

THE CORPORATION OF THE TOWNSHIP OF SEGUIN

BY-LAW NO. 2005-052

CONSOLIDATED as of May 22nd, 2007
(as amended by By-laws No. 2006-074, 2007-051 and 2007-077)

Being a By-law Prescribing Times for Setting Fires and Precautions to be Observed and to Repeal By-law No.'s 2006-74 and 2007-051.

WHEREAS Section 7.1 of the Fire Protection Act, provides that the council of a municipality may pass by-laws for regulating the prevention of the spreading of fires and the setting of open air fires including times during which they may be set; and

WHEREAS the Forest Fires Prevention Act and O. Reg 207/96, as amended, provide rules for outdoor burning within the Fire Regions;

NOW THEREFORE the council of the Corporation of the Township of Seguin hereby enacts the following:

1. DEFINITIONS

In this by-law:

“**Chief Fire Official**” means those persons defined as the Chief Fire Official in the Ontario Fire Code;

“**Fire Hazard, Low, Medium, High, or Extreme**” means a Low, Medium, High or Extreme Fire Hazard as declared by the Chief Fire Official.

“**Fire season**” means the period of the 1st day of April to the 31st day of October in each year or as otherwise determined by the Minister of Natural Resources.

“**Municipality**” means the Township of Seguin;

2. GENERAL BURNING RESTRICTIONS

- (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 competent 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.
- (4) No person shall start or tend a fire outdoors except on land that person legally occupies or has the permission of the person who has lawful occupation of the land on which the fire is started.
- (5) No person shall use as fuel for a fire outdoors any substance other than dry wood, discarded wood by-products, brush, leaves or grass.

- (6) No person shall start any fire to burn, or shall burn outdoors, any kitchen, garbage, construction materials or materials made of or containing rubber, plastic, petroleum or tar.
- (7) No person shall start or tend any fire outdoors when the conditions are such that it may cause any of the following:
 - (a) a decrease in visibility on any highway;
 - (b) inconvenience or irritation to others;
 - (c) fire spread through grass, brush, forested area or other property that was not intended to be burned;
 - (d) the contravention of any municipal law, provincial or federal legislation.
- (8) No person shall start or tend a fire outdoors during a period of Extreme Fire Hazard.

3. PERMITS

- (1) Except as provided in Section 5(1) of this By-law, no person shall start or tend a fire outdoors during the Fire-season unless the person has a permit issued under Section 4(1) of this By-law.
- (2) Subsection (1) does not apply to a person if,
 - (a) the person is burning wood, brush, leaves, or discarded wood by-products;
 - (b) a responsible person is available to tend the fire until it is extinguished
 - (c) the material is burned in a single pile that is less than two metres in diameter and less than two metres high;
 - (d) the fire is started not earlier than two hours before sunset, and is extinguished not later than two hours after sunrise the following day, or earlier;
 - (e) the fire is at least two metres from any flammable materials;
 - (f) the person tending the fire has tools or water adequate to contain the fire within the fire site; and
 - (g) the Chief Fire Official has declared that there is a Low Fire Hazard or Moderate Fire Hazard.
- (3) No person shall make or tend a fire in an incinerator during the Fire season unless the person has a permit issued under Section 4(1) of this By-law.
- (4) Subsection (3) does not apply to a person if,
 - (a) the person is burning wood, brush, leaves, or discarded wood by-products;
 - (b) the incinerator is an enclosed device constructed entirely of non-combustible material;

- (c) the incinerator is at least five metres away from any forest or woodland;
 - (d) the incinerator is at least two metres away from any flammable materials;
 - (e) the outlet of the incinerator is covered with a screen having a mesh size or not more than five millimetres; and
 - (f) the Chief Fire Official has declared that there is a Low Fire Hazard or Moderate Fire Hazard.
- (5) No person shall start or tend a fire outdoors during the Fire season for the purpose of burning grass or leaf litter unless the person has a permit issued under Section 4(1) of this By-law.
- (6) Subsection (5) does not apply to a person if,
- 1. the total area to be burned does not exceed one hectare;
 - 2. a responsible person is available to tend the fire until the fire is extinguished;
 - 3. the length of the flaming edge does not exceed 30 metres;
 - 4. the fire is started two hours before sunset, or later, and is extinguished two hours after sunrise the following day, or earlier; and
 - 5. the person tending the fire has tools or water adequate to contain the fire within the fire site.

4. ISSUANCE OF PERMITS

- (1) The Chief Fire Official may issue a person a fire permit, substantially in the form of Schedule “A”, as required by Section 3 of this By-law if the Chief Fire Official is satisfied that the fire can be started, tended and extinguished safely.
- (2) The person whom a permit is issued shall ensure that the material burned and the method of burning are consistent with the information provided to the Chief Fire Official in order to obtain the permit and all conditions of the permit are complied with.
- (3) The Chief Fire Official may cancel any permit, or order any fire extinguished, or enact a fire ban within the Municipality.

5. FIRES FOR COOKING OR WARMTH

- (1) No person shall start or tend a fire outdoors for the purpose of cooking or warmth unless all of the following conditions are met:
 - (a) the fire does not exceed 1 metre in height and 1 metre in diameter;
 - (b) a responsible person is available to tend the fire until the fire is extinguished; and
 - (c) if the fire is for cooking, the food is cooked on a grill or a barbecue.

6. ENFORCEMENT AND PENALTY

- (1) Pursuant to Section 7.1(4) of the Fire Protection and Prevention Act, the Chief Fire Official may enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether this By-law is being complied with.
- (2) Every person who contravenes or fails to comply with any of the provisions of this By-law is guilty of an offence and on conviction is liable to the fines and other penalties prescribed by the Provincial Offences Act.
- (3) Proceedings for contraventions of this By-law may be commenced under Part 1 of the Provincial Offences Act.
- (4) Any costs and expenses for services, provided by or on behalf of the Corporation of the Township of Seguin, or for which the said Corporation is liable in endeavouring to control or extinguish any fire caused by or resulting from a person contravening or failing to comply with any provision of this By-law, shall be a fee or charge pursuant to section 391 of the Municipal Act, 2001 and shall constitute a debt of such person to the Municipality
- (5) Any such fee or charge imposed pursuant to this By-law shall be payable within 15 days after the said Corporation has delivered or sent by pre-paid registered post an invoice to the person responsible, at the person's last known address, and interest shall accrue and be added to the amount at the rate of 1.25% per month commencing on the sixteenth day following the delivery or sending of the fire invoice.

7. ADMINISTRATION

- (1) This By-law applies to the entire geographic area of the Municipality.
- (2) This By-law shall come into effect on the date of passage.

SCHEDULE "A" TO BY-LAW 2005-052

**THE CORPORATION OF THE TOWNSHIP OF SEGUIN
IGNITION AUTHORITY**

5 Humphrey Dr., R.R. #2, Parry Sound, Ontario P2A 2W8
Telephone: (705) 732-4300 Facsimile: (705) 732-6347

Name of Contractor/Company:	Person in Charge of Site:
Postal Address:	Telephone #: Cell Phone #:

Property Owner's Name:	Telephone #:
Former Township Area:	Lot/Conc: 9-1-1 CIVIC Address:

Physical Description (ground travel) of how to get to burn site (from nearest Fire Hall): _____

Materials to be burned:	Size of Piles: x	Number of Piles:
Grass: Size of area to be burned: _____ (Hectares/acres)		

Number of People Assigned to Control Fire:	What Training Do These People Have?
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What equipment will be assigned to the control and extinguishment of the fire?

Heavy Equipment:	Power Pumps: Hose: _____ # of Feet: _____	Hand Tools: # of Axes: _____ Shovels: _____ Other: _____
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THIS SECTION SHOULD BE COMPLETED BY THE PERMITTEE

Other Conditions in effect:

1. Permittee requests approval for the following dates: _____ to and including _____, 200_____
2. This permit is VALID between _____ AM and _____ PM, local time.
3. **NO BURNING IN HIGH WINDS!!!!!!**
4. **PERMITTEE IS TO CONTACT SEGUIN FIRE SERVICES DISPATCH AT (705) 746-8440 AND OBTAIN PERMISSION ON A DAILY BASIS PRIOR TO IGNITION!!**
5. **PERMITTEE AND LAND OWNER WILL BE HELD RESPONSIBLE FOR THE COST OF EXTINGUISHING ALL ESCAPED OR ABANDONED FIRES!!!**
6. **THIS PERMIT IS ISSUED TO BURN BRUSH AND OTHER WOOD BY-PRODUCTS ONLY. THE MINISTRY OF THE ENVIRONMENT MUST APPROVE ANY OTHER MATERIAL.**
7. **ALL FIRES MUST BE SUPERVISED AT ALL TIMES BY AN ATTENDANT ON SITE. ALL FIRES MUST BE EXTINGUISHED BEFORE LEAVING THE SITE FOR THE DAY.**
8. **BURN THE WOOD AND BRUSH AT REGULAR INTERVALS. THIS WILL KEEP THE AMOUNT OF MATERIAL TO BE BURNED DOWN TO A MINIMUM, REDUCE THE HAZARD AND LESSEN THE INTENSITY OF THE BURN.**
9. **THE FIRE PERMIT INCLUDING ALL CONDITIONS MUST BE AT THE LOCATION OF THE BURNING, AT ALL TIMES.**
10. **OTHER:**

Place of Issue: Township of Seguin	Date of Issue:
Signature: - (Seguin Fire Services)	
Signature of Permittee:	

**SCHEDULE 'B' to By-law No. 2005-052,
as amended : Fire Regulation**

TOWNSHIP OF SEGUIN

PART 1 Provincial Offences Act

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Burning without a valid permit	3.(1)	\$200.00
2	Burning restricted materials	2.(5)	\$200.00
3	Burning in unsafe conditions	2.(1)	\$200.00
4	Burning during a period of Extreme Fire Hazard	2.(8)	\$200.00
5	Fire left unattended	2.(2)	\$200.00
6	Fail to extinguish fire	2.(3)	\$200.00
7	Fail to maintain control of fire	2.(3)	\$200.00

Note: The penalty for the offences indicated above is Section 6 of By-law No. 2005-052, a certified copy of which has been filed.