

**THE CORPORATION OF THE UNITED TOWNSHIPS
OF DYSART, DUDLEY, HARCOURT, GUILFORD,
HARBURN, BRUTON, HAVELOCK, EYRE AND CLYDE**

BY-LAW NO. 2015-30

**BEING A BY-LAW FOR PRESCRIBING THE TIME FOR SETTING FIRES IN THE
MUNICIPALITY OF DYSART ET AL AND THE PRECAUTIONS TO BE OBSERVED**

WHEREAS Section 8 of the Municipal Act, R.S.O. 2001, c.25, as amended, provides that councils of municipalities may pass by-laws for prescribing the times that fires may be set and the precautions to be observed by persons setting out fires;

AND WHEREAS Section 2.6.3.4 of the Ontario Fire Code provides for the prohibition of open air burning unless approved by the Chief Fire Official or a small fire used for cooking or heat.

NOW THEREFORE the Council of the Corporation of the United Townships of Dysart et al hereby enacts as follows:

The fire season shall be the period from the first day of April to the last day of October each year, during that time:

1. All persons setting an open air fire during the day in the Municipality of Dysart et al shall first obtain a Fire Permit from the Fire Department pursuant to this section. The material to be burned shall be limited to wood or by-products of wood. A person who has obtained a Fire Permit pursuant to this section shall:
 - a) pay fee as set out in Fee By-law;
 - b) the said permit shall be in accordance with Schedule "A" attached to and forming part of this By-law;
 - c) fire must be at least three (3) metres from property line, buildings, fences, trees and roadway;
 - d) not permit more than two (2) cubic metres of material to be burned at any one time;
 - e) ensure that the means of extinguishing the fire designated on the permit form is available at the site at all times during the fire;
 - f) fire must be attended, controlled and supervised by a competent adult.
2. A Fire Permit may be cancelled or suspended at any time by the Chief Fire Official or his designate and immediately upon receiving of such cancellation or suspension; the permit holder shall extinguish any fire started under the permit.
3. Notwithstanding the provisions of section 1 hereof, the Chief Fire Official may, upon application, approve the setting of any fire subject to the fire being supervised by the Chief Fire Official of the Municipality of Dysart et al or his designate.
4. Notwithstanding the provisions of section 1, hereof, open air fires may be set when such burning consists of a small confined fire, supervised at all times and is used to cook food on a grill or a barbecue, or is for personal warmth.
5. All persons setting an open air fire in the Municipality of Dysart et al shall:
 - a) be responsible for any damage to property or injury to persons occasioned by the said fire;
 - b) be liable for costs incurred by the Fire Department, including personnel, equipment and apparatus necessary and called in to extinguish the said fire.

6. No open air fire shall be maintained when the wind is in such direction or intensity so as to cause any or all of the following:
 - a) a decrease in visibility on any highway or roadway;
 - b) a rapid spread of fire through grass or a brush area.
7. Notwithstanding the provisions of section 1 hereof, open air fires may be set two hours before sunset and must be extinguished two hours after sunrise.
8. A farmer who intends to set or maintain a fire in the open air on a specified day for disposal of vegetable matter or vegetation on farm lands which is normal and incidental for farming purposes shall be issued a permit to cover the period of the proposed fire, and will be required to notify the Fire Department for each of the proposed fire.
9. Burning in an incinerator is classed as outdoor burning unless the incinerator is completely closed with a screen on top no less than 5 millimeters in size.
10. Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine or penalty for each offence established pursuant to the Provincial Offences Act, R.S.O. 1990, chap. 33, and any amendments thereof, as outlined in Schedule "B" attached to and forming part of this By-law.
11. This By-law may be cited as "Municipality of Dysart et al Open Air Burning By-law".
12. That this By-law shall come into full force and effect upon the receipt of approval from the Ontario Court of Justice for the Set Fines as outlined in Schedule "B" attached to and forming part of this By-law.
13. That By-law No. 1998-41 be and is hereby repealed.

READ a first, second and third time, passed, signed and the Corporate Seal attached hereto this 27th day of April, 2015.

REEVE: Murray Fearrey

CLERK: Cheryl Coulson

SCHEDULE "A" TO BY-LAW NO. 2015-30 OF THE MUNICIPALITY OF DYSART ET AL



Municipality of Dysart et al
www.dysartetal.ca

Dysart Fire Department
Administration: **705-457-2126**
Emergency: **911**

PERMIT NUMBER:	FEE PAID:
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DAILY PERMIT FOR OPEN FIRES

Permission is hereby granted to:

Name: _____

Address: _____

Telephone No. _____

For the purpose of having an Open Fire: _____

Date: _____

Time: _____

Location: _____

Material to be burned: _____

Means of extinguishment available: _____

THE APPLICANT AGREES TO COMPLY WITH THE PROVISIONS OF BY-LAW NO. 2015-XX AND AGREES TO ASSUME ALL RESPONSIBILITY FOR ANY DAMAGES OCCURRING FROM THE FIRE FOR WHICH THIS PERMIT IS ISSUED

Signature of Applicant

Date

Chief Fire Official or Designate

Date

SCHEDULE "A" TO BY-LAW NO. 2015-30 OF THE MUNICIPALITY OF DYSART ET AL

(ON REVERSE SIDE)

All persons setting an open air fire in the Municipality of Dysart et al shall first obtain a fire permit form the Fire Department pursuant to this section. The material to be burned shall be limited to wood or by-products of wood. A person who has obtained a fire permit pursuant to this section shall:

- a) not permit more than two (2) cubic metres of material to be burned at any one time;
- b) ensure that the means of extinguishing the fire designated in the permit form is available at the site at all times during the fire;
- c) the said permit shall be in accordance with Schedule "A" above.

SCHEDULE "B" TO BY-LAW NO. 2015-30 OF THE MUNICIPALITY OF DYSART ET AL

Dysart et al Burning By-law

ITEM	Short Form Wording	Offence Creating Provision	Set Fine
1.	Burning Material(s) without a Burning Permit	Sec. 1	\$410.00
2.	Burning Material(s) with a size greater than 3 meters by 3 meters by 2 meters high	Schedule A-1	\$410.00
3.	Set or maintain a fire during non proscribed time of day	Schedule 8	\$410.00
4.	Fail to have a competent adult tending fire	Schedule 1-F	\$410.00
5.	Burn material when wind may cause excessive smoke or odor to cause discomfort to persons in the vicinity	Schedule 7	\$410.00