

THE CORPORATION OF THE TOWN OF GORE BAY

BY-LAW NO. 2006-34

**BEING A BY-LAW TO REGULATE
THE SETTING OUT OF FIRES AND
THE PRECAUTIONS TO BE TAKEN WHILE BURNING**

WHEREAS the Fire Protection and Prevention Act, S.O. 1977, section 2(1) provides that every municipality shall:

- a) Establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention; and
- b) Provide such other fire protection services as it determines may be necessary in accordance with its needs and circumstances;

AND WHEREAS section 7.1 of the said Act provides that the council of the municipality may pass by-laws;

- a) Regulating fire prevention, including the prevention of the spreading of fires; and
- b) Regulating the setting of open air fires, including establishing the times during which open air fires may be set;

AND WHEREAS section 7.1(3) of the said Act further provides that a by-law under this section may deal with different areas of the municipality differently;

NOW THEREFORE the Council of the Corporation of the Town of Gore Bay enacts as follows:

1. DEFINITIONS:

- a) Fire Season: Period from January 1 to December 31 of each year;
- b) Fire Permit Issuer: The Clerk of the Town of Gore Bay is responsible for the issuance of Fire Permits;
- c) Fire Permit: A legal document issued by the Fire Permit Issuer to the Applicant for the purpose of Grass Fires, Brush Fires, Permitted Fires and Controlled Fires;
- d) Applicant: A person identified as the owner of the residential property within the municipal boundaries of the Town of Gore Bay as indicated on the most recent assessment roll. An Applicant may give written authorization to a tenant of their property to make application for a Fire Permit;
- e) Permittee: A person to whom a Fire Permit is issued;
- f) Permitted Fire: For the purpose of this by-law, a permitted fire is a fire set for the bona fide purposes of cooking or warmth and set in a fully enclosed wood burning appliance bearing a CSA or ULC registration label or other constructed device, including but not limited to a "chiminea", as authorized in writing by the Fire Chief or designate;

2. GENERAL RULES

In all areas within the boundaries of the Town of Gore Bay, the following provisions shall apply:

- a) No person within the Town of Gore Bay shall intentionally set or cause to be set any fire or permitted fire without obtaining a fire permit in the form prescribed in Schedule "A" attached hereto and forming part of this by-law; A Fire Permit will be required for each: Grass Fire, Brush Fire, Permitted Fire and Controlled Fire;

- b) No person within the Town of Gore Bay shall burn between the hours of 8 a.m. and 6 p.m. without the written authorization of a Fire Permit Issuer. A Fire Permit Issuer must authorize special requests for daytime burning.

A field inspection conducted by a Fire Permit Issuer &/or Fire Chief of the Municipality may be required to determine risk / spread potential and consideration of weather factor may allow the issuance of a daytime burning permit;

- c) No person shall burn in winds greater than 10 MPH or if smoke will interfere with traffic or neighbouring properties;
- d) No person shall burn household garbage;
- e) No person shall use an incinerator and/or burn barrel or any other similar device for any burning purpose within the boundaries of the Town of Gore Bay.
- f) Fire Permit Issuers have the right to cancel or refuse to issue a Fire Permit at any time, especially if the existing hazard (high winds, large quantity to burn, insufficient fire equipment, etc.) warrants this action;
- g) No person shall set out a fire in the open air to burn wood, brush or discarded wood by-products in piles in excess of 6-feet in height or 6-feet in diameter, except under the authority of a burning permit in the form provided in Schedule "A" attached to and forming part of this by-law;
- h) No person shall set out a fire to burn grass or leaves where the area to be burned is more than one acre or where the length of the flaming edge is greater than 100-feet, except under the authority of a burning permit in the form provided in Schedule "A" attached to and forming part of this by-law.

3. TERMS & CONDITIONS

To qualify for a Fire permit an Applicant must abide by the following terms and conditions:

- a) An applicant must have a Minimum Lot Size of 460 square meters as per the Zoning By-law;
- b) Every person must meet the definition of an applicant as set forth in Section 1(d);
- c) Every person shall ensure an open air fire is a minimum of 50 feet from any building or structure and a minimum of 25 feet from any fence, brush, or other combustible material and liquids;
- d) Every person shall ensure the fire is supervised at all times;
- e) Every person shall ensure the fire is fully extinguished prior to leaving unattended;
- f) Every person shall ensure adequate persons (min. 1) and fire fighting equipment (min. garden hose and shovel) are on site for the purpose of extinguishing a fire if required;
- g) Every person shall ensure the rules set forth in Section 2 are closely adhered to;
- h) Every person shall keep the fire permit at the site of the burning operation;
- i) Every person in charge of the burning operation shall produce and show the fire permit to any officer of the municipality whenever requested to do so;
- j) Every person agrees to all terms and conditions as set forth by this By-law.

4. ENFORCEMENT

- a) Complaints which cannot be handled by the Clerk will be forwarded to the Fire Chief who will be required to investigate the merits of the complaint;
- b) If a Permittee is in contravention of the By-Law the Fire Chief is required to make recommendations to the Clerk who is authorized to revoke the permit and issue a charge as per Section 6 of this by-law;
- c) **ALL FIRE PERMITS WILL BE REVOKED** if a Restricted Fire Zone is issued by the Corporation of the Town of Gore Bay or the Ministry of Natural Resources, in the event of extended periods of hot, dry weather. The restriction can be imposed on very short notice and can apply for any length of time. All fire permits will be cancelled until the Ministry of Natural Resources or the Corporation of the Town of Gore Bay, as applicable, lifts the Restricted Fire Zone.

5. FEES

- a) There is NO FEE for the issuance of Fire Permits;
- b) In the event any person contravenes any provision of this by-law and the contravention results in the required response of the Gore Bay Volunteer Fire Department, the owner or occupier or land to which the Gore Bay Volunteer Fire Department attends will be billed according to the current rates applicable at the time of the contravention.

6. PENALTY

- a) Every person who contravenes any of the provisions of this by-law is guilty of an offence and is liable upon conviction to a penalty as authorized by the Provincial Offences Act.

7. By-law No. 96-23 is hereby rescinded.

8. This by-law shall come into force and take effect on the final date of passing hereof.

READ A FIRST TIME THIS 14th DAY OF August , 2006

READ A SECOND TIME THIS 28th DAY OF August , 2006

READ A THIRD TIME AND FINALLY PASSED THIS 28th DAY OF August , 2006

.....
MAYOR

.....
CLERK

SCHEDULE 'A' TO BY-LAW NO. 2006-34

THE CORPORATION OF THE TOWN OF GORE BAY

FIRE PERMIT NO: _____

Pursuant to the Rules and Regulations set forth by Town of Gore Bay By-law No. 2006-34 and subject to the terms and conditions herein, this permit is issued to:

Name of permittee in full:

to start a fire upon the following lands:

Street Address Telephone No.

Town of Gore Bay Ontario POP 1H0

for the purpose of:

Brush Burning Grass Fire Land Clearing Permitted Fire

from and including the day of , to and including the day of , subject to the following terms and conditions:

1. The permittee shall keep the permit at the site of the burning operation conducted under the permit;
2. The 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. The permittee shall have at the location of the fire at least 1 person and fire fighting equipment in serviceable condition as follows:
 - Garden hose
 - Shovel
4. Other Conditions:
 - Smoke not to interfere with neighbours
 - No burning in winds greater than 10 mph
 - All other terms and conditions as per By-law No. 2006-34, a copy of which is attached.

Place of Issue Gore Bay Municipal Office Date of Issue

I understand all terms and conditions set forth within By-Law 2006-34 and will abide by them:

Signature of Permittee

Annette Clarke, Fire Permit Issuer

Report Wildfires to the Gore Bay Volunteer Fire Department 9-1-1

SET FINES

THE CORPORATION OF THE TOWN OF GORE BAY

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OF FIRE AND THE PRECAUTIONS TO BE TAKEN WHILE BURNING**

ITEM #	SHORT FORM WORDING	OFFENCE CREATING PROVISION OR DEFINING OFFENCE	SET FINE
1.	Set fire without Permit	Section 2(a)	\$100.00
2.	Burning between 8 a.m. & 6 p.m.	Section 2(b)	\$100.00
3.	Burning in winds greater than 10 MPH	Section 2(c)	\$100.00
4.	Smoke interfering with traffic	Section 2(c)	\$100.00
5.	Smoke interfering with neighbours	Section 2(c)	\$100.00
6.	Burning household garbage	Section 2(d)	\$100.00
7.	Use of incinerator and/or burn barrel	Section 2(e)	\$100.00
8.	Exceedance of maximum burn pile size	Section 2(g)	\$100.00
9.	Exceedance of maximum burn area	Section 2(h)	\$100.00
10.	Failure to maintain minimum separation	Section 3(c)	\$100.00
11.	Failure to supervise fire	Section 3(d)	\$100.00
12.	Failure to extinguish fire	Section 3(e)	\$100.00
13.	Failure to provide adequate fire fighting equipment	Section 3(f)	\$100.00
14.	Failure to produce fire permit upon request	Section 3(i)	\$100.00

“The penalty provision for the offences listed above is section 6 of By-law No. 2006-34, a certified copy of which has been filed.”