

CORPORATION OF THE TOWNSHIP OF CONMEE
BY-LAW #690

Being a by-law to provide for the regulation of open air burning of materials and to govern the issuance of fire permits.

WHEREAS paragraph 35 of section 210 of the Municipal Act RSO 1990, Chapter M45 provides that Council may pass by-laws prescribing the times during which fires may be set in the open air, and the precautions to be observed by persons setting out fires;

AND WHEREAS paragraph 49 of section 210 provides that Council may make such regulations as it considers necessary for preventing fires and the spread of fires;

AND WHEREAS Section 326 authorizes the municipality to recover the expense incurred by it in taking any action to do what another person has been directed or required to do by by-law;

AND WHEREAS Section 11 of the Forest Fires Prevention Act, RSO 1990, Chapter F.24 provides that an officer may cancel or suspend a fire permit;

AND WHEREAS open air fires which may escape from control constitute a danger and expense for persons and property within the Corporation of the Township of Conmee;

AND WHEREAS the Council of the Corporation of the Township of Conmee deems it expedient to enact a by-law to regulate the open air burning of materials and to govern the issuance of fire permits;

NOW THEREFORE the Council of the Corporation of the Township of Conmee enacts as follows:

In this By-Law;

- (a) 'Brush piles' mean branches, limbs, stumps or parts thereof.
 - (b) 'Chief Fire Official' means the Chief of the Fire Department of the Corporation of the Township of Conmee or his/her designate.
 - (c) 'Conditions' relate to any factor which could increase the fire hazard such as wind velocity, degree of humidity, or proximity of the site to very flammable material.
 - (d) 'Corporation' means the Corporation of the Township of Conmee
 - (e) 'Council' means the Council of the Corporation of the Township of Conmee
 - (f) 'Debris' means surface litter (leaves, needles) and combustible wood products.
 - (g) 'Field/Crop burning' means burning in whole or in part, of areas of agricultural land and products.
 - (h) 'Fire Department' means the Fire Department of the Corporation of the Township of Conmee
 - (i) 'Fire Permit' means a form substantially similar to the form attached as Schedule 1 to this by-law.
1. THAT no open air burning shall take place without a fire permit between April 1-October 31 except to obtain warmth or cook food
 2. THAT no burning in winds greater than 15km/hr.
 3. THAT the permittee shall have enough fire fighting equipment at the burning site to control the fire at all times. As a minimum, the permittee shall have readily accessible on site, 20 litres of water and a portable water carrying device or a garden hose connected to a water source capable of reaching the fire site and 1 shovel having a pointed blade with a minimum blade of 6" wide and 9" long.
 4. THAT a fire permit is only valid for the burning of grass, leaves, brush, paper and other clean wood waste or woody debris

5. THAT the permittee must ensure that the smoke from the burning operations does not interfere with the movement of vehicular traffic or any person
6. THAT every person who starts a fire outdoors or is in charge or apparently in charge of a fire outdoors shall;
 - (a) ensure that all conditions will allow the fire to burn safely from start until the fire is extinguished
 - (b) take all necessary steps to keep the fire under control;
 - (c) extinguish the fire before quitting the site
 - (d) be present at the site of the fire at all times;
 - (e) extinguish the fire, if the fire is started under the authority of a fire permit, by the time specified in the fire permit
 - (f) ensure that any pile is less than 2 metres in diameter and less than 2 metres high
 - (g) an area of burn is to be less than 1 ha
 - (h) the fire is to be started 2 hours before sunset, or later and extinguished 2 hours after sunrise, or earlier
7. THAT no person shall operate an outdoor 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 woodlands
 - (c) the incinerator is at least two metres from any combustible materials
 - (d) the outlet of the incinerator is covered with a screen having mesh size of not more than five millimetres.
8. An officer is authorized to order any person to put out any fire where it poses a danger to life or property
9. The Municipal Chief Fire Official, Municipal Fire Warden, Municipal By-Law Officer, members of the Ontario Provincial Police and/or a Fire Officer and Conservation Officer of the Ministry of Natural Resources are authorized to enforce this by-law.
10. (a) Every person setting fire in the open air shall comply with all lawful direction of an officer
(b) Where in the opinion of the Chief Fire Official, a potential fire danger exists, the Chief Fire Official may suspend, refuse or rescind any permit
11. Nothing in this by-law shall be deemed to authorize any burning or other act which contravenes the Environmental Protection Act RSO 1990,c.E19, the Ontario Fire Code or Forest Fires Prevention Act, or any regulations made thereunder.
12. It is declared that if any section, subsection or part or parts thereof of this by-law be declared by any court of law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereto are declared to be separate and independent and enacted as such
13. The provisions of this by-law shall apply to the whole of the Corporation of the Township of Conmee
14. (a) Any fine imposed or offense created by this by-law related to any matter is subject to the provisions of the Provincial Offences Act.
(b) Any person who contravenes any provisions of this by-law or any order made thereunder or any condition of a permit issued thereunder may be liable for all damages to public and/or private property caused by the fire and may also be liable for the full cost of extinguishing the fire.
© Any person who contravenes any provision of this by-law or any order made thereunder or any condition of a permit issued thereunder is guilty of an offense and may, upon conviction thereof, pay a penalty of not more than \$2,000.00 exclusive of costs

15. (a) All accounts rendered by the Corporation for services (including expenses by the Corporation) as referred to in Section 14, shall be paid within thirty (30) days of the billing
- (b) If payment is not made by the owner in accordance with the provisions of Section 15 (a) the Corporation may recover the expense incurred by action, or the same may be recovered in like manner as municipal taxes
16. All by-laws or parts thereof and all or any resolutions, of the Council of the Corporation inconsistent with this by-law are hereby revoked
17. This by-law comes into force and takes effect immediately upon the final passing thereof
- READ A FIRST AND SECOND TIME THIS 14TH DAY OF MAY, 1996


REEVE


CLERK-TREASURER

READ A THIRD TIME AND FINALLY PASSED THIS 14TH DAY OF MAY , 1996


REEVE


CLERK-TREASURER

FIRE PERMIT
TOWNSHIP OF CONMEE

FOREST FIRE LAW

Under the forest Fires Prevention Act, and the regulations subject to the limitations thereof, and subject also to the terms and litons herein, and subject to by-law #690, this permit is issued to

Name: _____

Address: _____

Phone #: _____

to start a fire upon the following lands:

TOWNSHIP: _____

Lot #: _____ Conc. #: _____

for the purpose of : Incinerator _____
Brush _____
Land clearing _____

Other: _____

from and including the _____ day of _____
199 , to and including the _____ day of _____, 199
subject to the following terms and conditions
(not more than 7 days)

1. The permittee shall keep the permit at the site of the burning operation conducted under the permit
2. There person in charge of the burning operation conducted under the permit shall produce and show the permit to any officer whenever requested by that officer
3. This permit is not valid between _____ and _____ local time on any day
4. The amount to be burned at any one time shall not exceed one hectare 2 piles
5. All slash and land clearing debris shall be in piles or windrows separated by a distance at least 2 metres , piles shall be limited to 2 metres in diameter and 2 metres in height
6. The permittee shall have at the location of the fire at least _____ persons and firefighting equipment in serviceable condition as follows: 20 litres of water in a container or a garden hose connected to a water source capable of reaching the fire site and one shovel

Other conditions : _____

Place of issue: _____ Date: _____

signature of permittee _____ signature of issuing officer

Fire season is from April 1 to October 31 subject to extensions

A fire permit is required before starting a fire outdoors during the fire season

Fires for cooking or warmth are excepted

A fire permit may be cancelled by an officer at any time

A permittee who does not comply with the conditions of this permit is liable to prosecution under the Provincial Offences Act

No person shall operate an outdoor incinerator,

(a) that is an unenclosed device

(b) constructed, in whole or in part of combustible material;

© unless the outlet is covered with a heavy duty screen having mesh size not greater than one-quarter inch

(d) that is situate less than 5 metres from a forest or woodlands

(e) that is situate less than 2 metres form combustible materials

Every person who starts or causes to be started a fire out of doors shall:

(a) take all reasonable steps to keep the fire under control;

(b) ensure that a responsible person tends the fire

(c) where the fire is started under a fire permit, extinguish the fire on or before the expiration of the permit; and

(d) extinguish the fire before quitting the site of the fire

SAFE BURINING TIPS

Burning at a safe time, evening is best, never on dry or windy days

Keep your burning job small enough that you keep it under control at all times

Never leave a fire until it is dead out

ENVIRONMENTAL PROTECTION ACT

This permit does not cover any requirements under the Environmental Protection Act

Nothing in this permit eliminates the need to comply with any applicable municipal, provincial or federal legislation

The municipality will not be held responsible for conditions which may cause the blowing of smoke and/or sparks or the irresponsible actions of the permit holder

THE CORPORATION OF THE MUNICIPALITY OF CONMEE

BY-LAW NO. 914

A By-law to regulate the sale or setting off of fireworks within the Township of Conmee and for requiring a permit for the holding of fireworks displays and for prescribing the conditions under which fireworks displays may be held.

WHEREAS pursuant to Section 210, Subsection 37 and 38 of the Municipal Act, by-laws may be passed to regulate the sale of fireworks, and to regulate the setting off of fireworks in the Township of Conmee, and to require a permit for holding of fireworks displays.

NOW THEREFORE the Council of the Corporation of the Township of Conmee hereby enacts as follows:

DEFINITIONS:

1. In this by-law:

“ACT” means the Explosives Act, Statutes of Canada, Chapter E-15, and Regulations thereunder, as amended and revised from time to time.

“FIRECRACKER” means a pyrotechnic device that explodes instantaneously when ignited and does not make any subsequent display or visible effect after the explosion. Firecrackers are classified as high hazard fireworks, and,

l) includes those devices known as Chinese Fireworks, but, does not include paper caps containing not in excess of an average of twenty-five one hundredths of a gram of explosive used per cap, or device for use with such caps.

“HIGH-HAZARD FIREWORKS” means a manufactured pyrotechnic device producing spectacular effects of lights or sound of such a nature that it is classed under the act as shop goods.

“LOW-HAZARD FIREWORKS” means a pyrotechnic device producing quantities of effects of light, sound or smoke by the combustion of explosives or flammable composition and included, but is not limited to, fireworks, showers, fountains, golden rain, lawn lights, pinwheels, roman candles, sparklers, volcanoes and mines, but does not include:

- i) firecrackers
- ii) articles or devices not classed under this Act as shop goods

2. SALE OF FIREWORKS

1) No person shall sell or offer for sale any high-hazard fireworks within the Township of Conmee.

4) Low-Hazard Fireworks displayed in store windows shall be mock samples only and shall not contain explosive composition.

5) Low-hazard fireworks on public display and available to the general public for purchase shall not exceed 25 kilograms. Any quantities in excess of 25 kilograms shall be kept in a suitable, secure and locked container located in a building approved by the Fire Chief or the Fire Chief's designate.

- 2) A person may hold a display of low-hazard fireworks on any land belonging to such person or on any privately owned land where the owner thereof has given permission for such display.
- 3) No person shall use or set off any low-hazard fireworks in a place or manner as might create a danger or constitute a nuisance to any person or property or cause or allow any unsafe condition to exist at or during the setting off of any fireworks, and without limiting the generality of the foregoing:
 - i) No person shall set off any low-hazard fireworks in, on, from or into any building, doorway, automobile or other place where such setting off might create a danger or nuisance to any person or property, and,
 - ii) No person shall set off any low-hazard fireworks in, on or into any highway, street, lane, square or other public place provided that this shall not be deemed to prohibit a display of low-hazard fireworks in conjunction with a display of high-hazard fireworks conducted in a public place pursuant to a permit issued thereunder and otherwise in accordance with the provisions of this by-law.

4. DISCHARGE OF HIGH-HAZARD FIREWORKS AND LOW-HAZARD FIREWORKS UNDER A PERMIT

- 1) No person shall set off or hold a display of
 - a) high-hazard fireworks; or
 - b) low-hazard fireworks
 - c) without having obtained a permit to do so signed by the Fire Chief of the Township of Conmee.
- 2)
 - a) All applications for a permit shall be made not less than fifteen (15) days before the proposed setting off or display of fireworks.
 - b) forthwith after the receipt of an application for a permit in the form prescribed in Schedule "A" hereto, the Fire Chief shall make or cause to be made an investigation of the site of the proposed fireworks display, and shall also satisfy himself or herself as to the competence of all persons who are to set off the fireworks.
 - c) The Fire Chief shall confer with any such persons as the Fire Chief may deem advisable, as to the competence of the persons who are to set off the fireworks.
 - d) Upon being satisfied as to the site of the proposed fireworks display, the place of storage of the fireworks pending such fireworks display, the competence of the persons who are to set off the said fireworks, and any other matter considered by him or her to be in the public interest, the Fire Chief may issue a non-transferable permit as described in Schedule "B" hereto, in the name of the applicant.
- 3) No person except a person licensed under the Act and who is entitled to purchase and discharge high-hazard explosives shall set off or display high-hazard fireworks.

- 4) All unused fireworks and all debris shall be removed by the person holding the display immediately following its conclusion, and safely disposed of.
- 5) The Fire Chief may in addition, in addition to any other reason, deny an application in the event that the fireworks were purchased outside of Canada or are not listed in the Regulations made under the Act.
- 6) Where an application has been approved and a permit granted, no person shall set off or hold a display of fireworks except in exact accordance with such application and permit.
- 7) Where an application for a permit is not approved by the Fire Chief, the applicant may request that Council consider the matter and the determination of Council shall be final.

5. ADMINISTRATION

- 1) The Fire Chief, or any By-law Enforcement Officer of the Township of Conmee, may at any time inspect any premises where fireworks are stored for sale to the public.
- 2) A copy of this by-law shall be posted in public view of the premises where low-hazard fireworks are sold.
- 3) The person holding a display of fireworks pursuant to a permit granted hereunder shall produce such permits at the request of any of the persons referred to in Section 5(1) hereof.
- 4) Any power, right, or duty conferred upon the Fire Chief under this by-law may be exercised or performed by his designates respectively.

6. PENALTY

Every person who contravenes any of the provisions of this by-law is guilty of an offense and upon conviction is liable to a fine or penalty as provided for in the Provincial Offenses Act.

7. Any previous by-laws are hereby repealed.
8. This By-law shall come into force and effect on the date of passing thereof.

Read a first and second time this 28th day of August, 2007.
Read a third time and finally passed this 28th day of August, 2007.

THE CORPORATION OF TOWNSHIP
CONMEE

Reeve

Clerk

SCHEDULE "A" TO BY-LAW 914

APPLICATION FOR PERMIT TO HOLD A FIREWORKS DISPLAY

Date of Application: _____

Name of Applicant: _____

Date of Display: _____ Time: _____

Exact Location of Display and Name of Landowner:

Full Name, Date of Birth, Qualifications of Applicant, and of the Person or Persons by Whom or Under Whose Supervision the Display will be Conducted:

Number and Kind of Fireworks to be Discharged:

Manner and Place of Storage of Fireworks Prior to Display:

Other:

I certify that the information contained in this application is true and correct and that permission for holding the display has been obtained from the landowner.

Signature of Applicant

FOR OFFICE USE

The undersigned has no objection to this application _____

The undersigned recommends denial of this application _____

Date: _____

Fire Chief (or designate)

SCHEDULE "B" TO BY-LAW NO. 914

PERMIT TO HOLD A FIREWORKS DISPLAY

This permit authorizes _____

to hold a:

μ High-Hazard Fireworks Display (which may be combined with a low-hazard display)

μ Low-Hazard Fireworks Display Only

on the _____ day of _____

The setting off of fireworks shall comply with the Provisions of By-law No. 914, and with the Explosives Act of Canada and Regulations thereunder.

This permit is non-transferable.

Dated at Conmee, Ontario, this _____ day of _____

THE CORPORATION OF THE TOWNSHIP
OF CONMEE

Fire Chief

NOTE: Subsection 5(3) of By-law No. 914 requires that this permit be produced on request of the Fire Chief or any By-law Enforcement Officer of the Township of Conmee or any Ontario Provincial Police Officer.