

**The Corporation of  
The Township of Cramahe**

**By-law No. 2013-40**

**Being a By-law Regulating Open Air Fires and the  
Precautions to be observed by person setting such  
fires.**

**Whereas** the *Fire Protection and Prevention Act*, 1997, S.O. 1997, Section 7.1(1)(b) states a municipality may pass by-laws regulating the setting of open air fires; and

**Whereas** the *Municipal Act*, 2001, S.O. 2001, Section 8, gives a municipality the authority to pass by-laws to regulate or prohibit matters under it's authority; and

**Whereas** the *Municipal Act*, 2001, S.O. 2001, c.25 allows a municipality to pass by-laws imposing fees or charges for services provided; and

**Whereas** the Council for the Corporation of the Township of Cramahe deems it advisable to pass a by-law for prescribing the times during which fires may be set in the open air and the precautions to be observed by persons setting out such fires, and to make regulations to limit what can be burned, prevent the spread of fires in the Municipality, and impose fees for cost recovery;

**Now Therefore** the Council for the Corporation of the Township of Cramahe **HEREBY ENACTS** as follows:

For the purpose of this by-law the following definitions shall apply:

- a) **"Open Fire"** shall mean a fire not contained within an incinerating device approved by the Fire Chief or designate;
  - b) **"Built Up Area"** shall mean within the Village of Colborne or the Village of Castleton;
  - c) **"Close Proximity"** shall mean fifty feet (50') to any buildings, fences, trees, brush piles or other structures or combustible materials to constitute a hazard;
  - d) **"Rural Area"** shall mean the whole of the Township of Cramahe **excluding** any built up area as defined in this by-law;
1. No person shall set or permit to be set an open fire in any built up area, as defined in this by-law, within the Township of Cramahe.
  2. No person shall set or permit to be set an open fire in any area within the Township of Cramahe rural area, whether such places or areas are public or private property, without obtaining approval in the form of a burning permit from the Fire Chief of the Township of Cramahe or his designate. For the purposes of this section, the Fire Chief's designate shall include the members of staff that work in the Municipal Office at 1 Toronto Street. A burning permit is set out in **Schedule "B"**, attached to and forming part of this by-law.

3. A burning permit shall expire after seven (7) days, and it is the responsibility of the holder of the permit to renew it after the seven (7) day period if so required.
4. No open fires shall be left unattended, but shall be under the immediate and constant supervision by an adult person, and such person shall maintain that fire under control at all times to prevent the spread thereof, until it has been fully extinguished within the required time period.
5. Any person starting an outdoor fire shall ensure that adequate personnel, equipment and water are available to contain and extinguish the fire and if the fire cannot be contained and extinguished the person(s) responsible shall notify the Fire Department immediately.
6. Open fires shall not be set in close proximity to any buildings, fences, trees, brush piles or structures or combustible materials that could be ignited by sparks or heat radiating from said fire.
7. Some means of extinguishing the fire, such as shovels, rakes, fire buckets, garden hose, etc., shall be available at or near the location of the fire at all times.
8. The Fire Chief or designate shall order that any fire be extinguished, even if permission had been granted or a permit issued, in the event that complaints are received from a person living in the vicinity regarding the following:
  - the burning aggravates him;
  - smoke blows into a neighbouring home; or
  - any situation which he feels may be a health and/or safety risk;
9. The Fire Chief, or his designate, may also prohibit the issuance of a permit at any location if provisions of this by-law have been contravened at that location in the past, or the Fire Chief has received complaints as listed in Section 8 in regarding burning at that location.
10. Council hereby authorizes the Fire Chief or designate to extinguish any fires, should they contravene this by-law and costs of \$410.00 shall be payable by the property owner as per the current Fees for Service By-law.
11. No action or other proceeding for damages lies or shall be instituted against the Fire Chief, Deputy Fire Chief or other municipal employee of the Township of Cramahe for an act or omission by him/her in good faith in the execution of any power or duty under this by-law.
12. Every person who contravenes any provision of this by-law may be liable for all damages to public/private property caused by the fire and may also be liable for the full costs listed in in the current Fees for Service By-law.
13. All persons for whom or in respect of whose Property Fire Protection Services are supplied shall reimburse and pay, in addition to all other fees and charges otherwise payable, all costs incurred by the Department to procure, use, repair and return, all Extra Equipment utilized by the Department in supplying Fire Protection Services and all costs incurred by the Department for extra personnel, and/or equipment.


14. Every person who sets fire in contravention of this by-law or who fails to extinguish a fire once ordered to do so by the Fire Chief or his/her designate shall, in addition of any penalty provided for herein, be liable to the Township of Cramahe for all expenses incurred for the purpose of investigation, controlling and extinguishing any fire set or left to burn, and such expenses shall be levied as set out in the attached **Schedule "A"**. Such fees shall be due and owing, and may be recovered in like manner as municipal taxes or by court action.
15. This by-law shall not prevent the use of any fireplace or similar unit constructed for that purpose, nor shall it prevent the use of camp stoves, charcoal burning units or similar devices.
16. No person shall burn any material restricted by the Ministry of the Environment such as rubber, plastics, foam, treated wood, or any material which could cause toxic or noxious gasses.

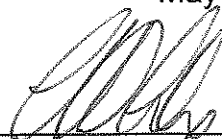
This by-law comes into effect the day it is passed by Council, in the manner appropriate to the Municipality.

That By-law 03-64B or any by-laws or parts thereof and all resolutions of Council which are inconsistent herewith are hereby repealed.

By-law read a first and second time this 13<sup>th</sup> day of August, 2013

By-law read a third time and finally passed this 13<sup>th</sup> day of August, 2013

  
\_\_\_\_\_  
Mayor, Marc Coombs

  
\_\_\_\_\_  
C.A.O./Clerk, Christie Alexander

**Schedule "A"**  
**By-Law No. 2013-40**

**The Corporation of the Township of Cramahe**

**Part I, of the *Provincial Offences Act*, 1990, R.S.O. 1990**

By-Law No. 2013-40, being a by-law for regulating open air fires, and the precautions to be observed by persons setting out such fires in the Municipality.

Item	COLUMN 1 Short form wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fine (including costs)
1.	Permit or cause an open fire to be set in a built up area	Section 1	\$410.00
2.	Permit or cause an open fire to be set in rural area – no permit	Section 2	\$410.00
3.	Permit or cause material other than brush or wood to be burned in an open fire.	Section 3	\$410.00
4.	Fees associated with Fire Department response per vehicle.	Section 4	\$410.00/hr
5.	Fees associated per Fire Fighter and/or Officer	Section 5	Current Rate

NOTE: The penalty provision for the offences indicated above is Section 61 of the *Provincial Offences Act*, R.S.O. 1990 c. P.33 as amended.