

Corporation of the Township of Fauquier-Strickland By-law number 1999-07

Being a by-law to regulate open air
burning and
issuance of fire permits.

Whereas, Section 210(35) of the Municipal Act, RSO 1990, Chapter M45, as amended, authorize municipalities to pass by-laws to prescribe the times during which fires may be set in open air, and precautions to be observed by persons when setting out fires;

And Whereas, Section 2.6.3.4 of the Ontario Fire Code does not permit open air burning unless approved, except such burning consisting of a small, confined fire, supervised at all time and used to cook food on a grill or a barbecue;

And Whereas the Forest Fire Management Agreement signed with the Ministry of Natural Resources requires that open air burning be regulated;

And Whereas, the Forest Fire Protection Act, provides authority to the Ministry of Natural Resources to ban all open air burning within designated fire regions during the forest fire season, when extreme weather conditions exists;

Therefore, Council of the Corporation of the Township of Fauquier-Strickland enacts as follows:

1. No person shall set out or cause to be set out, open air fires without first obtaining approval/permit from the municipal office signed by either the Clerk Treasurer Administrator, or Deputy Clerk Treasurer or from the Chief Fire Official, unless such burning consist of a small fire, supervised at all times and used to cook food on a grill, fire pit or a barbecue, and for recreational purposes.
2. No person shall set out or cause to be set out, open air fires between 07:00 hours and 18:00 hours during the months of April, May, June, July, August, September and October of every year.

3. Open air burning shall be permitted during the months of November, December, January, February and March of every year.
 - 3.1 Approval/permit may be issued for the whole period.
 - 3.2 Hours of open air burning may be prescribed on the approval/permit
4. Open air fires contained within an incinerator shall not be permitted during the hours as set in paragraph 2 and for the months of November, December, January, February and March no person shall set out or cause to be set out, fires between 10:00 hours and 16:00 hours.
 - 4.1 Open air fires contained within an incinerator shall require an inspection prior to being approved.
 - 4.2 Open air fires contained within an incinerator may be permitted for twelve (12) consecutive months.
5. Any person requesting an open air burning approval/permit shall do so in writing to the municipal office or the Chief Fire Official or his/her designate.
6. An approval/permit may be issued for a period not exceeding 7 consecutive days.
7. An inspection is required before an approval for open air burning can be issued, except under the following conditions:
 - 7.1 Piled material fires:
 - a) is tended by a responsible person until out.
 - b) is a single pile less than 2 meters in diameter and less than 2 meters high.
 - c) is at least 10 meters from any flammable materials.
 - d) has adequate tools or water to contain the fire.
 - 7.2 Grass/leaves fires:
 - a) is tended by a responsible person until out.
 - b) is an area less than 1 hectare.
 - c) the flaming edge is less than 30 meters.
 - d) when wind speed does not exceed 3 on the Beaufort Scale.
8. No open air burning approvals shall be issued and the ones approved

shall be cancelled, when the Ministry of Natural Resources declares a restricted fire zone, under the Forest Fire Prevention Act, for our region.

9. No person shall burn on days where rain, fog or any weather condition, prevents the dispersal of smoke, except under special arrangements.
10. No person shall set open air fires to material substance that are prohibited under the Environmental Protection Act, which may include but not limited to the following:
 - 10.1 Kitchen garbage.
 - 10.2 Materials made of or containing rubber, plastics, tar, paint.
 - 10.3 Materials/substance that may emit and are noxious, poisonous or pollutes, including PCB's and any other chemicals.
11. Subject to paragraph 10, only dry material shall be burned in open air.
12. No person shall set fire in open air where smoke creates a nuisance to neighbours or a hazard to motorists.
13. For the purpose of this by-law the following definitions will apply:
 - 13.1 Incinerator: may be constructed of concrete or make use of a metal barrel and shall always be covered with a heavy duty half inch metal screen mesh.

13.2 Beaufort Scale:

Beaufort number	Condition	KM per hour	Description
0	Calm	less than 1	Calm, smoke rises vertically
1	Light air	1 - 5	Direction of wind shown by smoke, By wind vanes.
2	Light breeze	6 - 11	Wind felt on face Rustles leaves, ordinary vane moved by wind.
3	Gentle breeze	12 - 19	Leaves and small twigs in constant motion. Wind extends light flag.
4	Moderate breeze	20 - 29	Raises dust and loose paper. Small branches are moved.
5	Fresh breeze	30 - 38	Small trees and leaf begins to sway. Crested

wavelets form on inland waters.

6

Strong breeze 39 - 50

Large branches in motion
Telegraph wires whistle
Umbrellas used with difficulty.

13.3 Fire pit: means a fire contained within a circle of natural rocks, of non-combustible construction, placed directly on the ground and not exceeding 60 cm in radius or 90 cm in height.

13.4 Recreational fire: shall have the definition as 13.3

- 14. This by-law applies to all property classes within the Township of Fauquier-Strickland.
- 15. In this by-law, unless the context requires otherwise, words importing the singular shall include the plural and, words importing the masculine gender shall include the feminine.
- 16. Any person who contravenes any provisions of this by-law shall, upon conviction, forfeit and pay a penalty not exceeding two thousand dollars (\$2000.00) exclusive of costs, for each offence and the penalty shall be recoverable pursuant to the Provincial Offences Act.
- 17. Persons having been found responsible or been convicted of an offence under this by-law, may be refused an open air burning permit for a period of twelve (12) consecutive months, starting on the date of the offence.
- 18. Persons will be held responsible for costs incurred by the Fauquier-Strickland Township Fire Department, when the said Fire Department has been called out to extinguish an out of control fire.

Read a first, second time
this 26th Day of April
1999.

Reeve

Clerk

Read a third time
and finally passed
this Day of

Reeve

I.

Clerk