

THE 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 Requirement 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 the issuance of the fire permit, the owner of the property or authorized agent shall:

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

2.5.1 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 or 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 permit 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 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 or 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 FEE 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 provision 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 include 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 hereof.

**READ A FIRST SECOND AND THIRD TIME AND FINALLY PASSED THIS 1ST DAY OF
MAY, 2006**

THE CORPORATION OF THE TOWNSHIP OF SPRINGWATER

Mayor John E. Brown

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:

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 1/4 hectare or part thereof.

Fire Chief and/or Fire Department Attendance:

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 not permitted.	\$100
6.	For attendance where failed to supervise recreational fire.	\$75
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

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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 obtained 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 any 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 needles 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
Sunnidale Road from 2301 to 2580
Baldwick Lane from 3669 to 3494
- 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