

**MUNICIPALITY OF EAST FERRIS  
BY-LAW NO. 1832**

**WHEREAS** Section 210(35) of the Municipal Act, C.M45, R.S.O. 1990, provides that the Councils of local municipalities may pass by-laws 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;

**AND WHEREAS** Section 220.1(1) of the Municipal Act, c.M45, R.S.O.1990

as amended, defines "person" to include a municipality and a local board and the Crown;

**AND WHEREAS** Section 220.1 (2) of the said Municipal Act provides that, a municipality may pass by-laws imposing fees or charges on any class of persons;

a) for services or activities provided or done by or on behalf of it;

b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board;

**AND WHEREAS** Section 220.1 (6) of the said Municipal Act provides that a by-law under this section may provide for,

a) fees and charges that are in the nature of a direct tax for the purpose of raising revenue;

b) interest charges and other penalties for fees and charges that are due and unpaid;

c) discounts and other benefits for early payment of fees and charges;

d) fees and charges that vary on any basis the municipality considers appropriate and specifies in the by-law, including whether the class of persons paying the fee is a resident or non-resident of the municipality;

e) different classes of persons and deal with each class in a different way;

**AND WHEREAS** Section 220.1 (7) of the said Municipal Act provides that a by-law under this section shall set out when and in what manner the fees and charges are to be paid, the interest charges and other penalties, if any, for fees and charges that are due and unpaid;

**AND WHEREAS** Section 220.1 (10) of the Municipal Act provides that fees and charges imposed by a municipality on a person under this section constitute a debt of the person to the municipality;

**AND WHEREAS** Section 220.1 (11) of the said Municipal Act provides that a municipality may, add fees and charges imposed by the municipality under this section to the tax roll for any real property in the municipality all of the owners of which are responsible for paying the fees and charges and collect them in like manner as municipal taxes;

**NOW THEREFORE** the Council of the Corporation of the Township of East Ferris enacts as follows:

1. For the purposes of this By-law, the following definitions shall apply:

(A) "Agricultural waste" shall include any animal faecal deposits or manure, and animal carcasses;

(B) "Approved" means as approved by the Fire Chief or his/her designates;

(C) "Domestic waste" shall include kitchen waste, food, scraps, cloth, rags, clothing, plastics, and any other materials which contents include any of the aforementioned;

(D) "Fire Chief" shall mean the person so appointed by the Council of the Corporation of the Township of East Ferris as the Chief of the Fire Department of the Township of East Ferris;

(E) "Incinerator" means an enclosed device used to burn approved refuse and constructed as described in schedule "B" of this By-law or another device that has been approved in writing by the Fire Chief or his/her designates to be used to burn approved refuse.

2. This By-law shall apply to all lands within the geographical limits of the Township of East Ferris and to the setting of open air fires on any such land.

3. Subject to the exemptions contained in section 9 of this By-law, no person shall:

(A) set a fire or permit the setting of a fire, or having set or permitted the setting of a fire, permit a fire to continue to burn without first having obtained a fire permit, in the form attached as Schedule "A" from the Fire Chief or his/her designates, and in accordance with the provisions of the permit and this By-law;

(B) set a fire or allow a fire to burn in any highway, park, walkway, public land or upon any land owned by the Corporation of the Township of East Ferris without having first obtained permission to do so from the Fire Chief or his/her designates;

(C) burn industrial waste, agricultural waste, domestic waste, petroleum products, plastics, rubber, painted lumber, mixed demolition debris or anything else that will cause excessive smoke or fumes in addition to any other materials identified in the regulations contained in the Environmental Protection Act;

(D) set a fire or allow a fire to burn on any land of which he/she is not the registered owner, without the written permission of the registered owner.

4. Where an Open Air Fire Burning Permit has been issued pursuant to this By-law, the applicant and the owner shall jointly and severally be responsible for any damage or injury to persons or property with respect to the setting of a fire or permitting the fire to burn and they are to insure that:

(A) only dry material is burned (including leaves);

(B) the fire is kept at least 6 metres away from any dwelling and/or from any structure;

(C) the fire is attended at all times until it is completely extinguished;

(D) sufficient equipment and resources are available at the burn site to extinguish the fire if the fire gets out of control or is causing any adverse effect including those set out in Section 5 below;

(E) no damage results to property or injury to persons with respect to the setting of a fire or permitting the fire to burn;

(F) at the end of the burn, that the fire is completely extinguished before leaving the burn site.

5. Where an Open Air Fire Burning Permit has been issued pursuant to this By-law, no person shall:

(A) set a fire or permit a fire to burn when the wind is in such a direction or of such intensity so as to create a decrease in the visibility on any highway or cause danger to any person or structure;

(B) create, by the setting or burning of the fire, any odour which causes discomfort to any person residing in the area;

(C) set a fire or permit a fire to burn without first having confirmed that the materials to be burned meet the requirements of the Environmental Protection Act.

6. An Open Air Fire Burning Permit may be cancelled or suspended at a time by the Fire Chief or his/her designates and immediately upon receiving such notice of such cancellation or suspension, the permittee shall extinguish any fire started under the permit.

7. Notwithstanding the provisions of Section 3,4 and 5 hereof the Fire Chief may, upon application, approve the setting of any fire subject to the fire being supervised by the Fire Department of the Township of East Ferris.

8. There are no fees for the issuance of an Open Air Fire Burning Permit and the Fire Chief or his/her designates may place conditions on the Open Air Fire Burning Permit restricting the amount of materials which can be burnt, the size of the burn, the hours in which burning may or may not occur, the length of duration of the permit and any other conditions which may be deemed necessary.

9. Notwithstanding any other provisions of this By-law, Open Air Fire Burning Permits are not required for the following fires, provided the Fire Chief or his/her designates has not declared a fire restriction and cancelled or suspended all open air fires:

(A) any fire set between the 31<sup>st</sup> day of October and the 1<sup>st</sup> day of April in any year;

(B) any fire set to burn piled wood, brush or discarded wood by-products if the pile is less than (2) two metres in diameter and less than (2) metres in height;

(C) a campfire used to cook or to provide warmth or a fire wholly contained within a permanent or portable barbecue that is used for the preparation of food for human consumption.

10. Open air fires shall not be ignited prior to six p.m. (6:00 p.m.) on any day and must be extinguished before eight a.m. (8:00 a.m.) on the following day.

11. If the Fire Department is called to respond to a fire set out or permitted to burn, in violation of this By-law, the person who set the fire, or allowed it to burn, and the owner of the land, if the owner permitted the fire to be set or permitted the fire to burn, shall pay, within thirty (30) days of demand, the costs incurred by the Fire Department, including the cost of personnel, equipment and apparatus, necessary to extinguish any fire set or burning contrary to this By-law or contrary to any permit issued under this By-law, the rates to be charged by the Fire Department shall be the current rates set by the Province of Ontario for the Provision of Municipal Fire Department Services on a King's Highway or set by the Ministry of Natural Resources for the provision of Forest Fire Firefighting Services.

12. If any person fails to pay the fees set out above, within thirty (30) days of demand the amount of the fee in default may, in addition to any other remedies the Township of East Ferris may have, be recovered in a like manner as municipal taxes against the owner of the land and be subject to the same penalties and interest charges as those imposed for late payment of municipal taxes.

13. Every person who contravenes any provision of this By-law is guilty of an offence and in addition to the requirement to pay the costs to extinguish a fire as set out above, may be charged with an offence which shall be recoverable under the provisions of the Provincial Offences Act R.S.O. 1990, Chapter P.33, Section 61.

14. The Fire Chief and his/her designates who have been appointed in writing by the Fire Chief, are hereby appointed for the enforcement of this By-law and for the issuance of Open Air Burning Fire Permits.

15. Should any section, subsection, clause or provision of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

**READ A FIRST TIME** in open Council this 24<sup>th</sup> day of March, 1998.

**READ A SECOND TIME AND THIRD TIME** in open Council and finally passed this 24<sup>th</sup> day of March, 1998.

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Reeve, Claude Guillemette

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Clerk-Treasurer, F. B. Claridge.