

THE CORPORATION OF THE TOWN OF SAUGEEN SHORES

BY-LAW 30-2000

Being a By-law to Regulate Burning within the Corporation of the Town of Saugeen Shores.

WHEREAS the Municipal Act Chapter M.45, Section 210 (35) provides that by-laws may be passed by the Councils of local municipalities for prescribing 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 the Corporation of the Town of Saugeen Shores enacts as follows:

Definitions

1. In this By-law:

- 1.1 "Chief Fire Official" means the Fire Chief of the Town of Saugeen Shores or such employees of the Corporation of the Town of Saugeen Shores who have been designated by the Fire Chief for the purposes of administration of this by-law;
- 1.2 "Corporation" means the Corporation of the Town of Saugeen Shores;
- 1.3 "Fire" means the burning or combustion of materials in the open air, but shall not include any fire entirely contained in an apparatus designed, constructed or manufactured for the purpose of barbecuing food for consumption;
- 1.4 "Prohibited Material" shall include, but is not limited to, materials such as automobile and truck bodies, tires, oil, grease, paint, rags, plastics, wire, leaves, asphalt singles, rubber, construction materials, insulation and flammable or combustible liquids or accelerants;
- 1.5 "Recreational Fire" means a fire that burns within an area that is no larger than 1 meter in diameter and height, provided such fire is used for warmth or cooking food;

Prohibitions

2. No person may set a fire or allow a fire to burn except in accordance with the following provisions:
 - 2.1 No person may set a fire or allow a fire to burn except in accordance with the provisions of this By-law and all applicable provincial, municipal and federal laws and regulations.
 - 2.2 With the exception of Recreational Fires or fires contained in a burn barrel, no person may set a fire or allow a fire to burn in the open air without obtaining a permit from the Chief Fire Official.
 - 2.3 No person may burn prohibited materials.
 - 2.4 No person may burn leaves.

- 2.5 No person may set or allow an uncontained fire to burn, such as a grass fire. Fires shall only be set or allowed to burn in a container, apparatus, or physical construction that is capable of controlling the spread of fire.
- 2.6 Every person present at a fire shall ensure that an adequate means of extinguishing the fire is available at the fire site while the fire is burning; without limiting the generality of the foregoing, every Permit holder shall ensure that the means of extinguishing the fire required in the terms of the Permit is available at the fire site at all times while the fire is burning.

Prohibited locations

- 3.0 No person may set a fire or allow a fire to burn except in accordance with the following locational criteria:
 - 3.1 No fire may be set or allowed to burn in the front, side or rear yard of any commercial or industrial property.
 - 3.2 No fire may be set or allowed to burn where said fire is less than three (3) meters from any building, structure, hedge, tree, fence, highway or vehicular right of way, overhead wire or combustible material of any kind.
 - 3.3 No fire other than a Recreational Fire may be set or allowed to burn where said fire is less than fifteen (15) meters from any building, structure, hedge, tree, fence, highway or vehicular right of way, overhead wire or combustible material of any kind.
 - 3.4 No fire may be set or allowed to burn on a public highway or land that is owned by the Corporation without a permit therefor.
 - 3.5 No fire may be set or allowed to burn on any land or premise without the consent of the owner of such land or premise.
 - 3.6 No fire may be set or allowed to burn on any land or premise where construction of a building or structure is ongoing.
 - 3.7 No fire other than a Recreational Fire may be set to burn between sunset on the evening of any day and sunrise on the following day.
 - 3.8 No fire may be set during a fire ban declared by the Chief Fire Official.
 - 3.9 No fire other than a Recreational Fire may be set or allowed to burn within the boundaries of the Town of Saugeen Shores except by a person who is actively farming land and who wishes to set or maintain a fire on farm lands for purposes which are normal and incidental to the farm use.

- 4.0 Notwithstanding the issuance of a Permit and with or without a Permit, no person may set or allow a fire to burn when the direction or intensity of the wind may cause:
- i) a decrease in visibility on any highway
 - ii) any odour or smoke to such an extent or degree so as to cause discomfort to persons, or hazards to health, cause loss of enjoyment or normal use of property in the immediate area
 - iii) a rapid spread of fire through grass to a bush area.

Issuance of Permit

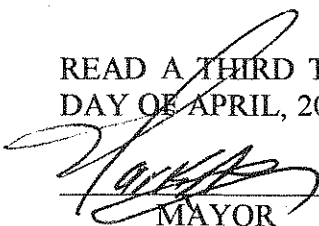
5. The Chief Fire Official is hereby delegated authority to approve of the setting of fire in accordance with the provisions of this By-law, provided the applicant has completed the form of Permit attached hereto and provided such fee as set by Council from time to time.
6. Notwithstanding the provisions of this By-law in relation to the types of material that may be burned and the requirements for contained fires, any person who is actively farming land and who wishes to set or maintain a fire, without the use of a burn barrel, on farm lands for purposes which are normal and incidental to the farm use shall obtain a Permit in relation to the period proposed for the burning provided all other provisions of this by-law are satisfied and the Permit will require the applicant to notify the Chief Fire Official before setting the fire.
7. The Fire permit may be cancelled at any time by the Fire Chief or his designate, and immediately upon receiving notice of such cancellation the permittee shall extinguish any fire started under the permit.

Penalty

8. 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 the *Provincial Offences Act*.
9. Any person who sets or allows a fire to burn without a Permit and any person with a Permit who is unable to control such fire, leading to the response of the Fire Department, shall be liable for the expenses of the Fire Department, including personnel, equipment and apparatus costs necessary to investigate, respond and extinguish the fire.
10. All by-laws inconsistent with this by-law are hereby repealed.
11. That this by-law shall come into force and effect upon third and final reading thereof.

READ A FIRST AND SECOND TIME THIS 17TH DAY OF APRIL, 2000.

READ A THIRD TIME AND FINALLY PASSED AND SEALED THIS 17TH DAY OF APRIL, 2000.


MAYOR


CLERK

ONTARIO COURT OF JUSTICE
PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 30-2000 of The Corporation of the Town of Saugeen Shores, attached hereto is the set fine including costs, for those offences.

This Order is to take effect May 10, 2000.

Dated at London this 10th day of May, 2000.



Donald Ebbs
Regional Senior Justice
West Region

THE CORPORATION OF THE TOWN OF SAUGEEEN SHORES

SCHEDULE "A" TO BY-LAW 30-2000

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	DESCRIPTION OF OFFENCE	PROVISIONS CREATING OFFENCE	SET FINES INCLUDING COST
1.	Set or allow Fire to Burn in contravention Of by-law	Section 2.1	\$50.00
2.	Failing to Obtain a Permit	Section 2.2	\$50.00
3.	Burning Prohibiting Materials	Section 2.3	\$50.00
4.	Burning Leaves	Section 2.4	\$50.00
5.	Setting an Uncontained Fire	Section 2.5	\$50.00
7.	Inadequate means to extinguish fire	Section 2.6	\$50.00
8.	Fire in a side or rear yard of commercial or industrial property	Section 3.1	\$50.00
9.	Fire within 3 metres of building, structure, highway, overhead wire or combustible material	Section 3.2	\$50.00
10.	Fire other than Recreational Fire set within 15 metres of structure, highway, overhead Wire or combustible material	Section 3.3	\$50.00
11.	Fire on public land or highway	Section 3.4	\$50.00
12.	Failure to obtain permission	Section 3.5	\$50.00
13.	Fire on land or premises where construction of a building or structure is ongoing.	Section 3.6	\$50.00
14.	Fire between sunset and sunrise	Section 3.7	\$50.00
15.	Fire during ban	Section 3.8	\$500.00
16.	Fire, other than Recreational Fire, in prohibited area	Section 3.9	\$50.00
17.	Fire causing a nuisance or danger	Section 4.0	\$100.00

The penalty provisions for the offences indicated above is Section 8 of By-law 30-2000, a certified copy of which has been filed.