

THE CORPORATION OF THE TOWNSHIP OF LAIRD

BY-LAW #952-14

BEING A BY-LAW TO CONTROL OPEN AIR BURNING IN THE CORPORATION OF THE TOWNSHIP OF LAIRD

WHEREAS Section 102 of The Municipal Act, R.S.O. 1990 as amended, provides that Council may pass by-laws and make regulations for the health, safety, morality and welfare of the inhabitants of the municipality;

AND WHEREAS the Council of The Corporation of the Township of Laird deems it expedient to control open air burning for protecting inhabitants, property owners and property in the Municipality;

AND WHEREAS The Corporation of the Township of Laird desires that burning permits are issued to control open air burning within the jurisdiction of the municipality;

NOW THEREFORE the Council of The Corporation of the Township of Laird **ENACTS AS FOLLOWS:**

1. **THAT** for the purposes of this By-law “Officer” means the Fire Chief, Deputy Fire Chief, or Fire Wardens as appointed by Council.
2. **THAT** Residents and Taxpayers of the Township of Laird obtain a Burning Permit, as set out in Schedule “A”, for Open Air burning except for cooking and warmth, within the municipality during the period April 1 to October 31 of each year and shall keep the permit at the fire site at all times during any burning operation and shall present the permit for inspection to any Fire Officer or Fire Warden upon demand.
3. **THAT** this by-law be enforced in accordance with the legislation and regulations of the Forest Fire Prevention Act (F.F.P.P.) and the Fire Protection and Prevention Act (F.P.P.A.);
4. **THAT** enforcement of any offence under this by-law will be conducted as set out by the F.F.P.A. and/or F.P.P.A.;
5. **THAT** this by-law will be enforced by Officers of the Municipality being the Fire Chief, Deputy Fire Chief, or Fire Wardens;

6. **THAT** permits for daytime burning, as set out in Schedule “C”, will only be issued for very special circumstances after the site has been inspected and approved by the Fire Chief, or Deputy Fire Chief.
7. **THAT NOTWITHSTANDING** a Restricted Fire Zone being declared by the Ministry of Natural Resources, the Fire Chief or a Deputy Fire Chief of the Municipality may declare a Fire Ban on all Open Air Burning except for cooking and warmth where the fire is contained in an approved installation as defined under the F.F.P.A. and Laird Township will be notified of such Fire Ban;
8. **THAT** contravention of any part of this by-law will result in fines and/or charges as specified in Schedule “B” attached to and forming part of this by-law;
- 9.(1) **THAT** where an officer under this by-law or a fire warden finds on any land, building, structure or equipment a condition that, in his or her opinion, may cause danger to life or property from fire, the officer may order the owner or person in control thereof or the person who has caused the condition to take such action as the officer considers necessary to remedy the condition, and in default the officer, with such assistants as he or she requires, may remedy the condition;
- 9.(2) **THAT** the cost and expense of any action taken by an officer and his or her assistants under subsection (1) shall be paid by the owner or person in control of the land or the person who has caused the condition and are recoverable by the Corporation of the Township of Laird in any court of competent jurisdiction.
- 10.(1) **THAT** every person who disobeys or refuses or neglects to carry out any of the provisions of this by-law or the regulations or of any order made thereunder or any condition of any permits issued thereunder is guilty of an offence and on conviction is liable to a fine of not less than \$100.00 and such person is also liable to the Municipality for any cost and expenses incurred by the Municipality in endeavoring to disobedience, refusal or neglect.
- 10.(2) **THAT** the cost and expenses for which a person is liable under subsection (1) are recoverable with the costs in any court of competent jurisdiction as a debt due, but where the amount claimed does not exceed the monetary limit of the Small Claims court and proceedings are taken under the Provincial Offences Act in respect of the disobedience, refusal or neglect, the court, upon making a conviction, may order payment of such amount to the Municipality and every such order may be enforced in the same manner as a Small Claims Court judgement.

11. **AND THAT** the Council of the Municipality may make regulations:
1. regulating of prohibiting outdoor fires;
 2. regulating or prohibiting operations specified by the regulations;
 3. governing the issue, form, refusal and cancellation of permits or any class of them and prescribing their terms and conditions;
 4. designating classes of operations and activities and governing the equipment, staff and precautions to be provided or observed in respect of fire prevention or suppression by persons engaged in any class of operation or activity;
 5. prescribing fees for the issuance of permits;
 6. governing the use of fire during a restricted fire zone.

By-law 813-03 is hereby rescinded.

READ and passed in open Council this 20th day of August, 2014.

Mayor

Clerk-Treasurer

“SCHEDULE A” TO BY-LAW #952-14
THE CORPORATION OF THE TOWNSHIP OF
LAIRD

FIRE PERMIT

EMERGENCY NUMBERS:
Fire Dept: 911
M.N.R. Fire: 1-888-863-3473

R. R. #4
Echo Bay, ON
POS 1C0

No:

Date:

AUTHORITY is hereby granted to.....
ADDRESS to start a fire upon the
following described lands from two hours before sunset to two
hours after sunrise from theday of, to the 31st day of October,
inclusive.

Subject to the conditions as printed on the reverse side of this permit and the following special conditions:

USE EXTREME CAUTION WHEN DRY AND WINDY
DO NOT BURN IF WINDS ARE OVER 16 KM (10 Miles per hour)
NO DAYTIME BURNING

The amount to be burned at any one time shall not exceed one hectare (2.5 acres) or two piles, not to exceed 2m in diameter and less than 2m high (6ft).

I, the undersigned have read and agree to comply with the conditions herein before stated and the conditions contained on the reverse side of this Permit.

The Corporation of the Township of Laird

.....
(Signature of Permittee)

.....
(Signature)

.....
(Phone Number)

.....
(Title)

SEE REVERSE SIDE OF THIS PERMIT

SCHEDULE A" TO BY-LAW 952-143 (REVERSE SIDE)
**GENERAL CONDITIONS TO BE COMPLIED WITH BY
PERMITTEE**

1. The permittee shall keep the permit at the site of the burning operation conducted under this permit and shall show the permit upon request to any person in proper authority.
2. The permittee shall have at the location of the fire sufficient persons and firefighting equipment to control the fires and the permittee assumes full responsibility for determining the sufficiency of persons and equipment.
3. The permittee shall keep the fire at least 15 metres from any structure and 5 metres from any combustible material (trees, grass, woodpiles, etc.).
4. The permittee shall not leave the site of the fire until the fire has been completely extinguished.
5. The permittee shall be responsible to determine if restricted fire zone conditions are in effect.
6. The permittee assumes full responsibility for all damages of every nature and kind which may arise as a result of the fire set by the permittee and irrevocably agrees to indemnify and save harmless the Township from any claims made against the Township in consequence of damages arising from the fire set by the permittee.
7. The Township may cancel or suspend the fire permit at any time and immediately upon receiving notice of such cancellation or suspension the permittee shall extinguish any fire started under the permit.
8. Any costs and expenses incurred by the Township or any Provincial Authority in controlling or extinguishing the fires set by the permittee shall be paid by the permittee.
9. Every person who fails to comply with the terms of this permit is guilty of an offence under the Forest Fire Prevention Act, and/or the Ontario Fire Code and upon conviction is liable to a fine or to imprisonment as provided in the said legislation.

THE CORPORATION OF THE TOWNSHIP OF LAIRD

SCHEDULE "B" TO BY-LAW #952-14

Schedule of Fines and Charges:

1.	Permit Offences-burning without a permit	2. Of By-law	\$100.00
2.	Permit Offences-Permit not at site	2. Of By-law	\$100.00
3.	Permit Offences-Failing to produce permit	2. Of By-law	\$100.00
4.	Insufficient Persons at fire or unattended fire	1(2) Reg.	\$100.00
5.	Fail to completely extinguish fire before Leaving site	1(3) Reg.	\$200.00
6.	Burning during a restricted fire zone or fire Ban	6. Reg.	\$200.00
7.	Burning contrary to condition(s) on permit	8(a) Reg.	\$100.00
8.	Burning contrary to condition(s) on attachment to permit	8(b) Reg.	\$100.00
9.	Permitting fire to go out of control	11. Reg.	\$200.00

THE CORPORATION OF THE TOWNSHIP OF LAIRD

REGULATIONS FOR OPEN AIR BURNING FOR BY-LAW #952-14

- 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 pile that is less than two meters in diameter and less than two meters high or as an inspector deems appropriate having regard for all conditions;
 - (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 a least five meters from any flammable materials; and
 - (e) the person tending the fire has tools and 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 incinerator unless;
- (a) the incinerator is an enclosed device constructed entirely of non-combustible material;
 - (b) the incinerator is at least five meters from any forest or woodland;
 - (c) the incinerator is at least two meters from any flammable material; and
 - (d) the outlet of the incinerator is covered with a screen having a mesh size of not more than five millimeters
- (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 meters;
 - (d) at least 2 persons for every 30 meters of flaming edge of burning site;
 - (e) the fire is started two hours before sunset, or later, and is extinguished two hours after sunrise the following day, or earlier; and
 - (f) the person tending the fire has tools and water adequate to contain the fire
- (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;
- 5.(2) Subject to section 6, a person who has a fire permit setting out special circumstances and conditions 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.
6. No person shall start a fire outdoors or in an incinerator within an area declared to be under a restricted fire zone or a fire ban 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.
- 8.(a) No person shall burn in any manner, that contravenes any condition on the permit issued for the burn

(b) The municipality may attach conditions to a permit as set out in the regulations and no person shall contravene any part of such attachment.
9. Daytime Burning Permits will be issued for Very Special Circumstances provided;
 - (1) The burning is required for a business, company, industry, corporation or a farm as defined by Revenue Canada;
 - (2) Items to be burned are in such condition that allowing them to remain would pose a risk to life or property.
 - (3) By nature of items to be burned, burning may take longer than 12 hours and it would be impractical to require the burning to be extinguished then re-ignited to complete the entire burn.
 - (4) By nature of the applicant, sufficient persons and equipment would be more accessible during daytime hours in order to safely control the burn.
10. Daytime Conditions;
 - (a) Items to be burned shall be piled in compliance with regulation Sec.2(b) or as the instructor deems appropriate having regard for all conditions
 - (b) There shall be at least a five meter radius of mineral soil from the edge of the burn, and encircling the burn site
 - (c) Any edge of the burn pile shall be no closer than 30 meters to any forest or woodland
 - (d) For each pile of items to be burned there shall be at least 2 persons in attendance at all times until the burn is completely extinguished.
 - (e) Each person required to be in attendance shall be equipped with a hand shovel or hand rake in good working condition for the purposes of controlling the burn
 - (f) There shall be at least 20 gallons of water for each burn pile on fire in containers suitable for applying the water to the fire at all times.
 - (g) Where there is more than one pile to burn, any edge of any pile shall not be closer than 15 meters to any other pile.
 - (h) There shall, at all times during the burn, be a means of communications whereby a fire department may be summoned to the site.
 - (i) Any edge of the burn pile is not closer than five meters from any flammable material

- (j) The business, industry, company, corporation or farm, as defined by Revenue Canada, requesting to burn during the daytime shall make application in writing to do so indicating the name, address, phone number of the business or company, the name of the person in charge of the site, the type of communications intended to be used, the number of piles to be burned and the number of persons and names of those persons intended to be in attendance.
 - (k) The above application shall be made at the municipal office and given at least 5 days prior to the proposed burn date.
 - (l) A permit to allow such a burn may be issued by the Fire chief, or Deputy Fire Chief.
 - (m) The Fire Chief or Deputy Fire Chief shall enter the premises of the proposed burn site and inspect same.
 - (n) Permission to allow the burn to begin is subject to the above inspection. No burn shall commence without the above permission.
 - (o) The Fire Chief and Deputy Fire Chief may, at any time cancel the above permit or permission and order the fire extinguished.
 - (p) The permit holder and all persons at the fire site shall comply with such order immediately
 - (q) Where a permit holder is issued a permit for a period of time exceeding 24 hours, the permit holder shall notify the municipality prior to commencing of burn.
 - (r) All of the above conditions apply to the permit holder where he or she is burning vegetative growth in a field for every 60 meters of flaming edge.
 - (s) No burn, referred to in subsection (r) shall exceed 2 hectares of active fire at any one time.
 - (t) Be it noted that the above conditions are a minimum standard, the officer issuing the said permit may require further conditions, as he or she sees fit considering all circumstances, prior to issuing the said permit.
11. No person who is conducting a burn of piled wood, brush, discarded wood by-products, grass, leaves, or wood, brush or discarded wood by-products in an incinerator shall permit the fire to go out of control.
 12. No person shall conduct any open air burning during a restricted fire zone.
 13. Fire Permit Fees-
 - a) Daytime Burning Fees-0
 - b) Fire Permits-0

SCHEDULE "C" TO BY-LAW #952-14
THE CORPORATION OF THE TOWNSHIP OF LAIRD

DAY TIME BURNING PERMIT

Under By-law #813-03 of The Corporation of the Township of Laird and the Regulations to Control Open Air Burning (specifically Sections 2(b) and 10), and subject to the limitations thereof, and subject also to the terms and conditions herein, this permit is issued to:

NAME OF PERMITTEE
(CORPORATION) _____

ADDRESS: _____

PHONE: _____

LOCATION OF BURN (Property Description & Emergency #)
#) _____

DATE(S) OF
BURN: _____

HOURS PERMITTED TO
BURN: _____

AMOUNT to be burned at one time SHALL
NOT EXCEED _____ ACRES _____ PILES

being no larger than _____ in size.

PERSON IN CHARGE OF BURN SITE:
(Permittee): _____

ADDRESS: _____

PHONE: _____ CELL: _____

THE PERMITTEE SHALL HAVE _____ PERSONS IN ATTENDANCE AT ALL TIMES DURING THE BURN TO CONTROL THE FIRE AT ALL TIMES.

THE PERMITTEE SHALL HAVE THE FOLLOWING EQUIPMENT ON
SITE: _____

IN SERVICEABLE CONDITION TO CONTROL THE FIRE AT ALL TIMES

SPECIAL REQUIREMENTS SPECIFIC TO THIS BURN
SITE/LOCATION: _____

THE PERMITTEE WILL CONDUCT ALL BURNING UNDER THIS PERMIT IN ACCORDANCE WITH SECTION 10 OF REGULATIONS FOR OPEN AIR BURNING (As shown attached to this form).

THE PERSON IN CHARGE OF THE BURN, WHO SIGNS THIS PERMIT WILL BE RESPONSIBLE FOR THE BURN AT ALL TIMES AND WILL KEEP THE FIRE UNDER CONTROL AT ALL TIMES.

SITE INSPECTED
BY: _____

DATE: _____ TIME: _____

DATE OF
ISSUE: _____

PERMITTEE
SIGNATURE: _____

ISSUING OFFICER
SIGNATURE: _____

FEE \$ _____

REPORT WILDFIRES TO 911 OR MINISTRY OF NATURAL RESOURCES 1-888-863-3473

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET, SUITE 303
SUDBURY, ONTARIO, P3E 6A5



BUREAU DU JUGE PRINCIPAL
COUR DE JUSTICE DE L'ON
RÉGION DU NORD-ES

159, RUE CEDAR, PIÈCE 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE : (705) 525-2100
FACSIMILE/TÉLÉCOPIEUR : (705) 525-2100

August 10, 2005

Ms. Phyllis L. MacKay
Clerk-Treasurer
The Corporation of the
Township of Laird
R.R. #4
Echo Bay, Ontario, P0S 1C0

Dear Ms. MacKay:

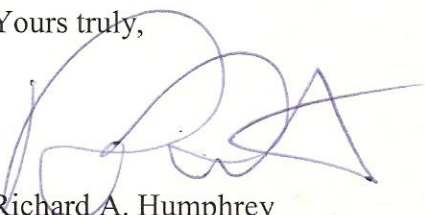
***Re: Set Fines – Provincial Offences Act – Part I -
Township of Laird – Algoma District***

Enclosed herewith is a copy of an Order and a copy of a schedule of set fines for By-law N 813-03, the By-law indicated in the schedule. Please ensure that a copy of the said documents be forwarded to the Provincial Offences Office, which has jurisdiction for the Township of Laird.

The setting of the fines does not constitute my approval of the short form of wording used in the Provincial Offences Act for the Offences.

I have forwarded the original of the Order and the schedule of the set fine to the Ontario Court of Justice in Sault Ste. Marie, together with a certified copy of the By-law.

Yours truly,


Richard A. Humphrey
Regional Senior Justice
Ontario Court of Justice

RAH/hjl
Enc.

c.c.: Her Worship Jane Forth, Regional Senior Justice of the Peace
Her Worship Kathleen Bryant, Sault Ste. Marie

THE CORPORATION OF THE TOWNSHIP OF LAIRD

Set Fine Schedule

PART I, PROVINCIAL OFFENCES ACT

By-law #: 813-03

Page 1

Name of By-law: Burning By-Law

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Burning without a permit	2.	100.00
2	Burning without permit at site	2.	100.00
3	Failure to produce permit	2.	100.00
4	Insufficient persons at fire	10.(1) – 1.(2) of Regulations	100.00
5	Failure to completely extinguish fire before leaving site	10.(1) – 1.(3) of Regulations	200.00
6	Burning in a restricted fire zone or during a fire ban	10.(1) – 6. of Regulations	200.00
7	Burning contrary to condition(s) on permit	10.(1) – 8.(a) of Regulations	100.00
8	Burning contrary to condition(s) on attachment to permit	10.(1) – 8.(b) of Regulations	100.00
9	Permitting fire to go out of control	10.(1) – 11. of Regulations	200.00

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