, a person in charge of and tending the fire outdoors, shall take all necessary steps to tend the fire, keep the fire under control, and extinguish the fire before leaving the site.
- 2.5 Notwithstanding any provisions herein, no person shall set or maintain a fire:
- a) in contravention of the Ontario Fire Code, the Environmental Protection Act or any other statutory requirements of the Province of Ontario, or the Government of Canada;
 - b) on any highway, or public property within the Municipality;
 - c) on any asphalt surface
 - d) in any park owned or operated by the Municipality without the written permission of the Municipality;
 - e) at a distance less than 15 meters from any building, structure, hedge, fence, vehicular roadway of any kind or nature, or overhead wiring;
 - f) at a distance of 8 meters of from any property line;
 - g) after 8:00pm in the evening and before 7:00am in the morning of any day
 - h) unless the equipment and resources designated on the permit are available at the fire site at all times during the fire;
 - i) with the aid of flammable or combustible liquids or accelerants of any kind;
 - j) on any site, or in the vicinity of any site, where construction or related activities are carried on: and
 - k) in any outdoor fireplace or any other burning appliance unless same is approved by the Chief Fire Official or Designate.
- 2.6 No person who starts a fire outdoors, or if the person who started the fire is not present, a person in charge of and tending the fire outdoors, shall permit the fire to continue to burn if the fire causes any or all of the following:
- a) the possible spread of the fire beyond the approved site;
 - b) decrease in visibility on any highway or roadway;
 - c) any odour or smoke to such an extent or degree so as to cause inconvenience, irritation or discomfort to others.
- 2.7 No fire in the open air shall be set or maintained when rain or fog is present.

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- 2.8 No Permit shall be required for domestic barbeques, permanent outdoor fireplaces used solely for the cooking of food on a grill and extinguished immediately upon completion of the cooking process, or camp/recreational fires.
- 2.9 No person shall burn wood, brush, or discarded wood by-products in an incinerator unless:
- a) the incinerator is in an enclosed devise constructed entirely of non-combustible material;
 - b) the incinerator is at least five metres from any building, structure, hedge, fence, vehicular roadway of any kind or nature, overhead wiring, forest or woodland;
 - c) the incinerator is at least two metres from any flammable materials;
 - d) the outlet of the incinerator is covered with a screen having a mesh size of not more than five millimetres;
 - e) the fire is started in the incinerator by 7:00 a.m. or later and is extinguished by 8:00 p.m. or earlier
 - f) the person who starts the fire in the incinerator ensures that a responsible person monitors the fire until it is extinguished.

3. FIRE PERMITS

- 3.1 No person shall start a fire outdoors for any purpose other than cooking, obtaining warmth, or camp/recreational fires, except under the authority of a Fire Permit (See Schedule A and Schedule B) issued pursuant to this By-Law. Permits are valid for one (1) week (7 Days). A total of four (4) permits may be issued to a person or persons for the same property location in one (1) calendar year. Any additional permits applied for will require written approval of the Chief Fire Official or designate.
- 3.2 Any person operating an incinerator for open air burning may apply for an annual permit. The fee for the issuance of a Burning Permit to operate an incinerator shall be \$25.00.
- 3.3 The Chief Fire Official or designate shall conduct an inspection of an incinerator before issuing a permit, OR at any other time during the permit validation period with notification to the property owner.
- 3.4 Upon application therefore a Municipal Employee may issue a Fire Permit which shall generally be in the form set out in Schedule "A" and Schedule "B" attached hereto.
- 3.5 A Fire Permit may be cancelled or suspended at any time by a Municipal Employee, and immediately upon receiving notice of such cancellation or suspension the Permittee, or in the absence of the Permittee, the person tending the fire, shall extinguish any fire started under the Permit.
- 3.6 A person to whom a Fire Permit is issued shall keep it at the location of the activity authorized by the Permit.
- 3.7 The Permittee or, in the absence of the Permittee the person tending the fire for which a permit was issued shall produce the Fire Permit to a Municipal Employee on request. For the purpose of this section, a copy of the Permit may be substituted for the original.

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- 3.8 The Chief Fire Official may revoke or refuse to grant permission or issue a permit for open air burning or a special event if the proposed open air burning or special event would be in contravention of this by-law: if the owner or permit holder has contravened the provisions of this by-law in the past or if the owner, occupant or permit holder has not complied with any conditions attached to a permit for an open air burning that may have been imposed by the Chief Fire Official on a previous occasion.

4. REGULATION OF OUTDOOR FIRES

- 4.1 No person shall start a fire outdoors for the purpose of burning grass and/or leaves.

- 4.2 No person shall start a fire outdoors for the purpose of burning piled wood, brush, or discarded wood by-products unless:

- a) a responsible person is available to tend the fire until it is extinguished;
- b) the material is burned in a single pile that is less than two metres in diameter and less than two metres high;
- c) the fire is started at 7:00 a.m. or later, and is extinguished by 8:00 p.m. or earlier;
- d) the fire is at least five metres from any flammable materials; and
- e) the person tending the fire has tools or water adequate to contain the fire within the fire site, and sufficient to control the fire.
- f) section 2.5 of this by-law also applies to this section

- 4.3 Except in a Absolute Prohibition Area, a person may start a fire outdoors (Camp Fire) for cooking or warmth if:

- a) the site of the fire is bare rock or non-combustible material;
- b) the fire is at least one metre from any flammable material;
- c) the space above the one metre area around the fire is at least three metres from vegetation; and
- d) the fire does not exceed 75cm (30 inches) in diameter and/or 90cm (36 inches) in height.

5. REGULATION OF OUTDOOR FIRES IN ABSOLUTE PROHIBITION FIRE AREA

- 5.1 No person shall start a fire outdoors in a Absolute Prohibition Area unless:

- a) the fire is for the purpose of cooking or obtaining warmth;
- b) the fire is in a portable stove or charcoal installation; and
- c) in the case of a stove, it is at least one metre from any naturally occurring flammable material, and the flame in the stove can be extinguished by a fuel control valve or by closing the stove.

6. SPECIAL APPROVALS

- 6.1 Notwithstanding the provisions of this By-Law, the Chief Fire Official may approve an outdoor fire and issue a Fire Permit therefore subject to such terms and conditions as the Chief Fire Official deems appropriate.

7. PENALTIES AND LIABILITY FOR EXPENSES

- 7.1 Every person who contravenes or fails to comply with any of the provisions of this

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7.1 Continued:

By-Law is guilty of an offence, and on conviction is liable to a fine of not more than \$5000.00 and other penalties prescribed by the Provincial Offences Act, R.S.O. 1990, cP.33.

7.2 Any costs and expenses for services provided by or on behalf of the Municipality, or for which the Municipality is liable in endeavoring to control or extinguish any fire caused by or resulting from a person contravening or failing to comply with any provision of this By-Law shall be a service charge, and shall constitute a debt of such person to the Municipality.

7.3 Any fee for service imposed pursuant to this By-Law shall be payable within fifteen (15) days after the Municipality has personally delivered or sent by prepaid registered post an invoice to the person responsible, and interest shall accrue and be added to the amount at the rate of 1.25% per month commencing on the 16th day following the delivery or sending of the invoice.

7.4 Fee for service pursuant to this By-Law shall be as follows:

- a) \$350.00 for each Fire Department vehicle attending for the first hour;
- b) \$175.00 for each Fire Department vehicle attending for every additional half hour or part hour thereof;
- c) \$350.00 for responding to a call where services are not required.

8. ADMINISTRATION

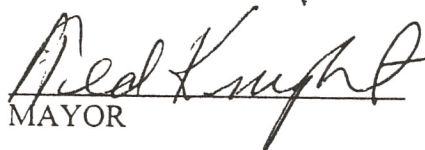
8.1 The Chief Fire Official has responsibility for the administration of this By-Law and may delegate responsibility to any Municipal Employee.

8.2 This By-Law applies to the entire geographic area of the Municipality.

8.3 That By-Laws #89-3372, #98-3960, #98-4038, as amended be rescinded.

8.4 This By-Law shall come into full force and take effect upon the final passing thereof.

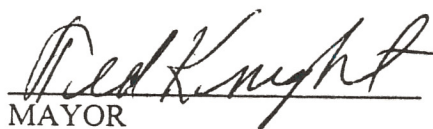
READ a FIRST time, this 5th day of August, 2003.


MAYOR


CLERK

READ a SECOND and THIRD time, PASSED, SIGNED and SEALED

this 5th day of August, 2003.


MAYOR


CLERK