

By-Law 66-2000

Setting of Fires in the Open Air

BEING a By-law for the Corporation of the Township of Dundas to regulate the setting of fires in the open air within the Township of Dundas.

WHEREAS the Municipal Act R.S.O. 1990, Section 210 paragraph 35, provides that the Council of a Municipality may enact a By-law for prescribing for the whole or any part of the Municipality the times during which fires may be set in the open air, and the precautions to be observed by persons setting out fires, paragraph 49 provides for making such other regulations for preventing fires and the spread of fires as the council considers necessary and paragraph 140 for prohibiting and abating public nuisances.

AND WHEREAS the Council of the Township of North Dundas deems it necessary to enact such a By-law.

NOW THEREFORE the Council of the Corporation of the Township of North Dundas enacts as follows:

Definitions:

1. In this By-law,
 - a. "Chief Fire Official/Fire Chief Ward" shall mean the Chief of the fire department or his designate providing service to the area of the Corporation of the Township of North Dundas.
 - b. "Corporation" shall mean the Corporation of the Township of North Dundas.
 - c. "Council" shall mean the Council of the Corporation of the Township of North Dundas.
 - d. "Fire Department" shall mean the fire department of the Township of North Dundas.
 - e. "Permit" shall mean a permit issued under this By-law which grants a privilege to set a fire in the open air.
 - f. "Person" includes any physical or corporate entity, partnership or any association and the heirs, executors, administrators, successors and assigns or other legal representative thereof to whom the context may apply.

General Requirements:

2. No person shall unless otherwise authorized by the provisions of this or any other By-law of the Corporation, set, maintain or allow, a fire in open air without first obtaining a fire permit from the Municipal office as provided in this By-law.
 - a. No person shall set an open fire in the Township of North Dundas in those areas being hamlets, villages, subdivisions, or any other build up areas at the discretion of the chief Fire Official and as defined in the Municipal Act and/or the Planning Act, or any other applicable Municipal By-Laws, Provincial legislation or statutes;
3. No person shall set, maintain, or allow a fire in open air when the wind is in such a direction or intensity as to cause any or all of the following:
 - a. a decrease in visibility on any highway or roadway; and
 - b. a rapid spread of fire through grass or brush area.
4. No person shall set, maintain, or allow an uncontained fire, including but not limited to a grass fire.
5. A fire permit may be cancelled or suspended at any time by the chief Fire Official (Fire Chief Ward) or his designate and immediately upon receiving notice of such cancellation or suspension, the holder of the said permit shall extinguish any fire stated on the permit.
6. Notwithstanding the provisions of section 2 hereof, the Chief Fire Official (Fire Chief Ward) may, upon application, approve the setting of any fire subject to the fire being supervised by the appropriate Ward Fire Chief of North Dundas Fire Department or his designate.
7. Section 2 of this By-law shall not apply to the following persons setting fires:
 - a. for the purpose of cooking food on a grill or barbecue;
 - b. small confined and supervised at all times;

- c. or for personal warmth.
- 8. No permit holder shall:
 - a. burn more than one (1) cubic meter of material at any time; except farmers as per section no. 9;
 - b. fail to ensure that sufficient resources are available at the site to control and extinguish the fire;
 - c. fail to supervise the fire continuously from the time of ignition until completely extinguished;
 - d. refuse to extinguish the fire when ordered to do so by the Fire Chief;
 - e. burn any other material other than wood or by-products of wood.
- 9. A farmer who intends to set, maintain, or allow a fire during daylight hours 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. They are required to notify the appropriate North Dundas Fire Department Dispatch centre on each day of the proposed fire.
- 10. No person shall obstruct, hinder or interfere with the Fire Chief in the lawful performance of his duties.

Penalties:

- 11.
 - a. When the Fire Department causes the work to be done pursuant to subsection (a), the corporation may have a lien for the amount of \$1,000.00 and for an administrative fee of ten (10%) percent and such total amount, together with the administrative fee, shall be added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interest charges as real property taxes and shall be collected in like manner and with the same remedies as real property taxes.
 - b. When the Fire Department causes the work to be done pursuant to subsection (a), the corporation may have a lien for the amount of \$1,000.00 and for an administrative fee of ten (10%) percent and such total amount, together with the administrative fee, shall be added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interest charges as real property taxes and shall be collected in like manner and with the same remedies as real property taxes.
 - c. Before the certificate of the clerk of the Corporation is issued under subsection (b), an interim certificate shall be delivered to the owner of the property that is issued to the lien, as well as to all prior mortgagees or other encumbrancers and the affected owner, mortgagees or other encumbrancers shall have two (2) weeks from the date of the receipt of the interim certificate to appeal the amount shown thereon to the council of the Corporation.
- 12. Every person who contravenes or causes or permits any contravention of any of the provisions of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.
- 13. In addition to the imposing of a fine or other remedy, a court of competent jurisdiction may upon conviction of an offence under this By-law, issue an order prohibiting the continuation or repetition of the violation by the person convicted.
- 14. It is hereby declared that each and every of the foregoing provisions of this By-law is severable and that, if any provisions of this By-law should for any reason be declared invalid by any Court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.
- 15. This By-law is not to be construed at any time in such a fashion as to hold the Corporation or its officers liable for failing to ensure that persons comply with the provisions of this By-law.
- 16. That By-law 18-99 is hereby repealed.
- 17. This By-law shall come into force and take effect on the day of its passing.

READ a first, second time this 27th day of November, 2000.

READ a third time this 27th day of November, 2000.

AMENDED this 14th day of May, 2001 by resolution No. 33.
(amended to include clause 2 (a))

Fee Schedule

1. \$100.00 flat rate per vehicle(s) required.
2. Municipal Fire Department Rates

Position	Hourly Rate
Fire Chief	\$16.00
Deputy Chief	\$15.00
Captains	\$15.00
Fire Fighters	\$14.00

Fines

Description of Offence	Provision Creating or Defining Offence	Set Fine (includes costs)
Set/maintain/allow an open air fire without a permit	Section 2	\$50.00
Set/maintain/allow an open air fire to burn grass	Section 4	\$80.00
Permit holder fail to have sufficient resources available to control the fire	Section 8 (b)	\$80.00
Permit holder fail to supervise fire	Section 8 (c)	\$80.00
Permit holder refuse to extinguish fire when ordered	Section 8 (d)	\$80.00
Permit holder burn unapproved material	Section 8 (e)	\$50.00
Obstruct/hinder/interfere with Fire Chief	Section 10	\$80.00

Note: the penalty section for the offences indicated above is section 12 of By-law 66-2000, certified copies of which have been filed.