

**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 1<sup>st</sup> day of April to and including the 31<sup>st</sup> 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.

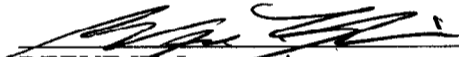
SECTION 5: VIOLATIONS AND PENALTIES

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.

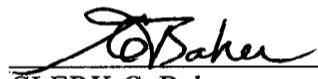
THEREFORE the Council of the Corporation of the Township of Limerick enacts:

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 07<sup>TH</sup> 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.

SCHEDULE "B"

BY-LAW 14-01

ONTARIO REGULATION 207/96  
made under the  
FOREST FIRES PREVENTION ACT

Made: May 15, 1996  
Filed: May 16, 1996

OUTDOOR FIRES

1. (1) No person shall start a fire outdoors unless conditions will allow the fire to burn safely from start to extinguishment.

(2) No person who starts a fire outdoors shall leave the fire without leaving a person in charge of the fire.

(3) A person who starts a fire outdoors or, if the person who started the fire is not present, a person in charge of a fire outdoors shall take all necessary steps to tend the fire, keep the fire under control, and extinguish the fire before leaving the site.

2. No person shall start a fire outdoors during the fire season for the purpose of burning piled wood, brush, leaves or discarded wood by-products unless,

(a) a responsible person is available to tend the fire until it is extinguished;

(b) the material is burned in a single pile that is less than two metres in diameter and less than two metres high;

(c) the fire is started two hours before sunset, or later, and is extinguished two hours after sunrise the following day, or earlier;

(d) the fire is at least two metres from any flammable materials; and

(e) the person tending the fire has tools or water adequate to contain the fire within the fire site.

3. (1) No person shall burn wood, brush, leaves or discarded wood by-products in an incinerator unless,

(a) the incinerator is an enclosed device constructed entirely of non-combustible material;

(b) the incinerator is at least five metres from any forest or woodland;

(c) the incinerator is at least two metres from any flammable materials; and

(d) the outlet of the incinerator is covered with a screen having a mesh size of not more than five millimetres.

(2) A person who starts a fire in an incinerator shall ensure that a responsible person monitors the fire until it is extinguished.

4. (1) No person shall start a fire outdoors during the fire season for the purpose of burning grass or leaf litter.

(2) Subsection (1) does not apply to a person starting the fire on property he or she lawfully occupies if,

(a) the total area to be burned does not exceed one hectare;

(b) a responsible person is available to tend the fire until the fire is extinguished;

(c) the length of flaming edge does not exceed 30 metres;

(d) the fire is started two hours before sunset, or later, and is extinguished two hours after sunrise the following day, or earlier; and

(e) the person tending the fire has tools or water adequate to contain the fire within the fire site.

(3) Subsection (1) does not apply to a person who starts a fire with the permission of the person who has lawful occupation of the property on which the fire is started and in respect of which the conditions set out in subsection (2) are met.

5. (1) An officer may issue, to a person who is prohibited from starting a fire by the operation of section 2, 3 or 4, a fire permit for a fire outdoors or in an incinerator for the purpose of burning piled wood, brush, leaves or discarded wood products.

(2) Subject to section 6, a person who has a fire permit may start a fire outdoors or in an incinerator for the purpose of burning piled wood, brush, leaves or discarded wood products even if the conditions set out in section 2, 3 or 4 are not met.

SCHEDULE "B"  
BY-LAW NO. 14-01

6. No person shall start a fire outdoors or in an incinerator within an area declared to be a restricted fire zone even if the conditions set out in section 2, 3 or 4 are met.

7. (1) An officer may suspend or cancel a fire permit and may give notice of the suspension or cancellation to the permittee or, in the absence of the permittee, to the person tending a fire for which the permit was issued.

(2) A permittee or a person tending a fire who receives notice of a suspension or cancellation of a fire permit shall immediately extinguish any fire started under the permit.

(3) A person to whom a fire permit is issued shall keep it at the location of the activity authorized by the permit.

(4) A person tending a fire shall produce the fire permit for the fire to an officer upon request.

(5) For the purpose of subsection (3) or (4), a copy of the permit may be substituted for the original.

8. (1) Except in a restricted fire zone, a person may start a fire outdoors during the fire season for cooking or warmth if:

- (a) the site of the fire is bare rock or non-combustible material;
- (b) the fire is at least one metre from any flammable material;
- (c) the space above the one metre area around the fire is at least three metres from vegetation; and
- (d) the fire does not exceed one metre in height and one metre in diameter.

(2) No person shall use a portable stove for cooking or warmth unless:

- (a) the stove is at least one metre from any naturally occurring flammable material; and
- (b) the flame in the stove can be extinguished by a fuel control valve or by closing the stove.

(3) No person shall use wood as a fuel for a fire outdoors in a Restricted Fire Zone for cooking or warmth unless the fire is in an approved permanent charcoal installation located in an approved organized camp ground.

9. (1) A person who operates equipment or machinery involved in forest operations or processing forest resources in a forest or woodland during the fire season shall keep a fire extinguisher on the equipment or machinery or within five metres from it.

(2) The fire extinguisher must be in serviceable condition and be rated at least 6A 80BC.

(3) This section does not apply to a person operating a motor vehicle as defined in the Highway Traffic Act or a power saw.

10. (1) A person who operates a power saw in a forest or woodland during the fire season shall not start it within three metres from the place where it is felled.

(2) A person who operates a power saw in a forest or woodland during the fire season shall not place it on any flammable material while its engine is operating or hot enough to cause combustion.

(3) A person who operates a power saw in a forest or woodland during the fire season shall keep a fire extinguisher available during its operation.

(4) The fire extinguisher must:

- (a) be in serviceable condition;
- (b) be rated for ABC type fires; and
- (c) have a minimum of 225 grams of dry chemical.

11. (1) A person who operates equipment or machinery in a forest or woodland during the fire season shall ensure that it is checked daily for any accumulation of flammable material and that any accumulation found is removed.

(2) A person who is removing an accumulation of flammable material under subsection (1) shall ensure that it is disposed of safely.

(3) A person who leaves equipment or machinery in a forest or woodland during the fire season while it is not being operated shall ensure that it is placed or left in an area free from any flammable material.

(4) Subsections (1) and (2) apply to a person operating an off-road vehicle as defined in the Off-Road Vehicles Act but do not apply to a person operating any other type of motor vehicle that is licensed under the Highway Traffic Act.

12. No person shall alter or modify a muffler or other spark-arresting device attached to a power saw, an off-road vehicle, equipment or machinery operated in a forest or woodland.

13. No person shall travel in a restricted travel zone except with the written permission of an officer.

14. (1) The parts of Ontario described in the Schedules are declared as fire regions.

(2) The names of the fire regions are the names appearing in the headings of the Schedules.

15. Regulation 457 of the Revised Regulations of Ontario, 1990 and Ontario Regulations 304/94 and 159/95 are revoked.

Schedule 1

WEST FIRE REGION

All that land in the territorial districts of Cochrane, Kenora, Thunder Bay and Rainy River, in the Province of Ontario, and designated as Zones 1, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 on a plan known as West Fire Region, filed in the Office of the Surveyor General on the 3rd day of October 1995 at the Ministry of Natural Resources in Toronto.

Schedule 2

EAST FIRE REGION

All that land in the territorial districts of Algoma, Cochrane, Manitoulin, Muskoka, Nipissing, Parry Sound, Sudbury, Thunder Bay and Timiskaming, and in the counties of Frontenac, Haliburton, Hastings, Lennox and Addington, Peterborough and Renfrew, in the Province of Ontario, and designated as Zones 2, 13, 14, 15, 16, 17, 18, 19, 20 and 21 on a plan known as East Fire Region, filed in the Office of the Surveyor General on the 3rd day of October 1995 at the Ministry of Natural Resources in Toronto.