

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

BY-LAW #16-2004

BEING A BY-LAW PRESCRIBING TIMES FOR SETTING FIRES AND PRECAUTIONS  
TO BE TAKEN.

WHEREAS Section 7.1 (1), of the Fire Protection and Prevention Act 1997, s.o. 1997, Chapter 4, as amended, authorizes Council to pass a by-law for (a) regulating fire prevention, including the prevention of the spreading of fires; and (b) regulating the setting of open air fires, including establishing the times during which open air fires may be set.

AND WHEREAS Section 2.6.3.4. of the Regulation 454 of the Fire Code reads, "Open air burning shall not be permitted unless approved by the Chief Fire Official, or unless such burning consists of a small, confined fire, supervised at all times and used to cook food on a grill or barbeque;

AND WHEREAS Section 391 of the Municipal Act 2001, s.o. 2001, Chapter 25, provides that despite any Act, a municipality and a local board 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; (c) for the use of its property under its control; and (d) for capital costs payable by it for sewage and water services or activities which will be provided or done by or on behalf of it after the fees or charges are imposed.

AND WHEREAS the Municipality desires to protect the people of the Township of Armour and their property from potential hazards.

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

DEFINITIONS

"FIRE DEPARTMENT" means the Burk's Falls and District Fire Department.

ABSOLUTE PROHIBITION

No owner shall set a fire in open air nor in a yard incinerator if the Burk's Falls and District Fire Department or the Ministry of Natural Resources has declared a total fire ban due to atmospheric conditions or local circumstances make such fires hazardous.

## GENERAL

- (1) All Persons setting an open air fire in the Township of Armour shall:
  - (a) be responsible for any damage to property or injury to person occasioned by the said fire;
  - (b) be liable for the cost incurred by the Fire Department including personnel, equipment and apparatus necessary and called to extinguish the said fire.
- (2) A farmer who intends to set or maintain a fire in the open air on a specific day for the disposal of vegetable matter or vegetation on farm lands which is normal and incidental for farming purposes shall request permission from the Fire Department to cover the period of proposed fire and will be required to notify the Fire Department for each day of the proposed fire.

## BURNING REGULATIONS

### OPEN AIR;

- (1) No fires shall be set out of doors in the Township of Armour between the hours of 10 o'clock in the morning and six o'clock in the evening during the months of April, May, June, July, August, September, October in each year.
- (2) No person shall set a fire within 6 metres of any dwelling and/or structure.
- (3) No person shall set any fires in the open air if the pile is greater than two metres in diameter and two metres in height, without first obtaining permission from the Fire Department.
- (4) No person shall burn grass unless the area to be burned is less than one (1.0) hectares in size and the flaming edge is less than thirty (30) metres in length without first obtaining permission from the Fire Department.
- (5) No person shall set any fire out of doors to burn any kitchen garbage, materials made of/or containing rubber, plastic, tar, polystyrene or any material prohibited by the Environmental Protection Act and any regulations there to.
- (6) Without in any way limiting the prohibition set out in Section 3 above, only dry materials shall be burned in fires set out of doors.
- (7) No person shall set any fire out of doors except in the presence of a competent adult person and this person shall be in constant attendance of any burning operation as to prevent same from spreading to or endangering other property.

- (8) No person shall set a fire in an area where it may spread due to grass or other vegetation or in a strong wind.
- (9) No outside fire which causes inconvenience or irritation to others shall be permitted.
- (10) No open air fire shall be maintained when the wind is in such direction or intensity so as to cause any or all of the following:
  - (a) decrease in visibility on any highway or roadway;
  - (b) a rapid spread of fire through grass or a brush area.
- (11) No person shall leave the site of a fire set out of doors in the Township of Armour without fully extinguishing the said fire.
- (12) Every person who starts a fire shall ensure that he/she has adequate tools and water to contain the fire.

#### INCINERATOR;

- (1) "Incinerator" means an enclosed device used for burning and covered by a heavy steel screen mesh with opening less than 5 millimetres.
- (2) No burning in a yard incinerator except from six o'clock in the evening to 10 o'clock in the morning.

#### FIRES TO BE EXTINGUISHED

- (1) The Fire Chief or designate is authorized to order any person to extinguish any fire or to cause such a fire to be extinguished when there is a breach of any of the provisions of this by-law or where, in his opinion, there is a danger of such fire spreading or otherwise endangering life or property and the person shall comply with any such order.
- (2) Where the person does not comply to the directive to extinguish the open fire, the Chief Fire Official, his fire fighters, fire trucks, and any other fire equipment may enter upon the land where the fire is burning to extinguish the fire.
- (3) Upon the fire department attending to extinguish the open fire, whether it has since been extinguished or not, the owner will be responsible to pay fees. The minimum fee shall be \$300.00. The maximum fee shall be determined by the Fire Official based on the actual costs incurred to extinguish the fire.

PENALTY

Every person who contravenes any provision of the By-Law is guilty of an offence, and may be charged in accordance with the terms of the Fire Protection and Prevention Act, 1997 and on conviction is liable to a fine as provided for in the Provincial Offences Act in addition to the fees set out above.

Should any section or provisions of this By-Law be declared invalid such decision shall not effect the validity of the remaining portions of this By-Law.

This By-Law shall come into force upon final reading and passing thereof.

Read a First time this  
11<sup>th</sup> day of May 2004

Read a Second time this  
11<sup>th</sup> day of May 2004

Read a Third time, Signed, and the seal  
of the Corporation affixed thereto and  
finally passed this  
11<sup>th</sup> day of May 2004

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REEVE

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CLERK

Original signed by REEVE: Richard Thomas CLERK: Wendy Whitwell