

THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BLUFFS

BY-LAW NO. 14-2010

Being a Bylaw To Regulate Open Air Fires

BEING A BY-LAW TO REGULATE OPEN AIR FIRES INCLUDING THE PREVENTION OF THE SPREADING OF FIRES

WHEREAS Section 7.1 (a) and (b) of the Fire Protection and Prevention Act 1997, as amended authorizes Municipal Councils to pass by-laws regulating fire prevention, including the prevention of the spreading of fires and regulating the setting of open air fires, including the times during which open fires may be set.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF GEORGIAN BLUFFS ENACTS AS FOLLOWS:

1.0 DEFINITIONS

1.1 For purposes of this by-law the following definitions shall apply:

1.2 "*Chief Fire Official(s)*" shall mean the Fire Chiefs of the Inter-Township Fire Station, and the South Bruce Peninsula Fire Department Station #30 or area in Georgian Bluffs covered by another Fire Station, or their designate;

1.3 "*Township*" shall mean the Corporation of the Township of Georgian Bluffs;

1.4 "*Open Air Fire*" or "*Open Air*" means any fire out doors in an open place, yard, field or construction area, barrel, pit, etc. which is not enclosed by an approved outdoor wood burning appliance.

1.5 "*Approved Installation*" means a structure, including but not limited to, a barbecue, a steel barrel or wheel rim.

1.6 "*Clean Wood*" means any wood not treated or covered with any foreign material such as paint, or petroleum products or other flammable or toxic material.

1.7 "*Small confined fire*" means a self-contained fire in an "approved installation" not exceeding 1 metre (3 feet) in diameter burning only clean wood or charcoal and supervised at all times.

1.8 "*Unacceptable material*" means Styrofoam, plastic, tires, pressure treated wood or wood covered with other foreign material such as paint, or petroleum products or flammable or toxic material.

1.9 "*Outdoor Wood Burning Appliance*" means a commercially produced small fire container for residential recreational use, a contained fire pit or outdoor masonry fireplace.

1.10 "*Public Nuisance*" means the emission into the atmosphere of odour or smoke from open burning which disturbs the comfort and convenience of the neighborhood or persons in the vicinity.

1.11 "*Waste*" means any material previously produced by a manufacturing process, business, or residential use including cardboard and newspaper.

2.0 PROHIBITIONS

2.1 No person shall set a fire or allow a fire to burn except in accordance with the following provisions:

2.2 The fire shall be under the supervision and control of one responsible person from the time of lighting until the fire is completely extinguished.

2.3 Equipment and resources shall be available at the burning site to extinguish the fire, in the event that the fire gets out of control or is causing an adverse effect.

2.4 The fire shall not, in any way cause discomfort or danger, to other persons.

2.5 No fire shall be set during a fire ban declared by the Chief Fire Official.

2.6 No person shall set a fire except a small confined fire from April 1st to October 31st, between the hours of 10 am through to 6 pm, in each year, without an open air burning permit, attached as Schedule "A" to this by-law.

2.7 No fire shall be located closer than 10 metres (33 feet) from any building, structure, fence, road or overhead wires or obstruction of any nature.

2.8 There shall be a space free and clear of combustible material and vegetation around the perimeter of fire for a radius of at least 3 metres (10 feet).

2.9 No person shall burn any waste or product that will cause a rapid spread of fire through brush and grass areas.

2.10 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 to 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 day of the proposed fire.

2.11 No person shall burn unacceptable material.

3.0 RESTRICTIONS FOR ALL FIRES WITHIN SPECIFIC ZONES

3.1 This section pertains to any Residential Zone- R1, R2, R3, R5, and R6 within the Township of Georgian Bluffs.

3.2 No person or owner of any land shall:

- a) Set, or permit to be set, an open air fire in the specified zones unless contained within an outdoor wood burning appliance;
- b) Burn any waste or anything else that may cause excessive smoke or fumes which will create a public nuisance;
- c) Set, or permit to be set an open air fire to burn when the wind is in such intensity so as to reduce the visibility on any public highway, or cause danger to any person or structure;
- d) Set, or permit to be set an open air fire creating a public nuisance.
- e) Set or permit to be set an open air fire with prohibited material.

EXEMPTIONS

The provisions of this by-law shall not pertain to small confined fires, burning only clean wood or charcoal and supervised at all times as well as barbecue's burning charcoal, propane or natural gas.

Any property with a minimum of 5 acres (2 hectares) is exempt from the requirement to obtain an open air burning permit, however the property owner or person setting the fire must comply with all other provisions of this by-law.

4.0 NOTIFYING FIRE OFFICIALS

4.1 Where an open air burning permit is not required, such person shall at least one hour before igniting such fire, notify the appropriate fire department of their plans to light such fire and advise them of the location and time of such fire.

5.0 FIRE BAN

5.1 The Chief Fire Official(s) or their designate, should weather conditions or other circumstances require such action, may issue a Fire Ban in consultation with the Township and no person shall set a fire or allow a fire to burn.

6.0 PENALTIES AND COSTS

6.1 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in Section 61 of the Provincial Offences Act.

6.2 Any person who lights or ignites a fire in the open air or allows or causes a fire to be lit in the open air without an open air burning permit if required may be also liable for the cost of fire services being dispatched to the fire site.

6.3 If the fire services are dispatched to the fire site and upon their arrival the fire is out of control and cannot be extinguished by the person who ignited it or caused it to be ignited and the fire services are required to extinguish the fire, the person who ignited the fire may be liable for the cost of fire services.

6.4 Any person who fails to notify the Fire Official of their intention to ignite a fire as per Section 4 of this By-law may be liable for the cost of fire services should they be required to attend the site of the fire.

7.0 ENFORCEMENT AUTHORITY

7.1 The Chief Fire Official(s) or their designate, the Municipal Law Enforcement Officer serving the Township of Georgian Bluffs and a Police Officer are responsible for the enforcement of this by-law and are authorized to order any person to extinguish any fire when there is a breach of any portion of this by-law or any regulations of the Ontario Fire Code or where in their opinion there is a danger of such fire spreading or otherwise endangering life or property.

8.0 FIRE PERMITS

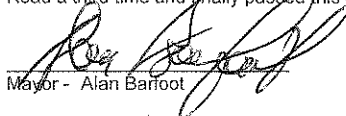
8.1 Open Air Fire Permits may be obtained at the Township of Georgian Bluffs Municipal Office, the Inter Township Fire Department, or at any of the establishments as set out on Schedule "B" to this by-law or as established from time to time by the Council of the Township of Georgian Bluffs, and the establishments set out on Schedule "B" to this By-law are hereby authorized to issue open air fire permits on behalf of the Township of Georgian Bluffs.

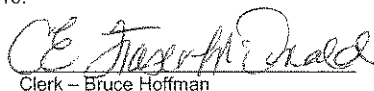
9.0 REPEAL OF EXISTING BY-LAW

9.1 That By-law No. 75-2005 is hereby repealed.

Read a first and second time this 3rd day of March, 2010.

Read a third time and finally passed this 3rd day of March, 2010.


Mayor - Alan Barfoot


Clerk - Bruce Hoffman

I hereby certify the foregoing to be a true and exact copy of By-law No. 14-2010 as enacted by the Council of the Township of Georgian Bluffs this 3rd day of March, 2010.

Bruce Hoffman, Clerk

SCHEDULE "A"
BY-LAW NUMBER 14-2010
TOWNSHIP OF GEORGIAN BLUFFS

OPEN AIR BURNING PERMIT

Name of Person/Company/Organization/Applicant: _____

Address, including civic address number:

Telephone: _____

Location of Open Air Burning

Lot Number: _____ Concession Number: _____ or Plan Number _____

Former Township Name: Derby _____ Keppel _____ Sarawak _____

Time of Burning: From: _____ to: _____

Date or Dates of Burning: _____

By virtue of signing this Application, the Applicant is indicating that they agree to abide by the terms and conditions as set out in By-law Number 14-2010, and further that the Applicant will always indemnify and keep indemnified the Township against all action, suites, claims, against all loss, costs, damages, charges or expense whatsoever which may be incurred, sustained, or paid by the Township in consequence of the Township of Georgian Bluffs granting permission to have an open air fire by way of this permit.

Signature of Applicant: _____ Date: _____

Name (Please Print): _____

Note: Even if a permit has been issued, the open air burning may be terminated and extinguished, if in the opinion of the Fire Chief or his designate, a potential fire hazard exists or the conditions of this permit are being violated.

OFFICE USE: *Permits will only be issued within the times identified in Section 2. of Bylaw 75-2005.*

Date Permit Issued: _____

Name of Permit issuer: _____

Location Inspection(if required): Date: _____ By: _____

Fire Dispatch Centre (519-376-9933) day-time (519-376-1234) evenings, fax (519-376-6537)(To log the above Open Air Burning)

Complaints Received on Above Burning: _____

Fire Crews Responded to Investigate: _____

Extinguished: _____ Reason for Extinguishment: _____

SCHEDULE "B"

BY-LAW NO. 14-2010

TOWNSHIP OF GEORGIAN BLUFFS

The Council of the Township of Georgian Bluffs hereby extends the authority to issue open air fire permits in accordance with this by-law, for the convenience of the Township property owners and residents, to the following establishments:

Warton Home Care Building Centre

Shallow Lake General Store

Kemble Post Office

Jim's Country Service

Barry's Service Centre at Rockford

Schedule "C"

Township of Georgian Bluffs
 Part 1 Provincial Offences Act
 Set Fines Open Air Fire By-law No. 14-2010

Item	Column 1 Short Form Wording	Column 2 Provision creating or defining offense	Column 3 Set Fine
1	Fail to supervise fire	2.2	\$100.00
2	Fail to have equipment and resources available at burning site	2.3	\$100.00
3	Cause discomfort or danger to other persons	2.4	\$100.00
4	Set fire during a fire ban	2.5	\$200.00
5	Set fire other than a small confined fire without a burning permit	2.6	\$200.00
6	Set fire closer than 10 metres	2.7	\$100.00
7	Fail to maintain space free and clear of combustible material	2.8	\$100.00
8	Cause spread of fire through brush or grass	2.9	\$100.00
9	Burn unacceptable material	2.11	\$100.00
10	Set, or permit to be set, an open air fire in the specified zones unless contained within an outdoor wood burning appliance;	3.2 (a)	\$200.00
11	Burn - cause excessive smoke or fumes - create a public nuisance	3.2 (b)	\$100.00
12	Set , or permit to be set an open air fire to burn when the wind is such intensity so as to reduce the visibility on any public highway, or cause danger to any person or structure	3.2 (c)	\$100.00
13	Set, or permit to be set an open air fire creating a public nuisance	3.2 (d)	\$100.00
14	Set or permit to be set an open air fire with prohibited material	3.2 (e)	\$100.00
15	Fail to notify Fire Department	4.1	\$100.00

The general penalty provision for the offences listed above is Section 6 of By-law 14-2010, a certified copy of which has been filed.