

# THE CORPORATION OF THE TOWNSHIP OF LARDER LAKE

## BY-LAW NO 1236-08

**Being a By-law for prescribing the time for setting fires in the Township of Larder Lake and the precautions to be observed and to repeal By-Law No. 1211-08.**

**WHEREAS** Section 8 of the Municipal Act, S.O. 2001, c. 25, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

**AND WHEREAS** Section 9 of the Municipal Act, 2001, provides that Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable municipalities to govern their affairs as they consider appropriate and, (b) enhance their ability to respond to municipal issues;

**AND WHEREAS** Section 7.1 (1) (b) of the Fire Protection and Prevention Act as amended, provides that councils of municipalities may pass by-laws for prescribing the times that fires may be set and the precautions to be observed by persons setting out fires.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF LARDER LAKE HEREBY ENACTS AS FOLLOWS:**

1. All persons setting an open air fire in the township shall first obtain a fire permit from the fire department as per Schedule "A" attached to this By-Law. The material to be burned shall be limited to wood or by-products of wood. A person who has obtained a fire permit pursuant to this section shall:

**(NOTE: in the case of a volunteer fire department, the fire permit may be issued from the municipal offices.)**

- a. No permit more than two (2) square feet of material to be burned at any one time;
  - b. Ensure that the means of extinguishing the fire designated on the permit form is available at the site at all times during the fire.
2. No Person shall set any fire out of doors in the Township except in the presence of a person in charge, as named on the permit and this person shall be in constant attendance of any burning

No fires shall be set out of doors in the Township between the two (2) hours after sunrise and two (2) hours before sunset during the months of April, May, June, July, August, September and October of each and every year. A fire ban issued by the Ministry of Natural Resources will override all permits issues and all existing permits will be immediately suspended until the said fire ban is lifted.

3. A fire permit may be cancelled or suspended at any time by the Chief Fire Official or his designate and immediately upon receiving notice of such cancellation or suspension; the permittee shall extinguish any fire started under the permit.
4. Notwithstanding the provisions of section 1 hereof, the chief fire official may, upon application, approve the setting of any fire subject to the fire being supervised by the Fire Chief of the Township of Larder Lake or his designate.

Notwithstanding the provisions of section 1 hereof, open air fires may be set when such burning consists of a small confined fire, supervised at all times and is used to cook food on a grill or a barbecue, or is for personal warmth.

5. No person shall set an uncontained fire, including but not limited to a grass fire
6. No outside fire(s) which causes inconvenience or irritation to others shall be permitted.
7. All persons setting an open air fire in the Township of Larder Lake shall:
  - a. Be responsible for any damage to property or injury to persons occasioned by the said fire;
  - b. Be liable for costs incurred by the fire department, including personnel, equipment and apparatus necessary and called in to extinguish the said fire.
8. No person in charge shall leave the site of the open fire without ensuring that it is fully extinguished.

9. No person shall set any fire out of doors in the Township except in the presence of a person in charge, as named on the permit and this person shall be in constant attendance of any burning operation in order to prevent same from spreading to or endangering other property.
10. No open-air fire shall be maintained when the wind is in such direction or intensity (*in excess of 15 KM/Hr*) so as to cause any or all of the following:
  - a. A decrease in visibility on any highway or roadway;
  - b. A rapid spread of fire through grass or a brush area.
11. No person(s) shall set any fire out of doors in the Township using prohibited burning substances such as kitchen garbage, construction material(s) or any other material containing rubber, plastic, tar or any which may emit a noxious or poisonous substance or pollutant, including PCB's and other chemical.

Without in any way limiting the list of prohibited items, only dry materials shall be burned in fires set out of doors.

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 for 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.

12. All slash and land clearing debris shall be in piles or windrows, separated by a distance of at least 30 meters (100 ft) and away from other flammable material.
13. Every person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine of not more than \$2,000.00 exclusive of costs under the Provincial Offences Act.
14. This by-law may be cited as "Open Air Burning By-law".
15. This by-law shall come into full force and effect upon the final passing thereof.

READ A FIRST, SECOND and THIRD TIME in open Council, and finally passed this the 9th, day of December, 2008.

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Reeve

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Clerk-Treasurer

SCHEDULE "A"

BY-LAW # 1211-08

THE CORPORATION OF THE TOWNSHIP OF LARDER LAKE  
Fire Department

Administration Phone # 705) 643-2158  
Emergency Phone # (705) 643-2644

DAILY/WEEKLY PERMIT FOR OPEN FIRES (Permit # \_\_\_\_\_)

Permission is hereby granted to:

Name of applicant: \_\_\_\_\_

Address of applicant: \_\_\_\_\_

Postal Code \_\_\_\_\_ Telephone Number \_\_\_\_\_

For the Purpose of Having an Open Fire

Date burning to be conducted: \_\_\_\_\_

Time: from \_\_\_\_\_ to \_\_\_\_\_ # of Days: \_\_\_\_\_

Location: \_\_\_\_\_

Material to be burned: \_\_\_\_\_

Means of extinguishment available: \_\_\_\_\_

Method of containment: \_\_\_\_\_

**The applicant agrees to comply with the provisions of By-law # 1211-08 as amended, and also agrees to assume all responsibility for any damages occurring from the fire for which this permit is issued.**

Date: \_\_\_\_\_ Signature of Applicant \_\_\_\_\_

Date: \_\_\_\_\_ Signature of Issuing Official \_\_\_\_\_

All persons setting an open air fire in the township shall first obtain a fire permit from the fire department pursuant to this section. The material to be burned shall be limited to wood or by-products of wood. A person who has obtained a fire permit pursuant to this section shall:

1. not permit more than two (2) square feet of material to be burned at any one time;
2. ensure that the means of extinguishing the fire designated in the permit form is available at the site at all times during the fire;
3. ensure that no prohibited substances such as kitchen garbage, construction material(s) or any other material containing rubber, plastic, tar or any which may emit a noxious or poisonous substance or pollutant, including PCB's and other chemical will be burned at any time.

Without in any way limiting the list of prohibited items, only dry materials shall be burned in fires set out of doors.

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 for 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.

4. ensure that all slash and land clearing debris shall be in piles or windrows, separated by a distance of at least 30 meters (100 ft) and away from other flammable material.

The said permit shall be in accordance with Schedule "A" on the front of this form.