

THE CORPORATION OF THE TOWNSHIP OF FRONTENAC ISLANDS

BY-LAW NO. 16-2010

BEING a By-Law to regulate open air burning in the Wolfe Island District.

WHEREAS pursuant to Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other act; and

WHEREAS pursuant to Section 5(3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a municipal power, including a municipalities capacity, rights, powers and privileges under Section 8, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

WHEREAS pursuant to Section 7.1(1) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, a Council may pass by-laws regulating the setting of open air fires; now

THEREFORE the Council of the Corporation of the Township of Frontenac Islands enacts as follows:

1. Definitions: In this by-law

- (a) "Approved Brush/Yard Waste Fire" means an open air fire not exceeding 2m (6 ft.) diameter and 2m (6 ft.) in height that is set and maintained for the sole purpose of burning piled wood, brush or leaves.
- (b) "Approved Incinerator Fire" means a fire set in a container designed for incineration purposes and constructed completely of non-combustible material . There shall be a platform in the bottom of the container with air inlets below the fire to supply adequate combustion air to aid in a more complete and clean burn. Steel mesh with openings not exceeding 5 mm (3/16 inch) shall be placed on the top and/or the exhaust point of the device to serve as a spark arrester.
- (c) "Burn Ban Level 1" means burning is restricted to Camping Fires and Outdoor Fireplaces
- (d) "Camping Fire" means an open air fire not exceeding 0.6 m (2 ft.) by 0.6 m (2 ft.) by 0.6 m (2 ft.) high that is set and maintained solely for the purposes of cooking food, providing warmth or recreational enjoyment.
- (e) "Firefighter" means a member of the Wolfe Island Volunteer Fire Department including the Fire Chief.
- (f) "Fire Chief" means the Chief of the Wolfe Island Volunteer Fire Department.
- (g) "Open Air Burning" means the burning of any material outside of a building in the open air.
- (h) "Outdoor Fireplace" shall mean a manufactured non combustibile appliance designed to hold a small fire for decorative purposes.
- (i) "Total Burn Ban" means a burning ban on all types of open air fires.

2. General Provisions

- (a) The only open air burnings allowed within the Wolfe Island District of the Township of Frontenac Islands are an Approved Brush/Yard Waste Fire, an Approved Incinerator Fire, a Camping Fire and an Outdoor Fireplace.
- (b) No person shall conduct a Brush/Yard Waste Fire without first notifying the Fire Chief or his designate in person or by telephone.
- (c) The burning of buildings, hay, straw, open fields, tires or any materials restricted by the Ministry of the Environment is prohibited.
- (d) Only clean, dry and untreated wood, brush and leaves are to be burnt in an approved brush/yard waste fire.
- (e) Brush/yard waste fires shall be at least 6m (20 ft) from any combustibles and 6m (20 ft.) from any property line.

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- (f) Burning is not permitted during high winds and extremely dry conditions, or when smoke is a nuisance to neighbouring properties.

3. Enforcement

- (a) the Fire Chief or his/her delegate may issue at their discretion an order to restrict or ban any fires within the Wolfe Island District of the Township of Frontenac Islands at any time.
- (b) A firefighter may order a fire to be extinguished immediately if the fire is not set in compliance with this by-law or is determined upon inspection by the Firefighter to constitute a safety hazard or concern.
- (c) Should the Fire Department respond to an incident as a result of non-compliance with any section of this by-law a fee for service shall be charged to the party having the fire at a rate of \$ 350.00 per hour.
- (d) Any person who contravenes the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than \$ 300 pursuant to the provisions of the Provincial Offenses Act.
4. This by-law applies only to the Wolfe Island District of the Township of Frontenac Islands.
5. Any and all previous by-laws of the former Township of Wolfe Island dealing with open air burning are hereby repealed.
6. This by-law shall come into force and take effect on the date it is passed.

READ a first and second time this 14th day of April, 2010.

READ a third time and finally passed this 14th day of April, 2010.

Jim Vanden Hoek, Mayor

Terry O'Shea, Clerk/CAO