

CORPORATION OF THE TOWNSHIP OF CONMEE  
BY-LAW #690

Being a by-law to provide for the regulation of open air burning of materials and to govern the issuance of fire permits.

WHEREAS paragraph 35 of section 210 of the Municipal Act RSO 1990, Chapter M45 provides that Council may pass by-laws prescribing the times during which fires may be set in the open air, and the precautions to be observed by persons setting out fires;

AND WHEREAS paragraph 49 of section 210 provides that Council may make such regulations as it considers necessary for preventing fires and the spread of fires;

AND WHEREAS Section 326 authorizes the municipality to recover the expense incurred by it in taking any action to do what another person has been directed or required to do by by-law;

AND WHEREAS Section 11 of the Forest Fires Prevention Act, RSO 1990, Chapter F.24 provides that an officer may cancel or suspend a fire permit;

AND WHEREAS open air fires which may escape from control constitute a danger and expense for persons and property within the Corporation of the Township of Conmee;

AND WHEREAS the Council of the Corporation of the Township of Conmee deems it expedient to enact a by-law to regulate the open air burning of materials and to govern the issuance of fire permits;

NOW THEREFORE the Council of the Corporation of the Township of Conmee enacts as follows:

In this By-Law;

- (a) 'Brush piles' mean branches, limbs, stumps or parts thereof.
  - (b) 'Chief Fire Official' means the Chief of the Fire Department of the Corporation of the Township of Conmee or his/her designate.
  - (c) 'Conditions' relate to any factor which could increase the fire hazard such as wind velocity, degree of humidity, or proximity of the site to very flammable material.
  - (d) 'Corporation' means the Corporation of the Township of Conmee
  - (e) 'Council' means the Council of the Corporation of the Township of Conmee
  - (f) 'Debris' means surface litter (leaves, needles) and combustible wood products.
  - (g) 'Field/Crop burning' means burning in whole or in part, of areas of agricultural land and products.
  - (h) 'Fire Department' means the Fire Department of the Corporation of the Township of Conmee
  - (i) 'Fire Permit' means a form substantially similar to the form attached as Schedule 1 to this by-law.
1. THAT no open air burning shall take place without a fire permit between April 1-October 31 except to obtain warmth or cook food
  2. THAT no burning in winds greater than 15km/hr.
  3. THAT the permittee shall have enough fire fighting equipment at the burning site to control the fire at all times. As a minimum, the permittee shall have readily accessible on site, 20 litres of water and a portable water carrying device or a garden hose connected to a water source capable of reaching the fire site and 1 shovel having a pointed blade with a minimum blade of 6" wide and 9" long.
  4. THAT a fire permit is only valid for the burning of grass, leaves, brush, paper and other clean wood waste or woody debris


5. THAT the permittee must ensure that the smoke from the burning operations does not interfere with the movement of vehicular traffic or any person
6. THAT every person who starts a fire outdoors or is in charge or apparently in charge of a fire outdoors shall;
  - (a) ensure that all conditions will allow the fire to burn safely from start until the fire is extinguished
  - (b) take all necessary steps to keep the fire under control;
  - (c) extinguish the fire before quitting the site
  - (d) be present at the site of the fire at all times;
  - (e) extinguish the fire, if the fire is started under the authority of a fire permit, by the time specified in the fire permit
  - (f) ensure that any pile is less than 2 metres in diameter and less than 2 metres high
  - (g) an area of burn is to be less than 1 ha
  - (h) the fire is to be started 2 hours before sunset, or later and extinguished 2 hours after sunrise, or earlier
7. THAT no person shall operate an outdoor incinerator unless,
  - (a) the incinerator is an enclosed device constructed entirely of non-combustible material
  - (b) the incinerator is at least five metres from any forest or woodlands
  - (c) the incinerator is at least two metres from any combustible materials
  - (d) the outlet of the incinerator is covered with a screen having mesh size of not more than five millimetres.
8. An officer is authorized to order any person to put out any fire where it poses a danger to life or property
9. The Municipal Chief Fire Official, Municipal Fire Warden, Municipal By-Law Officer, members of the Ontario Provincial Police and/or a Fire Officer and Conservation Officer of the Ministry of Natural Resources are authorized to enforce this by-law.
10. (a) Every person setting fire in the open air shall comply with all lawful direction of an officer  
(b) Where in the opinion of the Chief Fire Official, a potential fire danger exists, the Chief Fire Official may suspend, refuse or rescind any permit
11. Nothing in this by-law shall be deemed to authorize any burning or other act which contravenes the Environmental Protection Act RSO 1990,c.E19, the Ontario Fire Code or Forest Fires Prevention Act, or any regulations made thereunder.
12. It is declared that if any section, subsection or part or parts thereof of this by-law be declared by any court of law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereto are declared to be separate and independent and enacted as such
13. The provisions of this by-law shall apply to the whole of the Corporation of the Township of Conmee
14. (a) Any fine imposed or offense created by this by-law related to any matter is subject to the provisions of the Provincial Offences Act.  
(b) Any person who contravenes any provisions of this by-law or any order made thereunder or any condition of a permit issued thereunder may be liable for all damages to public and/or private property caused by the fire and may also be liable for the full cost of extinguishing the fire.  
© Any person who contravenes any provision of this by-law or any order made thereunder or any condition of a permit issued thereunder is guilty of an offense and may, upon conviction thereof, pay a penalty of not more than \$2,000.00 exclusive of costs

15. (a) All accounts rendered by the Corporation for services (including expenses by the Corporation) as referred to in Section 14, shall be paid within thirty (30) days of the billing
- (b) If payment is not made by the owner in accordance with the provisions of Section 15 (a) the Corporation may recover the expense incurred by action, or the same may be recovered in like manner as municipal taxes
16. All by-laws or parts thereof and all or any resolutions, of the Council of the Corporation inconsistent with this by-law are hereby revoked
17. This by-law comes into force and takes effect immediately upon the final passing thereof
- READ A FIRST AND SECOND TIME THIS 14<sup>TH</sup> DAY OF MAY, 1996

  
REEVE

  
CLERK-TREASURER

READ A THIRD TIME AND FINALLY PASSED THIS 14<sup>TH</sup> DAY OF MAY , 1996

  
REEVE

  
CLERK-TREASURER

**FIRE PERMIT**  
TOWNSHIP OF CONMEE

**FOREST FIRE LAW**

Under the forest Fires Prevention Act, and the regulations subject to the limitations thereof, and subject also to the terms and litons herein, and subject to by-law #690, this permit is issued to

Name: \_\_\_\_\_

Address: \_\_\_\_\_

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

to start a fire upon the following lands:

TOWNSHIP: \_\_\_\_\_

Lot #: \_\_\_\_\_ Conc. #: \_\_\_\_\_

for the purpose of : Incinerator \_\_\_\_\_  
Brush \_\_\_\_\_  
Land clearing \_\_\_\_\_

Other: \_\_\_\_\_

from and including the \_\_\_\_\_ day of \_\_\_\_\_  
199 , to and including the \_\_\_\_\_ day of \_\_\_\_\_, 199  
subject to the following terms and conditions  
(not more than 7 days)

1. The permittee shall keep the permit at the site of the burning operation conducted under the permit
2. There person in charge of the burning operation conducted under the permit shall produce and show the permit to any officer whenever requested by that officer
3. This permit is not valid between \_\_\_\_\_ and \_\_\_\_\_ local time on any day
4. The amount to be burned at any one time shall not exceed one hectare 2 piles
5. All slash and land clearing debris shall be in piles or windrows separated by a distance at least 2 metres , piles shall be limited to 2 metres in diameter and 2 metres in height
6. The permittee shall have at the location of the fire at least \_\_\_\_\_ persons and firefighting equipment in serviceable condition as follows: 20 litres of water in a container or a garden hose connected to a water source capable of reaching the fire site and one shovel

Other conditions : \_\_\_\_\_

Place of issue: \_\_\_\_\_

Date: \_\_\_\_\_

signature of permittee \_\_\_\_\_

signature of issuing officer \_\_\_\_\_

Fire season is from April 1 to October 31 subject to extensions

A fire permit is required before starting a fire outdoors during the fire season

Fires for cooking or warmth are excepted

A fire permit may be cancelled by an officer at any time

A permittee who does not comply with the conditions of this permit is liable to prosecution under the Provincial Offences Act

No person shall operate an outdoor incinerator,

(a) that is an unenclosed device

(b) constructed, in whole or in part of combustible material;

© unless the outlet is covered with a heavy duty screen having mesh size not greater than one-quarter inch

(d) that is situate less than 5 metres from a forest or woodlands

(e) that is situate less than 2 metres form combustible materials

Every person who starts or causes to be started a fire out of doors shall:

(a) take all reasonable steps to keep the fire under control;

(b) ensure that a responsible person tends the fire

(c) where the fire is started under a fire permit, extinguish the fire on or before the expiration of the permit; and

(d) extinguish the fire before quitting the site of the fire

**SAFE BURINING TIPS**

Burning at a safe time, evening is best, never on dry or windy days

Keep your burning job small enough that you keep it under control at all times

Never leave a fire until it is dead out

**ENVIRONMENTAL PROTECTION ACT**

This permit does not cover any requirements under the Environmental Protection Act

Nothing in this permit eliminates the need to comply with any applicable municipal, provincial or federal legislation

The municipality will not be held responsible for conditions which may cause the blowing of smoke and/or sparks or the irresponsible actions of the permit holder