

CORPORATION OF THE TOWN OF NORTH PERTH

BY-LAW NO. 117-PW-2001

By-law to Lessen the Danger from Fires

WHEREAS the Council of the Town of North Perth is concerned with the health and safety of its citizens resulting from uncontrolled and unsupervised outside burning of various materials.

AND WHEREAS it is deemed appropriate to establish regulations to control outside burning in the Town of North Perth.

AND WHEREAS the *Municipal Act* R.S.O. 1990, Sec. 210, s.s. 49 allows for municipal councils to prescribe times for setting fires and other precautions to be taken.

AND WHEREAS *The Ontario Fire Code*, O. Reg. 388/97 provides for the prevention and control of open air burning.

NOW THEREFORE the Council of the Corporation of the Town of North Perth hereby enacts as follows:

1. **DEFINITIONS:**

“Council” means the Council of the Corporation of the Town of North Perth.

“Town” means the Corporation of the Town of North Perth.

“Fire Chief” means the designated Fire Chief for the Town of North Perth or his designate for the purpose of enforcing this By-law.

“Urban Areas” means all areas in the Town of North Perth designated in the County of Perth Official Plan as *“settlement areas”* including “serviced urban area”, “village”, “hamlet” and also “mobile/modular home park”, “urban fringe” and “infilling areas”.

“Rural Areas” means all other areas designated in the County of Perth Official Plan not included in the definition of “Urban Area”.

“Fire Permit” means a permit to burn issued by the Fire Chief for the Town of North Perth or his designate.

“Person” means the owner or tenant or one who has possession or control of a property in the Town of North Perth.

2. The Chief of the Fire Department shall examine carefully, whenever requested by the Council so to do, or whenever he may deem it necessary or

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proper, any and/or all chimneys, fireplaces, hearths, ovens, boilers, furnaces, stoves, steam pipes, stove pipes, funnels, flues and all places where fires are made or kept, or where ashes are kept, or where hay, straw, wood, lumber, shavings or other inflammable matter is collected or kept, or any buildings, fences or structures which may be a source of danger from fire to adjacent property within the Town of North Perth. If an inspection is requested by the insurance company or homeowners or other occupants, there shall be an appropriate fee attached thereto. The Fire Chief shall notify the owner, occupant or party using the building or premises where any such thing may be a source of danger from fire to discontinue the keeping or use thereof or to remove the same and the Fire Chief shall ensure that proper safeguards against fire are adopted.

3. No person in RURAL areas shall kindle or maintain or cause to be kindled or maintained any open burning larger than 3 metres (10 feet) in diameter without informing the Fire Chief of the area covered by that department. Open burning shall be permitted in rural areas of the Town of North Perth for the purposes of barbecuing food, burning paper, brush, leaves, providing that the fire is at all times attended and supervised by a responsible person for the task, and shall not be started before sunrise and must be extinguished no later than sunset. Such open burning shall not contain rubbish such as tires and/or plastics or materials that produce obnoxious odours to the surrounding neighbourhood or violates the requirements of the Ministry of the Environment, Air Quality Branch or any other Provincial or Federal legislation. In a rural area, no open burning except a barbecue or other approved contained fire for the purpose of cooking food shall be permitted on any property in a rural area of the Town within One Hundred (100) feet of any building or as approved by the Chief Fire Official or his designate. Any other intended burning in a rural area for other than the purposes mentioned shall be approved by the Chief Fire Official or his designate.

Note: See Appendix A – Open Burning for Rural Fires

4. In any URBAN area in the Town of North Perth, no open burning shall be permitted. The occupants of urban areas must use an approved containment site as shown in the attached Appendix "C". This site shall be a safe distance of approximately 25 feet from any building or combustible material and such burning must be attended by a responsible person suited for the task. Barbecues for the purpose of cooking food shall be permitted in areas that do not constitute an undue hazard.

Note: See Appendices B and C – Contained Fires

5. No barbecues or open burning of any kind shall be permitted on balconies of residential buildings.
6. The Town of North Perth Fire Chief may declare a “fire risk emergency” if he fears conditions exist which pose a safety concern within the Town of

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North Perth, and may ban any and all open fires within the Town of North Perth until such “fire risk emergency” is removed at his descretion.

7. Every person who sets a fire in the open air without permission or without adhering to the conditions as set out in this by-law and requires the attendance of the Fire Department, shall be responsible for the cost of dispatching fire equipment to the site and for bringing the said fire under control. This will include vehicle and manpower costs or other firefighting costs that may occur.
8. Any person who contravenes any of the provisions described above shall be guilty of an offence and upon conviction shall be subject to a fine as prescribed in *The Provincial Offences Act*, R.S.O. 1990, c. P33, as amended.
9. Section 167 of By-law Number 1121 of the former Town of Listowel is hereby repealed.

READ A FIRST AND SECOND TIME this 17th day of September, 2001.

READ A THIRD TIME AND FINALLY PASSED this 17th day of September, 2001.

M A Y O R

SEAL

C L E R K

APPENDIX “A”

Open Burning (Rural Areas)

In rural areas persons shall adhere to the following terms for open burning:

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1. The Fire Chief must be called before starting to burn any fires larger than 3 metres (10 feet) in diameter.
2. Open burning is permitted during daylight hours only.
3. Open burning shall be supervised at all times by a responsible person suited for the task.
4. There shall be no burning on windy days.
5. No burning shall contain rubber and/or plastics or material that produces obnoxious odours to the surrounding neighbourhood or violates the requirements of the Ministry of the Environment, Air Quality Branch or any Provincial or Federal Legislation.
6. No material shall be burned that can be recycled.
7. No burning is allowed if smoke conflicts with any neighbours.
8. A water supply or other method of fire extinguishing and/or means of emergency communication shall be available at the site.

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APPENDIX “B”

Contained Fires

In urban areas a person shall adhere to the following items for an approved waste burner contained fire:

1. Burning containers, as shown in Appendix "C", must stay in good repair and may be ordered not to be used if not maintained;
2. No burning on windy days;
3. No burning shall contain rubber and/or plastics or household garbage or material that produces obnoxious odours to the surrounding neighbourhood or violates the requirements of the Ministry of the Environment, Air Quality Branch or any other Provincial or Federal Legislation;
4. Must be supervised at all times by a responsible person suited for the task;
5. Keep a minimum of 20 litres or 5 gallons of water available near the site;
6. No material shall be burned that can be recycled; and
7. No burning is allowed if smoke conflicts with any neighbours.

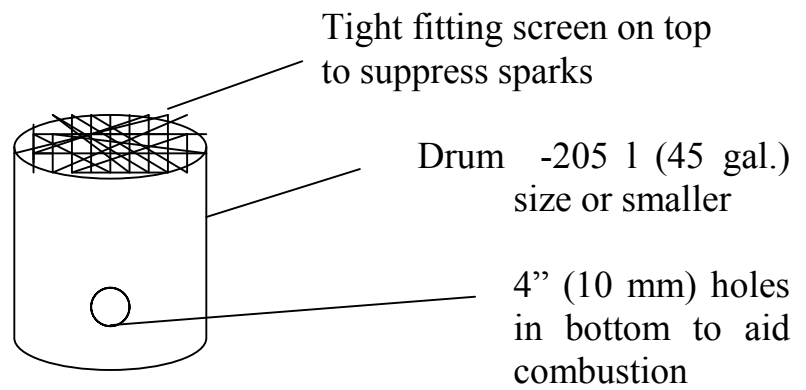
NOTE: See Appendix C for examples of contained burning devices.

APPENDIX “C”

Contained Burning

EXAMPLES OF CONTAINERS FOR BURNING

DRUM



TRUCK OR CAR RIM

