

THE CORPORATION OF THE TOWNSHIP OF MADAWASKA VALLEY

BY-LAW NUMBER 2013-04

Being a By-Law for the time for setting fires in the Township of Madawaska Valley and the precautions to be observed.

WHEREAS the Fire Protection and Prevention Act 1997, Section 7.1 (Ontario Regulation 207/96 – Amended to Ontario Regulation 230/00) authorizes Councils of municipalities to pass By-laws with respect to possible measures the municipality may take for preventing fires and the spread of fires, considered necessary to remedy or reduce the threat to public safety;

AND WHEREAS Council deems it necessary to pass a By-Law regulating Outdoor Fires within The Township of Madawaska Valley.

NOW THEREFORE the Municipal Council of the Corporation of the Township of Madawaska Valley enacts as follows:

PART 1

1.0 SHORT TITLE:

1.1 This by-law shall be known and may be cited as the “The Township of Madawaska Valley Open-Air Burning By-Law”.

PART 2

2.0 DEFINITIONS:

2.1 In this bylaw:

- a) **“Built-up area”**- shall be an area in which there are two (2) or more houses, which are less than 30 metres (100 feet) apart and within the hamlet of Combermere, the Village of Barry’s Bay and hamlet of Wilno.
- b) **“Fire Chief”** shall mean the Chief Fire Official of the Township of Madawaska Valley and Officers of the Township of Madawaska Valley Fire Department acting under the direction of the Chief Fire Official.
- c) **“Open-Air”** shall mean any open place, yard, field or construction area which is not enclosed by a building or structure.
- d) **“Open-Air Burning”** shall mean a fire set in the open air.
- e) **“Permit Holder”** shall mean any person, organization, company or group that has been granted a permit by the Fire Chief or designate.
- f) **“Township”** shall mean The Corporation of the Township of Madawaska Valley.
- g) **“Total Fire Ban”** shall mean when extreme weather and hazardous conditions exist to pose a threat to property and persons within the Township of Madawaska Valley. Absolutely NO open air burning is permitted at any time!

PART 3

3.0 GENERAL PROVISIONS:

- 3.1 All persons setting an open-air fire in the Township of Madawaska Valley shall first obtain a fire permit at a cost of \$10.00, from the municipal office or specifically designated locations within the municipality or designated persons, pursuant to this section. The material to be burned shall be limited to wood or by-products of wood. A person who has obtained a fire permit pursuant to this section shall:
- (a) not permit more than one (1) cubic metre of material to be burned at any one time;
 - (b) ensure that the means of extinguishing the fire designated on the permit form is available at the site at all times during the fire; and
 - (c) the said permit shall be in accordance with Schedule "A" attached hereto.
- 3.2 A fire permit is only required for the Fire Season (April 1st to October 31st). The Fire Chief, Designate and/or Deputy Fire Chief must first be contacted before setting fires outside the Fire Season.
- 3.3 Barrel burning is not allowed.
- 3.4 A fire permit may be cancelled or suspended at any time by the Fire Chief or his designate and immediately upon receiving notice of such cancellation or suspension; the permit holder shall extinguish any fire under the permit.
- 3.5 Notwithstanding the provisions of Section 2.1 hereof, the Fire Chief may, upon application, approve the setting of any fire subject to the fire being supervised by the Fire Chief of the Township of Madawaska Valley or his designate.
- 3.6 Notwithstanding the provisions of Section 2.1 hereof, open air fires may be set when such burning consists of a small confined fire, supervised at all times and is used to cook food on a grill or a barbecue, or is for personal warmth, except during "Total Fire Ban" conditions.
- 3.7 (a) No person shall set an uncontained fire, including but not limited to a grass fire; and
(b) No person shall set an open-air fire in a built-up area of the Township of Madawaska Valley.
- 3.8 All persons setting an open-air fire in the Township of Madawaska Valley shall:
- (a) be responsible for any damage to property or injury to persons occasioned by he said fire; and
 - (b) be liable for costs incurred by the fire department, including personnel, equipment, outside agency assistance and apparatus necessary and called in to extinguish the said fire.
- 3.9 No open-air fire shall be maintained when the wind is in such direction or intensity so as to cause any or all of the following:
- (a) a decrease in visibility on any highway or roadway;
 - (b) a rapid spread of fire through grass or a brush area; and
 - (c) smoke affecting public health.

PART 4

4.0 PENALTY:

- 4.1 Every person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine and penalty pursuant to the provisions of Section 61, of the Provincial Offences Act, R.S.O. 1990, as amended.
- 4.2 Administration charge cost recovery as per Schedule of Fees By-Law, as Amended.

PART 5


5.0 ENACTMENT:


- 5.1 That all prior By-laws regulating open-air burning are hereby rescinded.
- 5.2 That this By-law will come into force and take effect on the date of final passing thereof.

READ A FIRST AND SECOND TIME THIS 21ST DAY OF January, 2013.

READ A THIRD TIME AND PASSED THIS 21ST DAY OF January, 2013.




MAYOR – David Shulist


CAO/Clerk – Bryan Brown

THE CORPORATION OF THE TOWNSHIP OF MADAWASKA VALLEY
Open Air Burning By-Law Number 2013-04

Township of Madawaska Valley Fire Dept.

Permit: **No**



Municipal Office: 85 Bay Street, Barry's Bay, ON K0J 1B0
Telephone No.: (613) 756-2747 • Fax No.: (613) 756-0553

EMERGENCY NUMBER – "9-1-1"

DAILY PERMIT FOR OPEN AIR FIRES

Permission is hereby granted to: _____
(PRINT NAME)

Civic Address: _____

Mailing Address: _____

Postal Code: _____ Telephone No.: _____

For the Purpose of having an Open Air Fire on:

Date: _____ Time: _____

Location: _____
(911 CIVIC ADDRESS)

Legal Description:

Lot: _____ Concession/Plan Number: _____

Geographic Township: _____
(BURNS / JONES / RADCLIFFE / SHERWOOD / BARRY'S BAY)

Material to be burned: _____

Means of Extinguishment Available: _____

THE APPLICANT AGREES TO COMPLY WITH THE PROVISIONS OF BY-LAW NUMBER 2013-04 AS AMENDED FROM TIME TO TIME AND AGREES TO ASSUME ALL RESPONSIBILITY FOR ANY DAMAGES OCCURRING FROM THE FIRE FOR WHICH THIS PERMIT IS ISSUED.

Date: _____ Signature: _____
(APPLICANT)

Date: _____ Signature: _____
(CHIEF FIRE OFFICIAL OR DESIGNATE)

Permit Fee: \$ _____

Every person who starts or causes to be started a fire out of doors shall.

- a) take all reasonable steps to keep the fire under control;
- b) ensure that a responsible person tends the fire;
- c) where the fire is started under a fire permit, extinguish the fire on or before the expiration of the permit; and
- d) extinguish the fire before quitting the site of the fire.

Penalties: A conviction under the Forest Fires Prevention Act may result in fines not exceeding one thousand dollars (\$1000) or imprisonment of up to 3 months or both and in addition, you may be held liable for damages and cost of extinguishing any resultant fire.