

**THE CORPORATION OF THE MUNICIPALITY  
OF OLIVER PAIPOONGE**

**BY-LAW NO. 331-2004**

*Being a by-law to repeal 324-2004 and to provide for the regulation of open air burning of materials and to govern the issuance of fire permits under the Fire Protection and Prevention Act (the Act) and the Ontario Fire Code..*

**WHEREAS** the Fire Protection and Prevention Act, S.O. 1997, c.4, s. 7.1(1) allows that a Council of a municipality may pass by-laws for:

- a) Regulating fire prevention, including the prevention of the spreading of fires;
- b) Regulating the setting of open air fires, including establishing the times during which open air fires may be set;
- c) Designating private roads as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle parked or left along any of the fire routes at the expense of the owner of the vehicle; and

**WHEREAS** the Ontario Fire Code, under O. Reg. 388/97 as amended to O. Reg. 315/01, section 2.6.3.4 regulates that: Open air burning shall not be permitted unless approved, or unless such burning consists of a small, confined fire, supervised at all times, and used to cook food on a grill or a barbecue; and

**WHEREAS** every person is guilty of an offence if he or she,

- d) hinders, obstructs or interferes with the Fire Marshal, an assistant to the Fire Marshal or a chief fire official in the exercise of his or her powers and duties;
- e) prevents an inspector from entering land or premises under section 19 or 20 of the Act, refuses to answer questions on matters relevant to the inspection or provides the inspector with information, on matters relevant to the inspection, that the person knows, or ought reasonably to know, to be false or misleading;
- f) subject to subsection (2) of the Act contravenes any provisions of the Act or the regulations; or
- g) refuses or neglects to obey or carry out the directives of the Fire Marshal, an assistant to the Fire Marshal or a fire chief given under the authority of the Act. 1997, c. 4, s. 28 (1); 2002, c. 18, Sched. N, s. 6.; and

**WHEREAS** open air fires which may escape from control constitute a danger and expense for persons and property within the Corporation of the Municipality of Oliver Paipoonge; and

**WHEREAS** the Council for the Corporation of the Municipality of Oliver Paipoonge 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 Municipality of Oliver Paipoonge enacts as follows:

1. In this by-law:
  - a. "Approved" means approved by the Chief Fire Official, and/or his or her designate.
  - b. "Brush piles" mean branches, limbs, stumps or parts thereof.
  - c. "Chief Fire Official" means the Chief of the Fire Department of the Corporation of the Municipality of Oliver Paipoonge, and his or her designate.
  - d. "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.
  - e. "Corporation" means the Corporation of the Municipality of Oliver Paipoonge.
  - f. "Council" means the Council of the Corporation of the Municipality of Oliver Paipoonge.
  - g. "Debris" means surface litter (leaves, needles) and combustible wood products.
  - h. "Field/Crop burning" means burning in whole or in part, of areas of agricultural land and products.
  - i. "Fire Department" means the Fire Department of the Corporation of the Municipality of Oliver Paipoonge.
  - j. "Fire Permit" means a form substantially similar to the form attached as Schedule "A" to this by-law.
  - k. "Fire Season" means the period from the 1st of January to the 31st day of December in each year.

- l. "Incinerator" means container meeting the requirements as specified in Section 7 of this by-law.
  - m. "Municipal Fire Warden" and/or "Fire Permit Issuer" are defined as those appointed under by-law of the Corporation of the Municipality of Oliver Paipoonge.
  - n. "Officer" means Municipal Chief Fire Official, Municipal Fire Warden, Municipal By-law Officer, Ontario Provincial Police or member of the Municipal Police unit, and/or Fire Officers and Conservation Officers of the Ministry of Natural Resources.
  - o. "Peat" means soils with a minimum of 30 per cent organic matter.
  - p. "Windrows" means refuse from land clearing, bulldozed into piles or rows, consisting of soil/gravel, trees, roots, stumps and brush.
2. No open air burning shall be permitted during the fire season without a fire permit unless,
    - a. such burning consists of a small contained fire supervised at all times and used for cooking or warmth, as provided for in Section 2.6.3.4 of the Ontario Fire Code, O. Reg. 315/01..
    - b. Fire permits may be issued
      - i. for burning in an incinerator.
  3. Except under the authority of a fire permit, no person shall ignite fireworks during a fire season in or within 300 metres of a forest or woodland.
  4. Every person who starts a fire outdoors or is in charge or apparently in charge of a fire outdoors shall:
    - a. Keep the permit at the site of the burning operation conducted under the permit.
    - b. The permittee/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.
    - c. Not start a fire earlier than 2 hours before sunset and it is to be extinguished 2 hours after sunrise the following day or earlier. Burning at any other times requires permission from the Chief Fire Official.
    - d. The amount to be burned at any one time shall not exceed 1/10 acres or 2 piles.
    - e. All slash and land clearing debris shall be in piles or windrows, separated by a distance of at least 30 feet (10 metres). Windrows shall be in sections not exceeding 20 feet (7 metres) in length.
    - f. Permittee/person in charge shall have at the location of the fire a minimum of 2 persons present and fire fighting equipment in serviceable condition.
    - g. The Permittee/person in charge shall not be under the influence of alcohol or drugs.
    - h. The Permittee shall assume full responsibility for the burning operation conducted under the permit.
  5. Subject to Section 4, the fire permit shall be issued by a Municipal Fire Permit Issuer where burning is to occur during the times and wind conditions described below:
 

<u>DATE</u>	<u>TIME</u>	<u>WIND VELOCITY</u>
Jan. 1st to Dec. 31st	2 hours before Sunset To 2 hours after Sunrise	less than 15 km/hr

    - a. Authorization shall be obtained from the Chief Fire Official in all other circumstances.
  6. Copy of permit issued under this By-law is set out in Schedule 'A'.
  7. 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 a least two metres from any combustible materials; and
    - 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 Office of the Ministry of Natural Resources are authorized to enforce this by-law.
  10. Compliance

- a. Every person setting fire in the open air shall comply with all lawful directions 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 *Fire Protection and Prevention Act*, S.O. 1997, the Ontario Fire Code, under O. Reg. 388/97 as amended to O. Reg. 315/01, and the *Environmental Protection Act* R.S.O. 1990, c. E.19, 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 Municipality of Oliver Paipoonge.
14. Contraventions
- a. an individual convicted of an offence is liable to,
    - i. in the case of an offence other than one described in clause (2), a fine of not more than \$10,000 or imprisonment for a term of not more than one year, or both; and
    - ii. in the case of an offence for contravention of the fire code, a fine of not more than \$25,000 or imprisonment for a term of not more than one year, or both. 1997, c. 4, s. 28 (3).
    - iii. A corporation convicted of an offence under subsection (1) is liable to a fine of not more than \$50,000. 1997, c. 4, s. 28 (4);
15. Accounts
- 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 15a), 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 of the Municipality of Oliver Paipoonge inconsistent with this by-law are hereby revoked.
17. This by-law comes into force and takes effect immediately upon the final passing thereof.
18. By-law Number 324-2004 is hereby repealed.

THE CORPORATION OF THE  
MUNICIPALITY OF OLIVER PAIPOONGE

READ A FIRST AND SECOND  
TIME THIS 14TH DAY OF  
JUNE, 2004

\_\_\_\_\_

Mayor

READ A THIRD AND FINAL  
TIME THIS 14TH DAY OF  
JUNE, 2004

\_\_\_\_\_

CAO/Clerk

**THE CORPORATION OF THE MUNICIPALITY OF OLIVER PAIPOONGE  
SCHEDULE "A" TO BY-LAW #331-2004**

**FIRE PERMIT**

**No.** \_\_\_\_\_

Under the Fire Protection and Prevention Act, S.O. 1997, Oliver Paipoonge By-law #3—2004, and section 2.6.3.4 of the Ontario Fire Code, as amended to O. Reg. 315/01, and subject to the limitations thereof and to the terms and conditions herein, this permit is issued to:

\_\_\_\_\_  
Name of Permittee in Full [use block letters]

\_\_\_\_\_  
Postal Address

\_\_\_\_\_  
Telephone Number

to start a fire upon the following lands:

MUNICIPALITY OF OLIVER PAIPOONGE

\_\_\_\_\_  
Lot No.                      Concession No.                      Fire Number                      Street

For the purpose of burning:

In an incinerator \_\_\_\_\_                      Brush \_\_\_\_\_                      Grass (yard) \_\_\_\_\_                      Windrow \_\_\_\_\_  
Debris \_\_\_\_\_                      Fields/crop \_\_\_\_\_                      Fireworks \_\_\_\_\_

Permit to be issued no longer than 5 consecutive days, subject to cancellation, from and including

the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ to and including the

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ subject to the following terms and conditions.

1. The permittee shall keep the permit at the site of the burning operation conducted under the permit.
2. The 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. The fire is to be started two (2) hours before sunset, or later, and is to be extinguished two (2) hours after sunrise the following day, or earlier. Burning at any other time requires the permission of the Fire Chief.
4. The amount to be burned at any one time shall not exceed 1/10 acres of 2 piles.
5. All slash and land clearing debris shall be in piles or windrows, separated by a distance of at least 30 feet. Windrows shall be in sections not exceeding 20 feet in length.
6. The permittee shall have at the location of the fire a minimum of 2 persons and firefighting equipment in serviceable condition.
7. The permittee/person in charge shall not be under the influence of alcohol or drugs.
8. The permittee shall assume full responsibility for the burning operation conducted under the permit.

\_\_\_\_\_  
Place of Issue                      Date of Issue                      Time of Issue

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Signature of Issuing Officer

**TO REPORT WILDFIRES DIAL 911**

**SCHEDULE "B" TO BY-LAW 331-2004**

**OTHER CONDITIONS TO THE FIRE PERMIT**

1. No burning in winds greater than 15 km/hr.
2. 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.
3. This Fire Permit is only valid for the burning of grass, leaves, brush, paper and other clean wood waste or woody debris.
4. The permittee must ensure that the smoke from the burning operations does not interfere with the movement of vehicular traffic or any other person.







