

THE CORPORATION OF THE MUNICIPALITY OF WEST GREY

BY-LAW NUMBER 73 - 2008

BEING A BY-LAW TO REGULATE FIRE PREVENTION INCLUDING THE PREVENTION OF THE SPREADING OF FIRES AND THE REGULATING OF OPEN AIR FIRES.

WHEREAS Section 2.6.3.4 of the Ontario Fire Code, Ontario Regulation 388/97, prohibits open air burning 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 7.1 (1) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, authorizes the Council for the Corporation of the Municipality of West Grey ("Council") to pass by-laws regulating fire prevention and the setting of open air fires, including establishing the times during which open air fires may be set;

NOW THEREFORE The Council of the Corporation of the Municipality of West Grey ENACTS AS FOLLOWS:

Definitions

1. For purposes of this by-law, the following definitions shall apply:
 - 1.1 "Chief Fire Official" shall mean the West Grey Fire Chief or his/her designate;
 - 1.2 "Municipality" shall mean the Corporation of the Municipality of West Grey'
 - 1.3 "Open Air" means any open place, yard, field or construction area which is not enclosed by a building or structure or approved device;
 - 1.4 "Barbeque" means a manufactured device or structure with a grill which is designed, intended and used solely for the purpose of cooking food outdoors, and includes a hibachi, but does not include devices or structures designed for personal warmth, fire pits, or outdoor fire containers;
 - 1.5 "Camp Fire" means a small fire set in a fire pit or tire rim or other device designed to burn firewood for warmth and shall not exceed 61 cm (24 inches) in diameter;
 - 1.6 "Camp Site" means a site designated for camping purposes at:
 - 1) Saugeen Valley Conservation Area,
 - 2) Any licensed and/or regulated camp ground,
 - 3) Any area outside of the urban restricted fire zone in rural West Grey where private property is used for recreation.
 - 1.7 "Restricted Fire Zone" means urban areas of West Grey designated as fire free zones, but does not include barbeques or fires 61 cm (24 inches or less) and used for recreation, as defined in Schedule "A" of this by-law.
 - 1.8 "Smog Alert" means an alert issued by the Ministry of the Environment with respect to air quality;
 - 1.9 "Approved" means approved by the Chief Fire Official or his/her designate;
 - 1.10 "Person" means an individual or corporation;
 - 1.11 "Permit" means an open air burning permit issued by the Chief Fire Official of West Grey and attached as Schedule "B" of this by-law;
 - 1.12 "Fines" means fines imposed for violating this by-law and attached as Schedule "D" of this by-law.

Prohibitions

2. No person shall set a fire or allow a fire to burn except in accordance with the following provisions:
 - 2.1 The fire must be under the constant supervision and control of at least one adult (18 years of older) from the time of lighting until the fire is completely extinguished.
 - 2.2 Equipment and resources must be available at the burning site, in the event that the fire gets out of control or is causing an adverse effect for other persons.
 - 2.3 The fire shall not, in any way cause discomfort, danger, irritation and/or nuisance for other persons.
 - 2.4 No Fire shall set/maintain a fire during a fire ban declared by the Chief Fire Official.
 - 2.5 No Person shall set a fire during a Smog Alert declared by Environment Canada.
 - 2.6 No Person shall set a fire within the restricted fire zones of West Grey, as defined in section 1.7.
 - 2.7 No Person shall set a fire in the Municipality of West Grey without having obtained an Open Air Burning Permit, attached as Schedule "B" to this by-law, unless such burning consists of a small confined camp fire supervised at all times, and shall not exceed 61 cm (24 inches) in diameter.
 - 2.8 The Fire shall be located not closer than 10 meters (33 feet) from any building, structure fence, road or overhead wires or obstruction of any nature. This includes the use of chimineas and other unapproved manufactured devices used for burning.
 - 2.9 There shall be a space free and clear of combustible material and vegetation around the perimeter of the fire for a radius of at least 3 meters (10 feet).
 - 2.10 No Person shall burn household waste, garbage, refuse, leaves or treated wood products, shingles, plastics, tires, petroleum products or any other toxic substance that creates excessive smoke or odor.
 - 2.11 No Person shall light, ignite or start, or permit to be ignited, lighted or started, a fire in a grill and/or barbeque on a balcony of any building containing two (2) or more stories and dwelling units.
 - 2.12 A farmer who intends to dispose by burning brush, chaff or other vegetable matter on lands designated as a farming operation, which is normal and incidental to a farming operation shall be required to notify the West Grey Fire Service and the appropriate dispatch each day of the proposed burn (and are exempt from requiring a permit).

General Provisions

3. The Chief Fire Official or his/her designate, should weather conditions or circumstances require such action, may issue a Fire Ban, cancel all permits and no person shall set a fire or allow a fire to burn.
4. All persons setting an open air fire shall be responsible for all damage to property, or injury to persons occurred by the said fire and shall be liable for the cost of emergency services being dispatched to the scene.

5. The Chief Fire Official or any assistant to the Fire Marshall servicing the Municipality of West Grey is authorized to order any person to extinguish any fire when there is a breach of any portion of this by-law or any regulations of the Ontario Fire Code or where in their opinion there is a danger of such fire spreading or otherwise endangering life or property. All persons ordered to extinguish a fire shall immediately comply with the order and shall do so.
6. Where any person is planning an open air fire not confined and over 61 cm (24 inches) in diameter, such person shall obtain a permit, and at least two (2) hours before igniting such fire advise the appropriate Fire Dispatch of their plans to light such fire and shall advise the appropriate Fire Dispatch of the location and times for such fire. If this requirement is not complied with and fire services are dispatched, the offending person may be liable for the cost of fire services, and/or fines associated with this by-law.
7. The provisions in sections 2.4, 2.5, 2.6 and 2.7 of this by-law shall not pertain to barbeques, or small campfires supervised at all times and which do not exceed 61 cm (24 inches) in diameter.
8. This by-law shall not pertain to employees of the Municipality of West Grey in the performance of their duties.
9. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. Chapter P.33.
10. That By-law No. 40-2008 of the Municipality of West Grey is hereby repealed.
11. This by-law comes into force and effect on the date of its passing thereof.

Read a first and second time this _____ day of _____, 2008.

Read a third time and finally passed this _____ day of _____, 2008.

Mayor – Kevin Eccles

CAO/Clerk, Christine Robinson

SCHEDULE "A" TO BY-LAW NUMBER 73 – 2008

The Corporation of the Municipality of West Grey

Restricted Fire Zones (recreational fires only)

Former Town of Durham "inner boundaries".

Former Village Neustadt "inner boundaries".

Former Village of Ayton "inner boundaries"

Crawford Subdivision "inner boundaries"

Former Village of Elmwood "from east side of Bruce Rd #10 to the easterly boundary, and north boundary to the south boundary, east of Bruce Rd #10 on the West Grey side of Elmwood".

Any other built up areas containing 10 or more dwellings

SCHEDULE "B" TO BY-LAW NUMBER 73 – 2008

The Corporation of the Municipality of West Grey

Permit for Open Fires

Permit Number: _____

Permission is hereby granted to:

Name: _____

Mailing Address: _____

Postal Code: _____ Telephone #: _____

For the Purpose of Having an Open Fire

Date Issued: _____ Expiry Date: _____

Time permitted for burning: From _____ To _____

Property Location Address:

Material to be burned: _____

Means of Extinguishing available: _____

Permit Expires Dec 31 of current year or end of month as specified.

The applicant agrees to comply with all provisions of by-law _____ and agrees to assume all responsibility for any costs or damages occurred from the fire for which this permit is issued.

Date

Signature of Applicant

Permit Fee: _____

(\$10.00 per month)

Chief Fire Official

Note: Even if a permit has been issued, the open air burning may be terminated and extinguished if in the opinion of the Chief Fire Official or his/her designate a potential fire hazard exists or the conditions of the permit are being violated (without refund.).

SCHEDULE "C" TO BY-LAW NUMBER 73 - 2008

The Corporation of the Municipality of West Grey

Fee Schedule

Responding fire equipment to uncontrolled burns and/or false calls resulting from failure to notify dispatch: (Fees based on M.T.O. fee schedule)	
For each fire fighting unit per hour or part thereof at the discretion of the Chief Fire Official.	
	Per vehicle per hour \$350.00
Burn Permits per month.....	\$10.00
Burn site inspection for <i>approval</i>	\$25.00
Large controlled burns (old farm building etc) requiring Fire Department assistance.....	\$500.00

SCHEDULE "D" TO BY-LAW NUMBER 73 – 2008

Part 1, Provincial Offences Act

TITLE: BURNING BY-LAW

ITEM	COLUMN 1 SHORT FORM WORDING PROVISION	COLUMN 2 COLUMN 3 OFFENCE CREATING SET FINE
1.	FIRE NOT UNDER CONSTANT SUPERVISION. \$100.00	Section 2.1
2.	FAILURE TO HAVE ADEQUATE \$100.00 EXTINGUISHMENT EQUIPMENT AVAILABLE.	Section 2.2
3.	FIRE BEING NUISANCE TO OTHERS. \$100.00	Section 2.3
4.	FIRE SET DURING A FIRE BAN. \$100.00	Section 2.4
5.	FIRE SET DURING A SMOG ALERT. \$100.00	Section 2.5
6.	FIRE SET WITHIN A RESTRICTED FIRE ZONE. \$100.00	Section 2.6
7.	BURNING WITHOUT REQUIRED PERMIT \$100.00	Section 2.7
8.	BURNING OF HOUSEHOLD WASTE AND REFUSE. \$100.00	Section 2.10
9.	FIRE IN GRILL AND/OR BARBEQUE ON BALCONY \$100.00 OF MULTI-RESIDENTIAL DWELLING.	Section 2.11
10.	BURNING AFTER PERMITS CANCELLED. \$150.00	Section 3
11.	REFUSAL TO EXTINGUISH FIRE \$250.00	Section 5

“The penalty provision for the offences cited above is Section 9 of By-law Number 73 – 2008, a certified true copy of which has been file.”