

# THE CORPORATION OF THE TOWN OF DESERONTO

## BY-LAW NO. 12-01

### A BY-LAW TO REGULATE “OPEN AIR BURNING”

WHEREAS The Corporation of the Town of Deseronto has a responsibility to protect life and property from risks of fire;

AND WHEREAS section 210, para 35 of the Municipal Act authorizes Council to pass By-Laws 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 fire;

AND WHEREAS section 2.6.3.4. of the Ontario Fire Code provides that open air burning shall not be permitted unless approved, or unless such burning consists of a small, confined fire, supervised at all times, and used to cook food on a grill or a barbecue;

AND WHEREAS section 220.1 of the Municipal Act authorizes Council to pass By-Laws providing for the imposition and collection of fees or charges for services or activities provided by the municipality;

NOW THEREFORE the Council of the Corporation of the Town of Deseronto hereby enacts as follows:

1. In this By-Law,
  - (a) “Farm Property” means land used by its owner as part of an active and full time farm operation;
  - (b) “Open Air Burning” means the setting of a fire in the open air for the purpose of burning grass, rubbish and other combustible material and includes burning in barrels, drums and pits, but does not include small confined fires used to cook on a grill or barbecue that are supervised at all times;
2. No person shall, or any time, conduct or permit to be conducted any open air burning on any property within the municipality except as permitted by this By-Law.
3. The owner of farm property may conduct or may permit another person to conduct open air burning on the farm property provided such burning is conducted strictly in accordance with the following fire safety precautions:
  - (a) All materials to be burned must be dry.
  - (b) No material that will result in excessive fumes or smoke, including petroleum, plastics, rubber, painted lumber or other such materials, shall be burned.
  - (c) No open air burning shall be conducted within 150 metres (500 feet) of a building.
  - (d) Only small quantities of material shall be burned at any given time.
  - (e) A person over the age of 18 shall be in attendance and shall supervise all open air burning until the fire is fully extinguished.
  - (f) Equipment and other resources capable of controlling and quickly extinguishing the fire shall be maintained at the site of the open air burning at all times.

- (g) Open air burning shall not be conducted under one or more of the following conditions:
    - (i) high winds
    - (ii) dry weather conditions
    - (iii) after sunset
  - (h) The owner of the property shall notify the municipality's Fire Department of his or her name and phone number and the location of the fire before conducting open air burning, and shall further notify the Fire Department after the fire has been extinguished.
4. Any person who conducts or permits to be conducted open air burning that results in a complaint being made to the municipality or its Fire Department by another person acting reasonably and in good faith shall be liable to pay to the municipality a fee as set out in Schedule 'A' to this By-Law for the cost of investigating the complaint if, in the opinion of the Fire Chief or the Fire Chief's designate, smoke or emissions from the open air burning were causing or had caused discomfort to the complainant.
  5. Any person who conducts or permits to be conducted open air burning that results in the dispatch of Fire Department vehicles and firefighters for the purpose of extinguishing the fire shall be liable to pay to the municipality those fees and charges for the cost of the service as set out in Schedule 'B' to this By-Law.
  6. All fees and charges payable under this By-Law are due and owing to the municipality within thirty (30) days of the date of an invoice rendered to the person liable to pay them.
  7. All over due accounts shall accrue interest at the rate of 1.25% per month (15% per annum), calculated monthly, from the due date until paid in full.
  8. If a person who conducts open air burning contrary to this By-Law is not the owner of the property but occupies or is using the property with the owner's consent, the owner and the person conducting the open air burning shall be jointly and severally liable to pay any fees and charges imposed by this By-Law.
  9. All fees and charges payable under this By-Law constitute a debt of the person liable for payment of them to the municipality and, in the case of owners of a property being responsible for payment of the fees and charges, the municipality may add the amount owing to the tax roll for the owner's real property and collect them in like manner as municipal taxes.
  10. Any person who contravenes this By-Law is guilty of an offense and upon conviction is liable to payment of a fine.
  11. This By-Law shall come into force on the day it is passed.

Read a First and Second Time \_\_\_\_\_

Read a Third Time and Finally Passed \_\_\_\_\_

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

## **APPENDIX 'A'**

Costs to respond and investigate an "Open Air Burning" complaint: \$75.00 per incident.

## **APPENDIX 'B'**

Costs for each fire apparatus required for extinguishment:

\$300.00 per hour per vehicle

\$120.00 per each additional ½ hour per vehicle

Current hourly salary rate of required firefighters to respond.