

MUNICIPALITY OF NORTH MIDDLESEX

BY-LAW NUMBER #43 OF 2004

BEING A BY-LAW TO REGULATE THE SETTING OF FIRES  
IN OPEN AIR IN THE MUNICIPALITY OF NORTH MIDDLESEX

WHEREAS the Municipal Act, R.S.O. 1990, c M. 45, subsection 210(35), authorizes the Council of a municipality to pass a by-law to prescribe the times during which fires may be set in the open air and the precautions to be observed by persons setting fires.

NOW THEREFORE the Council of North Middlesex ENACTS A BY-LAW as follows:

1. With the exclusion of regular agricultural burning and municipal controlled burns, no person shall set, maintain or allow to burn in the open air for any purpose a fire exceeding 1.5 metres (5 feet) in diameter, except with an approved "Permit for Open Air Fire".
2. With the exception of small, recreational fires, the time for any permitted fire will be one-half hour after sunrise to one-half hour before sunset on any day.
3. Any person setting, maintaining or allowing to burn in the open air in the Municipality of North Middlesex for purposes of regular agricultural burning on agriculturally zoned properties shall inform the appropriate parties of the intended burn. For the purposes of this by-law, regular agricultural burning includes: brush, ditch sides, residues, etc.

Action to be taken prior to regular agricultural burnings that will exceed 1.5 metres (5 feet) in diameter.

- a) The Municipality of North Middlesex and the Fire Station, Chief or Captain having jurisdiction of the area of the intended burn, will be verbally notified 24 hours in advance of an intended burn
- b) The applicant will provide information on:
  - i) the location of the planned burn, (address, 9-1-1 #, etc.)
  - ii) the time frame in which this burn is to be held.
4. Regardless of size or purpose, any person setting, maintaining or allowing to burn in the open air in the Municipality of North Middlesex shall ensure that the fire;
  - a) does not cause smoke or fire damage to any property;
  - b) does not decrease the visibility or create a hazard on any public or private roadway;
  - c) does not spread rapidly through any grass or brush area;

- d) is not set under weather conditions that limit the rapid dispersion of smoke;
  - e) has no petroleum products, plastics, rubber or other materials that create excessive or toxic smoke or excessive odours; not limited to household garbage and/or building materials;
  - f) with the exception of small, recreational fires, is not located within 15 metres (49.21 ft.) of any building, structure or overhead wire;
  - g) is attended at all times by a responsible person, and with respect to permitted fires in excess of 1.5 metres (5 feet) the person to whom the permit was issued, and such persons shall have a garden hose or alternative method of extinguishing available, and
  - h) that all flammable vegetation and materials are cleared from the area within a 7.5 metre (24.5 ft.) radius of the fire;
5. Any person setting, maintaining or allowing to burn a fire in excess of 1.5 metres (5 feet) diameter in the open air in the Municipality of North Middlesex without a permit, or a fire less than 1.5 metres (5 feet) in diameter not in compliance with the terms of Section 4 of this by-law, will be
- a) responsible for any damage to property caused by the said fire; and
  - b) be liable for the payment of a fee comprised of the cost of any fire fighting equipment and personnel necessary to attend at or extinguish the said fire, which cost (including the payment of any interest and penalties) will be calculated in accordance with Schedule "D" hereof. Any outstanding amount will be collected through any remedy available to the Municipality.
6. The Fire Chief or Deputy Fire Chief having jurisdiction in the Municipality of North Middlesex, in their sole and absolute discretion:
- a) may enter into a written agreement with any person for a controlled burn in the form set out in Schedule "B" and "C" attached hereto and forming part of this By-law;
  - b) may impose such further and other requirements regarding the fire as the Fire Chief or Deputy Fire Chief having jurisdiction in the Municipality of North Middlesex, deem appropriate.
7. Nothing in this By-law shall:
- a) prevent the setting of a fire in a barbecue unit, or enclosed incinerator provided;
    - i the unit is safely constructed;
    - ii the unit is located in a safe, clear area;
    - iii the fire is a reasonable size; and
    - iv the provisions of Section 4 of this By-law are complied with;
  - b) prevent the setting of a fire in a safe cleared area, provided the fire is less than 1.5 metres (5 feet) in diameter.

8. PENALTY AND ENFORCEMENT

Every person who breaches a section of this By-law is guilty of an offence and subject to penalty as provided under the Provincial Offences Act"

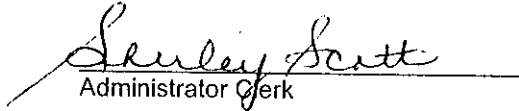
9. The short title of this By-law shall be the "Open Air Burning By-law".

10. This By-law shall come into full force and effect on the date of passing.

Read a first and second time this 21<sup>ST</sup> day of June 2004

Read a third time and finally passed this 21<sup>ST</sup> day of June 2004

  
Mayor

  
Administrator Clerk

SCHEDULE "A" TO BY-LAW 43 of 2004

Every person who contravenes section 1,2,3,4, or 5 of this By-law is guilty of an offense and upon conviction is liable to a fine of not less than \$50.00 and not more than \$500.0 excluding costs, which shall be recoverable under the Provincial Offenses Act.

SCHEDULE "D" OF BY-LAW

FEES TO FOR FIRE FIGHTING EQUIPMENT AND PERSONNEL

1. The sum of **THREE HUNDRED DOLLARS (\$300.00)** for each and every call to which the Fire Department with the pumper and a minimum of two Fire Fighters
2. The sum of **TWO HUNDRED DOLLARS (\$200.00)** for each and every occasion to which the Fire Department responds with the water tanker and a minimum of two Fire Fighters
3. The sum of **ONE HUNDRED AND TWENTY-FIVE DOLLARS (\$125.00)** for each and every occasion to which the Fire Department responds with the equipment van and a minimum of two Fire Fighters