

THE CORPORATION OF THE MUNICIPALITY OF WHITESTONE

BY-LAW NO. 07-2003

BEING A BY-LAW TO ESTABLISH A PERMIT
SYSTEM FOR OPEN AIR FIRES

WHEREAS S.O. Section 390 of the Municipal Act, 2001, Revised, Section 475 (3) (b), provides that the Council may pass by-laws for prescribing the times that fires may be set and the precautions to be observed by persons setting out fires;

NOW THEREFORE, the Council of the Corporation of the Municipality of Whitestone enacts as a by-law the following:

1. All persons setting an open air fire in the Municipality of Whitestone from April 1st until October 31st shall first obtain a fire permit from an authorized permit issuer.
2. The permit shall be valid for a period of time agreed upon between the issuer and the person setting out the fire.
3. All burning regulations shall be in force throughout the year.
4. No open air fire shall be maintained when the wind is in such direction or intensity so as to cause one or both of the following:
 - a) A decrease in visibility on any highway or road, or
 - b) The rapid spread of fire through grass or a brush area.
5. Any person who is issued a permit for a fire shall have the permit available at the site at all times during the fire.

PERMITS

6. A person who has obtained a fire permit pursuant to this section shall ensure that:
 - a) The fire is attended by a responsible person until the fire is out;
 - b) The material to be burned shall be limited to piled wood, brush and discarded wood products.
 - c) The pile is less than 2 meters in diameter and less than 2 meters high;
 - d) The fire is ignited 2 hours before sunset or later and extinguished 2 hours after sunrise of earlier;
 - e) The fire is at least 3 meters from any flammable materials; and
 - f) The person attending the fire has the means of extinguishing the fire, as recorded on the fire permit, available at the site at all times during the fire.
7. A person who has obtained a fire permit to burn grass and/or leaves shall ensure that:
 - a) The fire is attended by a responsible person until the fire is out;
 - b) The area to be burned is less than .5 hectare;
 - c) The length of flaming edge is less than 10 meters;
 - d) The fire is ignited 2 hours before sunset or later and extinguished 2 hours after sunrise of earlier;
 - e) The person tending the fire has the means of extinguishing the fire, as recorded on the fire permit, available at the site at all times during the fire.

INCINERATOR

8. Any person operating an incinerator for open air burning shall apply for an annual permit. The Chief Fire Official or his or her designate will conduct an inspection of the incinerator before issuing the permit, and charged a fee as per Schedule "A" for a final inspection. Such an incinerator may operate at any time during the day or night and shall be:

- a) A metal barrel in good condition (or an enclosed device)
- b) At least 5 meters from any building or forest;
- c) At least 2 meters from flammable material;
- d) Used to burn wood and wood by-products only;
- e) Covered by mesh having openings less than 5 mm in size
- f) Monitored by a responsible person until out, and the person monitoring the fire shall have adequate tools and/or water to contain the fire available at the site at all times during the fire.

DAYTIME PERMIT

9. A person shall apply for a Day Time Permit through the Fire Department. The daytime permit is subject to the following:

- a) An on site inspection may be done by the Chief Fire Official or his or her designate,
- b) Adequate tools and or water to contain the fire, available on the site at all times during the fire, (i.e. Shovels, pails of water brooms or what ever the Chief Fire Official requests.)
- c) The Chief Fire Official or his or her designate will inform the Ministry of Natural Resources of such a fire before a permit will be issued.
- d) The fire must be attended to until fire is completely extinguished.
- e) The pile is less than 2 meters in diameter and less than 2 meters high
- f) The fire is at least 5 meters from any flammable materials.
- g) For larger burns, the Chief Fire Official or his or her designate, may require the attendance of the Whitestone Fire Rescue Department at the scene of such a fire, with a charged a fee as per Schedule "B" per hour for crews of 8 or less paid by the permittee.

NO PERMIT NEEDED FOR COOKING OR WARMTH

10. A permit will not be required for open air fires if set when such burning consists of a small contained fire, used to cook food on a grill or barbecue, or is for personal warmth. The fire shall be:

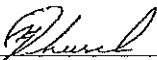
- a) Situated on bare rock or other non-combustible material;
- b) Surrounded by at least 1 meter of non-combustible material;
- c) At least two meters from any flammable material.
- d) The pile is less than one meter in height and less than one meter in diameter;
- e) Supervised by a responsible person at all times and that person must have adequate tools and/or water to contain the fire available at the site at all times until fire is out (such as shovel, corn broom, garden hose, 25 litre pail of water, easy access to a lake, etc.).

FIRE BANS & RESTRICTED FIRE ZONES

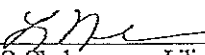
11. During a municipal fire ban or a restricted fire zone, no person shall start or tend a fire. All Existing permits are suspended.

12. Notification of Fire Ban will be done through the municipal website, radio, and Highway signs.
13. All persons setting an open air fire in the Municipality of Whitestone shall:
 - a) Be responsible for any damages to property or injury to persons occasioned by said fire;
 - and
 - b) Be liable for costs incurred by the Fire Department, including personnel, equipment and apparatus necessary to extinguish said fire. Persons will be billed at MNR rates, as per Schedule "C", plus any MNR charges if MNR assistance is requested.
14. No person shall, without lawful authority, tear down, remove, damage, deface or interfere with any notice or sign put up, posted, or placed by the Municipality of Whitestone for the purposes of fire prevention.
15. Every person who contravenes any of the provisions of this by-Law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than five thousand dollars (\$5,000) exclusive of costs, and every such fine is recoverable under the Provincial Offences Act, R.S.O. 1990, cP.33.
16. The Chief Fire Official, or his or her designate, at their discretion, will issue a first time warning if the person setting out the fire agrees to immediately extinguish the fire as quickly as possible.
17. This By-law may be cited as the "Municipality of Whitestone Open Air Fire By-Law".
18. That this By-Law shall come into effect and take force on the date of its passing.
19. The Council of the Municipality of Whitestone will appoint such permit issuers for such terms and remuneration, as Council shall determine from time to time by resolution.
20. That By-Law No. 25-2000 be repealed.
21. If any section, clause or provision of this By-law is for any reason declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the By-Law as a whole or in part thereof, other than the section, clause or provision so declared to be invalid, and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-Law shall remain in full force and effect until repealed.

Read a First and Second time this 11th day of March, 2003.




Reeve Bill Church

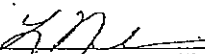


CAO-Clerk Liliane Nolan

Read a Third time and Passed, Signed and Sealed this 11th day of March, 2003.



Reeve Bill Church



CAO-Clerk Liliane Nolan