

CORPORATION OF THE TOWNSHIP OF HAVELOCK-BELMONT-METHUEN**BY-LAW NO. 2008 - 55**

BEING A BY-LAW OF THE CORPORATION OF THE TOWNSHIP OF HAVELOCK-BELMONT-METHUEN RESPECTING CONDITIONS UNDER WHICH FIRES MAY BE SET OUT IN OPEN AIR.

WHEREAS Section 475 of the Municipal Act S.O. 2001, as amended, provides that a council of a municipality may pass by-laws regulating fire prevention, including the prevention of the spreading of fires; and for regulating the setting of open fires, including establishing the times during which open air fires may be set; and where the Forest Fire Prevention Act R.S.O. 1998 Chap. F.24 as amended provides authority for the municipality to act in controlling and enforcing open air burning regulations and to set out fees and fines for such burning activities.

WHEREAS the Council of the Corporation of the Township of Havelock-Belmont-Methuen deems it necessary and prudent to set out laws governing open air fires to protect persons and property within the limits and boundaries of the municipality from open air fires that may become out of control.

NOW THEREFORE the Council of the Corporation of the Township of Havelock-Belmont-Methuen enacts as follows:

SECTION 1: DEFINITIONS

1. For the purpose of this By-Law:

COUNCIL shall mean the members of Council so elected in and for the Corporation of the Township of Havelock-Belmont-Methuen.

MUNICIPAL LAW ENFORCEMENT OFFICER shall mean any Ontario Provincial Police Officer acting on behalf of the Corporation of the Township of Havelock-Belmont-Methuen.

MUNICIPAL BY-LAW ENFORCEMENT OFFICER shall mean the officer(s) so appointed by the Corporation of the Township of Havelock-Belmont-Methuen and those officers appointed as Fire Officers by the Ministry of Natural Resources authorities to enforce local by-laws including open air burning regulations as referenced by the Forest Fire Prevention Act and Ontario Regulation 207/96 (outdoor fires).

FIRE CHIEF shall mean the Manager of Fire and Emergency Measures of the Havelock-Belmont-Methuen Fire Department, also a CHIEF Fire Official under the Fire Marshall's Act or in his absence his appointed designate.

BUILDING shall mean any structure composed of walls and a roof or any part or combination thereof which is used as shelter, accommodation, enclosure or storage containing humans, animals, equipment, goods or materials or a structural system housing any of the above.

OWNER shall mean any person, firm, company or corporation of the property(s) under consideration and shall include the persons occupying such property.

BUILT UP AREA shall mean an area with buildings on one or both sides of the road with 75 feet or less between them with a minimum of five buildings. Building means school, church, single family dwelling, commercial and industrial structure.

SPECIAL EVENTS shall mean event, the duration of which is temporary in nature and which is limited to one or more of the following uses: exhibition, a fair, a carnival, a regatta a religious or music festival, or a recreational competition.

FIRE shall mean but not limit any fire set out in open air for the purpose of burning vegetation, dead grass, brush, the disposal of certain refuse or building materials, the clearing of land, but shall not include:

- a) fires emanating from blow torches, cutting or welding torches, paving equipment or other such apparatus as associated with a service or occupation and shall be referenced to Ontario Regulation 207/96 (outdoor fires) shown as Schedule "B".
- b) Normal smoking materials (tobacco)
- c) Small confined fires used for the purpose of cooking or warmth which is supervised at all times by a competent person and shall include a grill or barbecue and shall be referenced to Ontario Regulation 207/96 (outdoor fires) shown as Schedule "B".

All burning regulations and the issue of permits shall be mandatory from January to December of each year.

SECTION 2: GENERAL INTERPRETATION

1. For the purpose of this By-Law:
 - a) person or persons shall mean singular number or numbers of males, females or parties composed of both sexes or same sex parties.
 - b) words interpreted as singular shall also apply as a corresponding meaning when used in the plural.

SECTION 3: REQUIREMENTS

1. The provisions of this by-law shall apply to all land and areas designated as being within the legal boundaries of the Corporation of the Township of Havelock-Belmont-Methuen.
2. No burning shall be done by an owner in a built-up area.
3. All burning shall be done in compliance with Ontario Regulations 207/96 noted as Schedule "B" attached.
4. A permit shall be required for the purpose of day time burning and shall be obtained by the Fire Chief or his designate, upon inspection of the site.
5. Where in the opinion of the Fire Chief or his designate, a potentially dangerous situation exists due to fire, smoke, weather, environmental or health concerns the Fire Chief may rescind, suspend or cancel any or all burning permits and may declare a complete fire ban.
6. Permits for the purpose of brush burning or land clearing, shall be issued for a period of 3 consecutive days and renewed subject to approval of the Fire Chief or his designate.
7. Permits must be obtained through the Fire Chief at the Municipal Office by calling 778-3183.
8. All out of control, open air fires, for which the Fire Department must respond will be subject to costs as attached as Schedule "A".

SECTION 4: ADMINISTRATION

1. The Fire Chief, Municipal Law Enforcement Officer, Municipal By-Law Enforcement Officer and any person so appointed by the Corporation shall have the authority to administer this by-law in its entirety.

SECTION 5: VIOLATIONS AND PENALTIES

1. Every person who contravenes this by-law or any of its provisions is guilty of an offence and upon conviction is liable to a fine of not more than **\$5,000.00** as set out in the Provincial Offences Act R.S.O. 1990 Chapter P.33.
2. If deemed that a fire was intentionally set, the property owner shall be held responsible for all costs to extinguish such fire.

THEREFORE the Council of the Corporation of the Township of Havelock-Belmont-Methuen enacts as follows:

1. That By-Law No. 2000-46 be, and is hereby repealed.
2. That this By-Law shall become effective upon the final passing thereof.

Read a FIRST, SECOND and THIRD time and finally passed in open Council this 3rd day of June, 2008.

Reeve

Clerk

SCHEDULE "A"**2 Hour Minimum**

Pumper	\$90.00 per hour
Tanker	\$70.00 per hour
Rescue	\$70.00 per hour
4X4 Utility	\$70.00 per hour
Man Hours	\$15.20 per hour

Note: Schedule "A" of by-law 2008 – 54 reflect the "Fees for Services and Activities" of the Fire Department as established in By-law 2007 – 58.