

CORPORATION OF THE TOWN OF SHELBURNE

BY-LAW NUMBER 22-2003

BEING A BY-LAW TO REGULATE THE SETTING OF FIRES AND PREVENT THE SPREADING THEREOF

WHEREAS the Fire Protection and Prevention Act 1997 as amended, provides for regulating fire prevention, including the prevention of the spreading of fires, including the setting of open fires;

AND WHEREAS the Council of the Corporation of the Town of Shelburne deems it necessary to enact a By-Law for the aforesaid purpose.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF SHELBURNE HEREBY ENACTS AS FOLLOWS:

Definitions:

- a) **“Agricultural Property and Operations”** means lands designated as a farm operation and a farm operates within the Town limits of the Town of Shelburne.
 - b) **“Built up Areas”** means any lands that have residential lots within a subdivision layout or several residential lots within a street layout.
 - c) **“Container”** means a metal or ceramic barbeque, furnace or chiminea, which either has a ULC certification or specifications CSA approved.
 - d) **“Open Air Contained Fire”** means a fire in a container
 - e) **“Open Air Uncontained Fire”** means an outdoor fire that is not an Open Air Contained Fire.
 - f) **“Fire Chief”** means a fire chief as defined in the FPPA
 - g) **“Proper Notification”** means to contact the Fire Chief Administration phone number prior to lighting a fire that has been approved by the Fire Chief in writing for a particular day and time.
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- 1. Burning of materials such as rubber tires, paint, asphalt material, chemical wastes, garbage, refuse and paper is **not permitted**
 - 2. Within the Town limits, an **Open Air Contained Fire** is permitted when placed in a proper place and operated in a safe manner.
 - 3. An **Open Air Uncontained Fire is not permitted**. An exception may apply with the written authority of the Fire Chief, within an agricultural zone. The fire must be related to their agricultural operations. Permission for such an exemption applies to the lands within agricultural operations and not considered in close proximity to any abutting built up areas. Fire Chief will determine reasonable distances based on particular circumstances.
 - 4. Proper notification to all authorities prior to lighting a fire is required under the terms outlined in Sections 3 and 5.

5. Safety Obligations

- a) The provisions of this section shall be binding upon all persons setting, allowing the setting, continuing and/or allowing the continuing of fires within the municipality, whether or not the fires are authorized by this by-law.
- b) Where permitted on the authority outlined in Section 3 for agricultural operations, no person shall leave the fire unattended.
- c) No person shall allow a fire without fire extinguishing equipment as specified in the letter of approval to permit fire or the standards implemented by the municipality.
- d) No person shall allow the fire to get out of control.
- e) No person shall fail to immediately alert the Shelburne and Area Fire Department upon a fire getting out of control.
- f) All charges outlined in Section 6 apply if this section is contravened.

6. Offences

- a) Every person who contravenes Sections 1, 2, 3, 5 a) b) c) d) e) f) of this by-law is guilty of an offense and is subject to the provisions of the Provincial Offenses Act.
- b) Each day of contravention shall be a separate offence.

7. Recovery of Costs

- a) Every person breaching the provisions of Section 1, 2 or 3 of this by-law shall be responsible for the costs of the municipality in inspecting, containing and extinguishing the fire.
- b) The Municipal Act, 2001 S.O. 2001, Section 427 as amended from time to time shall apply to this section.

8. General

- a) All by-laws of the municipality regulating the setting of fires are hereby repealed.
- b) Should any section or part of a section of this by-law be found to be illegal, such section or part of a section shall be severed from the balance of this by-law.

8. This By-Law shall take effect and come into force on the passing thereof.

READ A FIRST, SECOND and THIRD TIME in Open Council, and finally passed this the 26th day of May, 2003.

MAYOR

CLERK