

CORPORATION OF THE TOWNSHIP OF LIMERICK

BY-LAW NO. 14-2001

BEING A BY-LAW RESPECTING MATTERS TO THE SETTING OF FIRES WITHIN THE TOWNSHIP OF LIMERICK.

WHEREAS the Municipal Act, R.S.O., 1990 Chapter M45 Section 210(35) authorizes the enactment of by-laws prescribing the times during which fires may be set out and precautions to be observed by those persons who set out such fires, 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 Limerick 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.

AND WHEREAS the Council of the Township of Limerick deems it necessary and prudent to enact a by-law for the purpose of retrieving costs incurred by the Limerick Fire Department in respect to responding to assistance calls for deliberately set and/or arson type fires, which shall include but not be restricted to grass fires, burning of leaves or any type of open burning.

NOW THEREFORE the Council of the Corporation of the Township of Limerick hereby 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 Limerick.

MUNICIPAL LAW ENFORCEMENT OFFICER shall mean the officer(s) so appointed by the Corporation of the Township of Limerick 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 Chief of the Limerick Fire Department, also 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 person(s) occupying such property.

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

- 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) noted as Schedule "B" attached.
- 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 barbeque and shall be referenced to Ontario Regulation 207/96 (outdoor fires) noted as Schedule "B".

FIRE BAN shall mean open fire is not permitted under any circumstances, even for cooking or warmth. The regulation does allow for the use of portable gas stoves.

SECTION 2: GENERAL INFORMATION

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 Limerick.
2. Burning shall not be permitted between 7:00 a.m. and 7:00 p.m. local time on any day from and including the 1st day of April to and including the 31st day of October in any year:
NO BURNING in high winds;
No permits required under the following restrictions:
 - the fire MUST be tended by a responsible person until out; and
 - the person HAS adequate tools and water to contain fire; and
 - a wood pile HAS to be less than 2 metres in diameter, less than 2 metres high and at least 2 metres from any flammable materials; and
 - a grass and/or leaves burn HAS to be an area less than 1 ha (2.47 ac) AND the length of flaming edge is less than 30 metres; and
 - a fire in a proper enclosed and covered incinerator device, at least 5 metres from any forest AND at least 2 metres from flammable materials.For the purposes of land clearing, shall be subject to approval of the Fire Chief or designate. IF a RFZ (Restricted Fire Zone or Fire Ban) is put in place, these fires will NOT be allowed.
3. All burning shall be done in compliance with Ontario Regulations 207/96 noted as Schedule "B" attached.
4. 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 and may declare a complete fire ban.
5. That any fire protection costs incurred as a result of fires deliberately set with or without malice and which require fire department assistance may be billed directly to those persons starting the fire.
6. That any fire protection costs incurred as a result of fires deliberately set during a Fire Ban (NO BURN) situation and which require fire department assistance may be billed directly to those persons starting the fire.
7. That any response call costs incurred as a result of a false alarm or frivolous calls shall be billed directly to those persons making the call, subject to costs as set out in Schedule "A", hereto attached.
8. Special permits must be obtained through the Fire Chief or designate.
9. The decision of the Fire Chief and/or Fire Marshall shall be final in requirements for assistance and/or responsibility.
10. Fire costs will be calculated in accordance with Schedule "A" attached hereto and forming part of this by-law.

SECTION 4: ADMINISTRATION

1. The Fire Chief, Municipal Law Enforcement Officer and any person so appointed by the Corporation of the Township of Limerick 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.

THEREFORE the Council of the Corporation of the Township of Limerick enacts:

1. That By-Law No. 06-96 be, and is hereby repealed in full.
2. That this By-law shall become effective and inforce upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 07TH DAY OF AUGUST, 2001.

REEVE W. Longmuir

SEAL

CLERK C. Baker

SCHEDULE "A"

To By-Law No. 14-01 Respecting

Fire Fighting Costs

2 Hour Minimum

<u>EQUIPMENT</u>	<u>COST PER HOUR</u>
Pumper	\$ 80.00
Tanker	\$ 80.00
Honda Pumps (ea.)	\$ 15.00
Generator	\$ 15.00

<u>MAN HOURS</u>	<u>COST PER HOUR</u>
Chief & Deputy	\$ 15.00
Firemen	\$ 15.00

Mileage for each private vehicle used .41 cents per kilometre.

Any other costs which may be incurred as a result of said fire will be charged out accordingly, such as M.N.R. assistance, water bombs, neighbouring fire department assistance, but not limited to.

Equipment and man hours are calculated to the next whole hour.