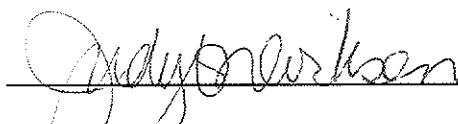


The Corporation of the Town of Minto

By-Law No. 10-36

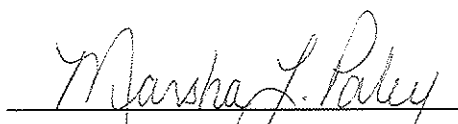
Being a By-Law to regulate the setting of open fires within the limits of the Town of Minto.

Read a first and second time this 7th day of July, 2010.



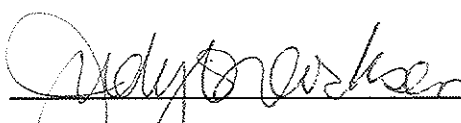
Deputy Mayor Judy Dirksen

Seal



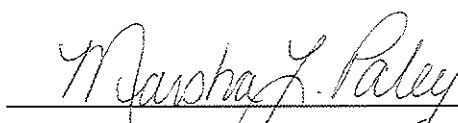
Clerk Marsha Paley

Read a third and final time and finally passed this 7th day of July 2010.



Deputy Mayor Judy Dirksen

Seal



Clerk Marsha Paley

The Corporation of the Town of Minto

By-Law No. 10-36

WHEREAS Council of the Corporation of the Town of Minto is empowered under the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4*, as amended, to pass by-laws regulating fire prevention, including the spreading of fires;

AND WHEREAS Council is empowered under the Fire Protection and Prevention Act to pass by-laws regulating the setting of open air fires, including the times when open air fires may be set;

AND WHEREAS Council is empowered under section 128 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, to pass by-laws to prohibit and regulate public nuisances, including matters, that, in the opinion of Council, are or could become or cause public nuisance;

AND WHEREAS Council considers excessive smoke, odour, airborne sparks or embers, and airborne particles of burnt materials to be or become or cause public nuisance by creating negative health effects on neighbouring residents, increasing fire exposure hazards, infringing the enjoyment of the use of neighbouring properties and generating false fire alarms;

NOW THEREFORE, the Council of the Corporation of the Town of Minto enacts as follows:

1. DEFINITIONS

1.1 Definitions for this by-law:

“Cooking Fire” means an Open Air fire used for the purpose of cooking food on a grill but does not include a manufactured barbeque.

“Fire Chief” means the Fire Chief of the Minto Fire Department of the Corporation of the Town of Minto or his/her designate.

“Fire Fighter” means the Fire Chief and any other person employed in or appointed to, the Minto Fire Department and assigned to undertake fire protection services.

“Ground Cover” including, but is not limited to, leaves, grasses, weeds, tree needles or wood chips on the ground.

“By-Law Enforcement Officer” means a duly appointed Municipal By-Law Enforcement Officer for the Corporation of the Town of Minto.

“Open Air” means any open place, yard, field or construction area which is not enclosed by a building or structure.

“Open Air Burning” means a fire set in the Open Air.

“Outdoor Fireplace” means a manufactured non-combustible enclosed container designed to hold a small fire for decorative purposes and may include, but is not limited to chimineas.

“Owner” means the registered owner and/or any person, firm or corporation having control over, or possession, of any portion of a building or property under consideration and includes the persons in the building or property.

“Permit” means a permit issued by the Fire Chief or his designate to set a fire in the Open Air for a specified time period.

“Public Nuisance” as determined by the Fire Chief, designate, or By-Law Enforcement Officer, means excessive smoke, odour, airborne sparks or embers, and airborne particles of burnt materials that are likely to be a concern of others by, increasing fire exposure hazards, being adverse to public safety, and generating false alarms.

“Smog Alert” means an alert issued by the Ministry of the Environment with respect to air quality.

2. ADMINISTRATION

- 2.1 The Fire Chief, their designate, or By-Law Enforcement Officer shall be responsible for the administration and enforcement of this By-Law.
- 2.2 The Fire Chief, their designate or By-Law Enforcement Officer is authorized to order any person to extinguish any fire when there is a breach of any of the provisions of this by-law, or where, in their judgment, there is a danger of such fire spreading and endangering life or property.
- 2.3 The Fire Chief or designate may issue a total ban on Open Air Burning if dry conditions or drought make burning dangerous.
- 2.4 The Minto Fire Department shall be exempt from the provisions of this by-law with respect to Open Air fires for the purpose of training, educating individuals in fire safety or for research purposes.
- 2.5 The burning of household garbage, tires, paint, asphalt based products, roofing materials, chemical wastes, plastic containers, and other petroleum based products is strictly prohibited.
- 2.6 Leaves or burning of garden wastes is prohibited in the Urban areas of Minto.

3. ENVIRONMENT

- 3.1. All Open Air Burning shall comply with the provisions of the Environmental Protection Act, R.S.O. 1990, c.E. 19, as amended.
- 3.2. No Open Air Burning shall be permitted when a Smog Alert has been issued for the forecast area of the County of Wellington which includes the Town of Minto.

4. OPEN AIR BURNING

- 4.1. No person shall set, maintain or cause to be set or maintained a fire in the Open Air unless a Permit has been issued by the Fire Chief or designate except those items listed under Sections 6 and 7.
- 4.2. An application for a Permit must be completed on forms attached to this by-law as Appendix 'A' and submitted to the Town of Minto Administration Office during regular business hours.
- 4.3. Applications for a Permit may be completed by telephone by contacting the Town of Minto Administration Office during regular business hours. Permits will not be issued outside of regular business hours.
- 4.4. Except as otherwise permitted through a permit issued under this section,, a Permit holder shall not set or maintain Open Air Burning, or cause Open Air Burning to be set or maintained:
 - 4.4.1. Between two hours after sunset and two hours prior to sunrise;
 - 4.4.2. At a distance of less than 150 meters from any building, structure, property line, tree, hedge, fence, roadway, overhead wire or other combustible article;
 - 4.4.3. If the wind velocity is greater than 20 km/h;
 - 4.4.4. That exceeds more than 3 meters (10 feet) in diameter;
 - 4.4.5. That exceeds three meters in height;
 - 4.4.6. That includes burning garden waste or leaves in the boundaries of the three urban areas;
 - 4.4.7. Within five meters of any combustible ground cover;
 - 4.4.8. Without a suitable means of extinguishment available while the fire is burning; and
 - 4.4.9. That creates a Public Nuisance.

4.5. In issuing a Permit under this Section for Open Air Burning, the Fire Chief or designate may impose any additional requirements and/or exempt any conditions under Section 4.3 of this By-Law as the Fire Chief or designate considers necessary in the interest of public safety, or to minimize inconvenience to the general public or to comply with the intent of this By-Law.

4.6. The Holder of a Permit issued under Section 4.3 of this By-Law shall:

4.6.1 Comply with any condition and/or restrictions contained forming part of the issued permit; and

4.6.2 Maintain constant watch and control over the Open Air Burning from the time of the setting of the fire until the fire is totally extinguished.

5. SMALL CONTAINED FIRES

5.1. Small confined fires for the purpose of burning environmentally acceptable waste shall be permitted subject to the issuance of a permit conforming to all of the following provisions:

5.1.1. Such fires shall not be started if any of the rules listed from 4.4.1 to 4.4.9 apply.

5.1.2. The permit issued in Section 5 may be extended to and renewed on an annual basis. However, the Fire Chief or designate may revoke such stated permit at any time, as he or she deems necessary.

6. OUTDOOR FIREPLACES

6.1. An Outdoor Fireplace may be operated without a permit between two hours after sunrise and 11 p.m. if:

6.1.1. it is located at a distance of not less than ten (10) feet between the fireplace and any building, structure, property line, tree, hedge, fence, roadway, overhead wires or other combustible article;

6.1.2. It is located on a non-combustible surface extending beyond the unit to a dimension equal to the height of the unit;

6.1.3. It does not create a Public Nuisance;

6.1.4. A portable extinguisher or operable garden hose is readily accessible while the unit is in operation;

6.1.5. The Owner maintains constant watch and control over the Outdoor Fireplace from the time of the setting of the fire until the fire is totally extinguished.

7. COOKING FIRES

A Person may set or cause to be set or maintained a Cooking Fire without obtaining a permit between two hours after sunrise and 11 p.m. provided that:

- 7.1. The fire is not more than 0.6 meters (2 feet) by 0.6 meters (2 feet) in size and not more than 0.6 meters (2 feet) in height;
- 7.2. The fire is located at a distance on not less than fifty (50) feet between the fire and any building, structure, property line, tree, hedge, fence, roadway, overhead wires or other combustible article;
- 7.3. The wind velocity is not greater than 20 km/h
- 7.4. There is no combustible ground cover within 5 meters (15 feet) of the fire;
- 7.5. The fire does not create a public nuisance;
- 7.6. A suitable means of extinguishment is readily accessible while the fire is burning; and
- 7.7. The Owner maintains constant watch and control over the Cooking Fire from the time the fire is ignited until the fire is totally extinguished.

8. INCINERATORS

- 8.1. All outdoor incinerators will be built and maintained as per NFPA 82 *Standard on Incinerators and Waste and Linen Handling Systems and Equipment* where applicable. All Incinerators outside of this standard will be approved by the Fire Chief or designate. All incinerators will be inspected before they are commissioned and a yearly permit will be issued every year thereafter. The Fire Chief or designate may revoke such stated permit at any time, as he or she deems necessary.
- 8.2. All outdoor incinerators shall be kept in good repair and in good working condition. Any permit may be revoked at any time the Fire Chief or designate deems the incinerator in poor condition.
- 8.3. The incinerator is located at a distance on not less than fifty (50) feet between the fire and any building, structure, property line, tree, hedge, fence, roadway, overhead wires or other combustible article;
- 8.4. A fire in an incinerator shall not be set if the following conditions are present;
 - 8.4.1. The wind velocity is greater than 20 km/h
 - 8.4.2. There is combustible ground cover within 5 meters (15 feet) of the fire;
 - 8.4.3. It creates a Public Nuisance;

9. OFFENCE AND ENFORCEMENT

- 9.1 Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction shall be liable to a penalty and costs as provided in the Provincial Offences Act, R.S.O., 1990, c. P. 33, as amended.
- 9.2 A Permit issued under this By-Law may be revoked by the Fire Chief if the Permit holder fails to comply with the requirements of the Permit and/or any other provisions of this By-Law.
- 9.3 The Fire Chief or designate must be notified if there are any changes to the conditions in which the permit was issued.

- 9.4 Any Person igniting an Open Air Burn without the proper permit or contravenes an existing Permit that causes a Minto Fire Department vehicle(s) to respond will be subject to the cost of the response in accordance with the Fee By-Law.
- 9.5 *A Permit issued under this By-Law may be revoked by the Fire Chief if the Permit holder fails to comply with the requirements of the Permit and/or any other provisions of this By-Law.*
- 9.6 The Fire Chief or designate must be notified if there are any changes to the conditions in which the permit was issued.
- 9.7 A Fire Fighter or Officer may order a fire to be extinguished immediately if the fire:
- 9.7.1 Is not set in compliance with this By-Law; or
- 9.7.2 Is determined upon inspection by the Fire Fighter to constitute a safety hazard or concern.

10 VALIDITY

- 10.1 If a court of competent jurisdiction declares any provision or part of a provision of this By-Law to be invalid or to be of no force and effect, it is the intention of Council that the remainder of the By-Law shall continue to be in full force and effect.

11 REPEAL

- 11.1 This By-Law repeals **By-Laws 99-64 & 99-87.**

Corporation of the Town of Minto
By-law 10-36
Schedule A



OPEN AIR BURNING PERMIT

LOCATION OF BURN (ADDRESS)

DATE(S) OF BURN:

NAME OF APPLICANT:

ADDRESS OF APPLICANT: same as above

TELEPHONE NUMBER:

(HOME) _____ (CELL) _____

DESCRIPTION OF BURN SITE AND OF MATERIALS BEING BURNT:

I have read the excerpts from the regulation extracted from By-Law 10-36 as amended and the FPPA and certify that all aspects of the regulations are capable of being met at the site and further, that the burning will be in full compliance with the Town of Minto By-Law 10-36 as amended, as well as, applicable sections of the FPPA and the Environmental Protection Act. I recognize any deviations, violations or reasonable public complaint can result in charges being laid, extinguishment of the fire and cancellation of the Permit.

APPLICANT'S SIGNATURE _____ DATE _____

CONDITIONS

No fires must be set:

1. between sunset and sunrise
2. At a distance less than 50 meters from any building, structure, power line, tree, fence, hedge, fence, roadway, overhead wires or other combustible materials.
3. If the wind velocity is greater than 20 kilometers per hour
4. If it creates a public nuisance
5. If a smog warning has been issued for Wellington County or directly for the Town of Minto
6. The Fire Chief or Designate has issued a total ban on burning due to dry or drought conditions
7. Without a suitable means of extinguishment available while the fire is burning
8. Other conditions as laid out in By-Law 10-36

This Permit may be extended beyond the recorded date if the conditions above are not met. The holder of the Permit must contact the Town Of Minto Offices during normal business hours to request an extension.

Those found to be in contravention of this By-Law by the Fire Chief or Designate or Officer could be subject to suspension of the Permit and/or fines as laid out in the By-Law.

RELEASE AND INDEMNITY

I Hereby release and forever discharge and agree to indemnify and save harmless the Town of Minto and its servants and agents from any and all actions, cause of action, claims and demands, loss or injury to persons or property sustained by any person or persons in consequences of Open Air Burning to be held on the stated dates and locations, said burning being the subject matter of the above notification.

Contact Information

Town of Minto Offices 519-338-2511