

Corporation of the Township of Springwater By-Law No. 2006-041

Being a By-law to repeal and replace By-law No. 2000-065 as amended with respect to regulate the setting of open air fires, including the establishing the times during which open fires may be set.

(Open Air Burning By-law)

Whereas Section 7.1 (1), of the Fire Protection and Prevention Act, S.O. 1997, Chapter 4 provides that a council of a municipality may pass by-laws regulating the setting of open air fires, including establishing the times during which open air fires may be set;

And Whereas the Council deems it necessary to repeal and replace By-law No. 2000-065 as amended with respect to regulate Open Burning in the Township of Springwater;

And Whereas Section 391 of the Municipal Act, S.O. 2001, as amended Ontario Regulation 2004/02 Section 13 provides that By-laws may be passed by Councils of local Municipalities to impose User Fees;

And Whereas the Township has fulfilled the Notice requirements for a Public Meeting under Section 13 (6) of Ontario Regulation 244/02;

Now Therefore the Council of The Corporation of the Township of Springwater enacts as follows:

1. Definitions

For the purpose of this by-law:

- 1.1. **Agricultural Waste:** means but is not limited to any animal fecal deposits, manure or animal carcasses;
- 1.2. **Barbecue:** means but is not limited to a portable appliance or grill intended for cooking over an open air fire;
- 1.3. **Fire Permit:** means a permit issued by the Springwater Fire and Emergency Services authorizing an open air fire;
- 1.4. **Clean Wood Products:** means uncontaminated wood;
- 1.5. **Combustible Waste:** means but is not limited to used vehicle bodies, tires, oil, grease, paint, cloth, rags, plastics, kitchen waste, food scraps, or other material which contents include the aforementioned;

- 1.6. **Council:** means the Council of The Corporation of the Township of Springwater;
- 1.7. **Fire Chief:** means a person appointed by Council under the Fire Protection and Prevention Act or designate;
- 1.8. **Open Burn:** means a fire no larger than 2 metres in diameter and 2 metres in height;
- 1.9. **Outdoor Solid Fuel Burning Appliance:** means an appliance, portable or fixed in place, constructed of non-combustible material, that contains a chamber located within the firebox of the appliance used to contain a combustible flame, a stack to control the flow of air or combustion gases from the appliance, a spark arrestor located at the end of the stack to control disbursement of sparks, and is enclosed on all sides;
- 1.10. **Person:** means an individual human being, association, firm, partnership, private club, incorporated company, corporation, agent or trustee and the heirs, executors or other legal representatives of a person to whom to context may apply according to law;
- 1.11. **Recreational Fire:** means a fire no larger than .75 metres in diameter by .75 metres in height;
- 1.12. **Township:** means The Corporation of the Township of Springwater.
- 1.13. **Yard Waste:** means but is not limited to leaves, brush, grass and vegetation clippings, pine needles, peat moss and other material which contents include the aforementioned.

2. Requirements for a Fire Permit

2.1. Requirements for fire permit

No person shall set a fire, or permit a fire to burn without a permit issued by the Township of Springwater.

2.2. Application for fire permit

Only the property owner or agent shall apply for a fire permit. The agent must have written permission from the property owner to apply for a fire permit.

2.3. Expiry Date

A fire permit obtained under this by-law is valid from the time of issuance to December 31st of the current year.

2.4. Jurisdiction

This by-law and its provisions are deemed to apply to everyone, including individuals engaged in farming and all lands within the municipality where farming is carried on.

2.5. Prior to issuance of the fire permit, the owner of the property or authorized agent shall:

2.5.1. When required, pay the fire permit fees, as applicable set out in Schedule "A" attached hereto and forming part of this by-law; and

2.5.2. An open burning agreement as provided by the Fire Chief must be signed, prior to the issuance of a fire permit.

2.6. The Fire Chief shall, upon issuance of a fire permit notify Fire Dispatch of the issuance of the fire permit.

3. Information Required for Issuance of a Fire Permit

Any person may apply in writing to the Fire Chief for a fire permit to authorize the setting and burning of a fire within the Township, in accordance with the provisions of this by-law.

3.1. Information

Any person obtaining a fire permit shall provide the following information at the time of applying for the permit:

- a) Name of property owner;
- b) Written permission from the property owner if the applicant is not the property owner;
- c) Where the fire is to be set, including the municipal address, including emergency number or street name and house number;
- d) Telephone number for immediate contact;
- e) Signature of applicant;
- f) Date fire permit is issued.

3.2. **A fire permit shall not be issued**

A fire permit shall not be issued unless the emergency number or street number is posted and clearly visible from the road.

4. Responsibilities of the Fire Permit Applicant

4.1. All persons setting open fires in the Township of Springwater are subject to the conditions entitled "Open Burning Regulations" as set out in

Schedule "B" attached hereto and forming part of this by-law;

4.2. Knowing if a fire ban is in effect;

5. Refusal of Fire Permit

5.1. **Refusal of Fire Permit**

The Fire Chief may refuse to issue a Fire Permit to any Applicant who, in the Fire Chief's opinion, should not be permitted a fire permit:

5.1.1. Because of past non-compliance with the requirements of this By-law; or

5.1.2. Because of failure to comply with the requirements of this By-law, or

5.1.3. Because of failure to comply with other applicable By-laws of the Township or of any local board thereof, or

5.1.4. Because of failure to comply with any statute, order-in-council, or regulation of the Provincial Legislature or the Parliament of Canada or of any Agency, or Board of Commission thereof, or

5.1.5. Because in the opinion of the Fire Chief, it is not in the interest of public safety to issue a permit.

5.2. **Notice of Refusal**

In the event that a fire application is refused, the Fire Chief shall give Notice in writing to the Applicant by registered mail or personal delivery. Such Notice shall set out the grounds upon which the Fire Chief made this decision.

5.3. **Notice to Property Owner if not Applicant**

In the event that the Applicant is not the Property Owner, a copy of the Notice shall also be served on the Property Owner by registered mail or personal delivery.

5.4. **Fire Chief's Decision is Final**

Fire Chief's decision in shall be final and not subject to further review.

6. Revocation or Suspension

6.1. **Suspension or Revocation for Breach of Terms**

The Fire Chief may suspend or revoke a Fire Permit of any property owner who, in the Fire Chief's opinion,

6.1.1. Has failed to comply with the requirements of this By-law, or

6.1.2. Has failed to comply with other applicable By-laws of the Township or of any local board thereof, or

6.1.3. Has failed to comply with any statute, order-in-council, or regulation of the Provincial Legislature or the Parliament of Canada or of any Agency, or Board of Commission thereof,

6.2. **Notice of Impending Suspension or Revocation**

Prior to the suspension or revocation of the Fire Permit, the Fire Chief shall give Notice in writing to the property owner by registered mail or personal delivery.

6.3. **Fire Permit to be returned upon Suspension or Revocation**

Upon suspension or revocation of a Fire Permit, the property owner shall:

6.3.1. Return all fire permits issued with reference to such fire permit, and

6.3.2. Permit any Officer to enter the premises, or other property of the owner for the purpose of receiving or taking the fire permits, and

6.3.3. In no way hinder, prevent or obstruct the Fire Chief from carrying out his duties.

6.4. **Offence to continue burning when permit is Suspended or Revoked**

No person shall engage in, or continue to conduct, or permit any person to engage in or continue to conduct, open air burning where a fire permit is required under this By-law while such fire permit is suspended or revoked under the provisions of this By-law.

6.5. **No refund of fees when permit is Suspended or Revoked**

A suspended or revoked fire permit results in the surrender of all fees.

7. Exemptions

No permit shall be required for and the provisions of this by-law shall not apply to:

7.1. A fire wholly contained in a Barbeque used for the preparation of food for human consumption; or

7.2. Outdoor Solid Fuel Burning Appliance.

8. Enforcement

8.1. **Fire Chief to Administer**

This By-law shall be administered by the Fire Chief of the Township or such other person or persons as Council may by by-law appoint.

8.2. **Inspection**

The Fire Chief, and without limiting the generality thereof designate may include the Fire Chief, By-law Officer, Police Officer or any agent, servant or employee of such servants as designated by Council, may at any time, inspect or cause to be inspected the premise, for which a fire permit is required pursuant to this By-law.

8.3. **By-law Officer to Enforce**

This By-law shall be enforced by the Fire Chief, By-law Officer, Police Officer and all such persons shall be considered inspectors under the terms of this By-law.

8.4. **Presentation of Fire Permit**

A copy of the fire permit shall be presented by the property owner upon the request of the Fire Chief, By-law Officer or Police Officer.

9. Fees Schedule

9.1. **Fire Fees**

That User Fees are hereby established for certain services provided by the Springwater Fire and Emergency Services Department as set out on

Schedule "A" attached hereto and forming part of this By-law (hereinafter "Fees").

10. Miscellaneous

10.1. Severability

If any court of competent jurisdiction finds that any of the provisions of this By-law are ultra vires the jurisdiction of Council, or are invalid for any reason, such provisions shall be deemed to be severable and shall not invalidate any of the other provisions of the By-law which shall remain in full force and effect.

10.2. Number and Gender

Where the context permits, words importing the singular member of or the masculine gender, also includes more than one persons, parties or things of the same kind than one and female as well as male.

10.3. Interpretation of May and Shall

For the purposes of this By-law, "may" shall be construed as permissive and "shall" shall be construed as imperative.

10.4. Applicable Legislation

If any provisions of this by-law are inconsistent with the Fire Protection and Prevention Act, Ontario Fire Code, the Forest Fire Prevention Act, Environmental Act or any other Federal or Provincial Act or regulation, the provisions of the applicable Act shall apply.

10.5. Title and Scope

This By-law may be cited as the "Open Air Burning By-law".

10.6. This by-law shall apply to all land within the geographical limits of the Township of Springwater and the setting of fires in the open air on any such land.

11. Repeal

11.1. That By-law No. 2000-065 as amended be and is hereby repealed.

12. Force and Effect

12.1. That this By-law shall take force and effect upon final passage thereof.

Read a first, second and third time and finally passed this 1st day of May, 2006.

The Corporation of the Township of Springwater

(Original Signed By)

Mayor John E. Brown

(Original Signed By)

Clerk Carey deGorter

The Corporation of the Township of Springwater By-Law No. 2006-041

Schedule "A" Open Air Burning User Fees

Open Burning Permit Fees:

Permit	User Fee
Recreational Fire	No Charge
Open Burning Permit	\$15
Open Burning Permit as a result of clear cutting.	\$200 per ½ hectare or part thereof.
Open Burning Permit for the purpose of lot clearing.	\$100 per ¼ hectare or part thereof.

Fire Chief and/or Fire Department Attendance:

Item	Fire Chief / Fire Department Attendance	Fee
1	For attendance where no permit issued.	\$75
2	For attendance where failed to supervise Open Burning.	\$75
3	For attendance where failed to have adequate water or tools to contain fire.	\$75
4	For attendance where burning unauthorized material.	\$100
5	For attendance when Open Burning no permitted.	\$100
6	For attendance where failed to supervise recreational fire.	\$75

Item	Fire Chief / Fire Department Attendance	Fee
7	For attendance where failed to have adequate means to extinguish recreational fire.	\$75
8	For attendance at recreational fire during fire ban.	\$75
9	For attendance at recreational fire where size of fire exceeds established guideline.	\$75
10	For attendance of each fire apparatus as determined needed to attend and extinguish or control Open Burning.	Current MTO Highway Rates
11	For attendance of each fire apparatus as determined needed to attend and extinguish or control Recreational Fire.	Current MTO Highway Rates

The Corporation of the Township of Springwater By-Law No. 2006-041

Schedule "B" Open Air Burning Regulations

- A. Open Burn Fires:**
1. Open Burn Fire Permit shall only be issued to the property owner.
 2. Open Burning must occur between sunrise and sunset only.
 3. Open Burn Fire Permit must be contained from the Fire Chief or designate prior to igniting the fire.
 4. A telephone number where the property owner can be reached must be provided.
 5. A responsible party of legal age must be in attendance with the Open Burn at all times and supervise the burn until it is completely extinguished.
 6. The responsible party of the Open Burn shall be equipped with sufficient water or tools to contain the fire and must have a means of contacting the Fire and Emergency Services Department in case of an emergency.
 7. The Open Burn is not permitted during a fire ban, snow, fog or rain conditions, when an Air Quality Advisory has been posted, and when the wind speed exceeds 20 km/ph or the wind direction is changing frequently.
 8. Only clean dry brush, wood products and natural organic material may be burned.
 9. Petroleum products, plastics, rubber, painted lumber or any other material shall not be burned.
 10. An area of a minimum 15m adjacent to the Open Burn shall be cleared of all combustible material.
 11. Piled material to be burned shall not be more than 2m in diameter and 2m in height.
 12. The responsible party is accountable for smoke generated by the open burn.
 13. A copy of the open burn fire permit shall be presented upon request.

B. Recreational Fires:

1. Recreational Fire Permit shall only be issued to the property owner.
2. Recreational Fire Permit must be obtained from the Fire Chief or designate prior to igniting the fire.
3. Must not exceed .75m in diameter by .75m in height.
4. Only clean wood products may be burned.
5. Petroleum products, rubber, rubbish, grass, leaves, pine needs or any material that may cause excessive smoke is not permitted to be burned.
6. Recreational fires must be supervised by a competent person at all times until completely extinguished.
7. There must be present and in close proximity adequate means to extinguish the fire.
8. A minimum distance of 3m to combustible materials must be maintained at all times.
9. Recreational fires shall not be permitted when the wind speeds exceed 20km/ph or the wind direction is changing frequently.
10. Recreational fires shall be forbidden when a Fire Ban has been declared by the Chief Fire Official or designate.
11. Outdoor fire places may be used for recreational fires, in a fire safe location. Not permitted on a combustible area.
12. The responsible party is accountable for any smoke generated by the recreational fire.
13. A copy of the recreational fire permit shall be presented upon request.

Restricted Open Burning Areas

Grenfel Area:

Harris Court
Parr Boulevard
Holmes Drive
County Road 90

Centre Vespra Area:

Alana Drive
Edgecomb Terrace
Quinn Street
Friesen Place
Sunnidale Road from 947 to 1339,
Dobson Road from 3211 to 3446
County Road 90 from 4712 to 5822,
George Johnston Road from 3551 to 3828

Snow Valley Area:

George Parkway
Duffy's Court
Eder Trail
Nicholson Crescent
Penny's Gate
Priest Avenue
Winter Court
Vespra Valley Road
Snow Valley Road from 1745 to 2462

Midhurst Area:

All interior streets
Doran Road from 1 to 142
St. Vincent Street from 647 to 1444
Bayfield Street North from 957 to 1319
County Road 27 from 10276 to 11732
County Road 27 from 12595 to 12683
Pooles Road from 1 to 1391
Snow Valley Road from 1005 to 1177
Mills Circle
Dwyer Road
Gill Road from 2198 to 2436
Gill Road from 1038 to 1597
McGowan Place
Briarwood
Crystalwood Lane
Hillview Crescent

Carson Road E. & W. from 1 to 1244
Anthony Court
DeLuca Court
Paddy Dunn's Circle
Glenhuron Drive
Channen Court
Currie Drive
Sutton Heights
Wenden Court
Anne Street North
Hwy 26 from 1110 to 1316
County Road 27 from 12183 to 12291
Beaver Lane
Bertram Industrial Parkway

Minesing Area:

George Johnston Road from 1624 to 1831
Ronald Road from 2303 to 2473
All interior streets
Vespra Valley Road from 1904 to 1985

Anten Mills Area:

Horseshoe Valley Road West from 3742 to 4115
Wilson Drive from 1014 to 1586
Hendrie Road from 1287 to 1690
Binnie Drive
Coughlin Road
All interior streets
Crossland Road from 1097 to 1296
Forestview Avenue
Pinecrest Road
Valleyview Drive

Phelpston Area:

All interior streets
Phelpston Road from 1696 to 1816
Flos Road 4 West from 1310 to 1701 and 1009 to 1043
Marl Creek Drive

Fergusonvale Area:

Marni Lane
Flos Road 4 East from 1003 to 1064

Hamillville Area:

Flos Road 4 West from 3157 to 3426
Innisfree Drive

Riverdale Drive
Slemish Avenue

Saurin Area:

County Road 6 from 1573 to 1815
Victoria Road
County Road 27 from 14308 to 14495 and 13888 to 13943

Elmvale Area:

All interior streets
Yonge Street North from 1 to 120
Yonge Street South from 1 to 155
Queen Street East from 1 to 145
Queen Street West from 1 to 220
County Road 92 from 1370 to 1602

Hillsdale Area:

All interior streets
Penetanguishene Road from 4304 to 4762
Mill Street East from approx 1 to 116
Mill Street West from 1 to 40
Scarlett Line from 26 to 206

Orr Lake Area:

Cedar Lane
Buttercup Lane
DiFelice Lane
Margaret Road
Marshall Road
Sandy Bend
W.A. Stewart Lane
Woods Drive
Little Ninth
South Orr Lake Road from 2011 to 2580
North Orr Lake Road from 1962 to 2354
Penetanguishene Road from 5358 to 5809
Whetham Road from 2370 to 2588
McDonald Road from 2275 to 2541

Crown Hill Area:

Penetanguishene Road from 370 to 572 and 782 to 856

Dalston Area:

Penetanguishene Road from 1696 to 1818
Forbes Road from 2128 to 2150

Where the approximate location is noted, it shall be the decision of the Fire Chief or designate to make the determination if the location falls within the restricted area, all numbers inclusive.

The Fire Chief or designate may permit Open Burning in Restricted Areas subject to conditions.

2017 Updated Listing Schedule “C” – Open Air Burn

No open air permits issued to the following areas recreational fire permits only. Areas identified with an asterisk are the updated roadways or newly constructed roads.

Grenfel Area:

Harris Court
Parr Boulevard
Homes Drive
County Road 90 5822 to 4712
Sunnidale Road from 2301 to 2580 and 1989 to 2084
Baldwick Lane from 3664 to 3494

Centre Vespra Area:

Alanna Drive
Edgecomb Terrace
Quinn Street
Friesen Place
Sunnidale Road from 947 to 1306
Dobson Road from 3211 to 3446
George Johnston Road from 3551 to 3872
Barrie Hill Road from 3488 to 3195
Trail Boulevard*
Oliver’s Mill Road*
Curtis Way*
Travers Gate*
Walkers Lane*
Marks Road*
Moreau Way*
Cameron Street*
Victoria Wood Ave*
Rugman Crescent*
Samuel Crescent*
Mclsaac Drive*
Daly Court*
Redmond Crescent*
Jack Crescent*

Snow Valley Area:

George Parkway
Duffy’s Court
Eder Trail
Nicholson Crescent
Penney’s Gate
Priest Avenue
Winter court

Vespra Valley Road from 1890 to 2008 and 2535 to 2075
Snow Valley Road from 1745 to 2462 and 1005 1533
Boothby Crescent*
Barrie Hill Lane*
Lloyd Cook Drive*
Reilly's Run*
Timber Court*
Collins Lane*
Alpine Trail*
Heron Boulevard*
Orchardview Street*
Josephine Court*
Budd's Mill Road*
Black Creek Trail*
Mennill Drive*
Ravine Drive*
Roy Hickling Drive*
Seadon Road 1199 to 12019 *

Midhurst Area:

Doran Road from 1 to 142
St. Vincent Street 647 to 1444
Bayfield Street North from 957 to 1319
County Road 27 from 10276 to 11732 and 12595 to 12683
Pools Road from 1 to 1391
Mills Circle
Dwyer Road
Gill Road from 2198 to 2436 and 1038 to 1597
McGowan Place
Briarwood Court
Crystalwood Lane
Hillview Crescent
Carson Road
Anthony Court
DeLuca Court
Paddy Dunn's Circle
Glenhuron Drive
Channen Court
Currie Drive
Sutton Heights
Wended Court
Anne Street North 1400 to 1395
Hwy 26 from 1110 to 1316
County Road 27 from 11502 to 12291
Beaver Lane
Bertram Industrial Parkway

Gallagher Crescent*
O'Hara Lane*
Fox Farm Road*
Maltman Court*
Pine Hill Drive*
Wendat Trail*
Kanata Court*

Minesing Area:

George Johnston Road from 1605 to 1831
Ronald Road from 2303 2473
Vespra Valley Road from 1890 to 2008
McDougall Crescent*
Plowright Road*
Maguire Avenue*
Laird Drive*
Maple Avenue*
Adams Avenue*
Stokes Drive*
Huron Street*
Foyston Park Circle*
Foyston Gate*

Anten Mills Area:

All interior streets
Horseshoe Valley Road west from 3614 to 4115
Wilson Drive from 1014 to 1560
Hendrie Road from 1287 to 1700
Binnie Drive
Coughlin Road
Crosland Road from 1097 to 1243
Forestview Avenue
Pinecrest Road
Valleyview Drive
Pinehurst Lane*

Phelpston Area:

Phelpston Road from 1696 to 1720
Flos Road 4 West from 1328 to 1668 and 1009 to 1043
Marl Creek Drive
Hall Street*
O'Neil Circle*
Buckley Street*
St.Patricks Drive*
Shannon Street*
Second Avenue*

Platt Avenue*

Fergusonvale Area:

Mari Lane
Flos Road East from 1003 to 1064
Sycamore Circle*

Hamillville Area:

Flos Road 4 West from 3264 to 3426
Innisfree Drive
Riverside Drive
Slemish Avenue

Suarin Area:

County Road 6 from 1573 to 1815
Victoria Road
County Road 27 from 14308 to 14495 and 13888 to 13943

Elmvale Area:

Young Street North from 1 to 120
Young street South from 1 to 155
Queen Street East from 1 to 145
Queen Street West from 1 to 220
County Road 92 from 1370 to 1602
All interior Streets
Beverly Street*
Drysdale Drive*
Allenwood Drive*
Swan Crescent*
Coburn Court*
Four Corners*

Hillsdale Area:

All interior Streets
Penetanguishene Road from 4305 to 4858
Mill Street West from 1 to 40
Mill Street East from 1 to 116
Scarlett Line from 26 to 212

Orr Lake Area:

Cedar Lane
Buttercup Lane
DiFelice Lane
Margaret Road
Marshall Road
Sandy Bend Road

W.A.Stewart Lane
Woods Drive
Little Ninth
South Orr Lake Road from 2011 to 2580
North Orr Lake Road from 1962 to 2354
Penetanguishehe Road from 2370 to 2541
Whetham Road from 2370 to 2588
McDonald Road from 2275 from 2541
Moonstone Road from 1926 to 1911*
Old Penetanguishene Road*

Crown Hill Area:

Penetanguishene Road from 370 to 572 and 782 to 856

Dalston Area:

Forbes Road from 2128 to 2150
Penetanguishene Road from 1696 to 1818 and from 2708 to 2798