

**The Corporation of the Town of Atikokan
By-Law No. 02-14**

**Being a by-law for prescribing times during which fires may
be set in the open air and the precautions to be observed
by persons setting fires, and for setting fire fees and
Fire Emergency Services response to such fires**

WHEREAS the Council of The Corporation of the Town of Atikokan 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 prevention of the spreading of fires;

AND WHEREAS Council is also empowered under the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4*, as amended, to pass by-laws regulating the setting of open air fires, including establishing the times during which open air fires may be set and the precautions to be observed;

AND WHEREAS section 2.6.3.4. of the Ontario Fire Code passed pursuant to the provisions of the *Fire Protection and Prevention Act, 1997*, provides that open air burning shall not be permitted unless approved or unless such burning consists of a small contained fire supervised at all times and used to cook food on a grill or a barbecue;

AND WHEREAS the *Municipal Act, 2001, S.O. 2001, c25*, as amended, provides a municipality may pass by-laws imposing fees or charges on any class or persons;

NOW THEREFORE the Council of The Corporation of the Town of Atikokan enacts the following:

1. DEFINITIONS

- a. "Agricultural Waste" shall include any animal fecal deposits or manure, and animal carcasses.
- b. "Chief Fire Official" means the Fire Chief, Deputy Fire Chief, By-Law Enforcement and Ontario Provincial Police.
- c. "Domestic Waste" shall include kitchen waste, food, scraps, cloth, rags, clothing, plastics and any other materials which contents include any of the aforementioned.
- d. "Industrial Waste" shall include used automobile and truck bodies, tires, oil, grease, paint, cloth, rags, plastics or other material which contents include any of the aforementioned.
- e. "Officer" means a by-law enforcement officer, fire fighter, or a police officer.
- f. "Open Air" means any open place, yard, field or construction area which is not enclosed by a building or structure.
- g. "Open Air Burning" means any fire, portion of fire or precursor conditions that are not wholly contained and thereby open to air.
- h. "Outdoor Fireplace" means a manufactured non-combustible enclosed container designed to hold a small fire for decorative purposes and the size of which is not larger than 1 meter in any direction, and may include, but is not limited to, chimineas.
- i. "Responsible Person" shall mean a person placed in control and capable of acting rationally.

j. "Town" mean The Corporation of the Town of Atikokan.

2. ADMINISTRATION

- a. That this by-law shall apply to all land within the geographical limits of the Town of Atikokan and to the setting of fires in the open air (fires) on any such land.
- b. This by-law shall be administered by the Chief Fire Official and shall be enforced by the Chief Fire Official, the Ontario Provincial Police and the Town's By-Law Enforcement Officer.
- c. The Fire Chief may, at his discretion, for the purpose of a community event issue a fire permit, and waive any fees or conditions as deemed appropriate.

3. WHERE PERMIT NOT REQUIRED

- a. A small confined fire used to cook food on a grill or a barbeque, supervised at all times, shall not be deemed to require a permit fire for the purposes of this by-law.
- b. A small confined fire used for recreational purposes, if supervised at all times, shall not be deemed to require a permit for the purposes of this by-law. These fires must be in a constructed appliance; i.e., a chiminea.
- c. The Atikokan Fire Rescue shall be exempt from the provisions of this by-law with respect to open air burnings set for the purpose of educating, training, and risk reduction.

4. REQUIREMENT FOR PERMIT, APPLICATION AND FEE

THAT no person(s) or owner(s) of land shall:

- a. Set a fire or permit the setting of a fire, without first having obtained a fire permit, in the form attached as Schedule "B", from the Fire Chief, or designate, and in accordance with the conditions of the permit and provisions of this by-law;
- b. That the fee for the issuance of a Burning Permit shall be as listed in The Fee's By-law No. 16-12, Schedule "H" as amended;
- c. Any person is entitled to a fire permit under this by-law who:
 - I. Completes the application form and submits same to the Municipal Office in advance of setting of an open-air fire that requires a site inspection. The applicant shall provide in the application form indicating that he or she shall comply with the provisions of this by-law; and
 - II. Pay the prescribed fee for the fire permit. The fee for the issuance of a fire permit and the fee for a site inspection shall be as set out in the Town of Atikokan current schedule of fees.

5. CONDITIONS OF PERMIT

That any person(s) who has been issued a fire permit pursuant to this by-law shall:

- a. burn only dry material;
- b. the material to be burned shall be limited to wood or by products of wood, or grasses and leaves;
- c. keep fire at least 10 metres from any dwelling and/or from any structure;
- d. attend the fire at all times until it is completely extinguished;
- e. supervise fire at all times;
- f. ensure that the fire is under control at all times;
- g. have sufficient equipment and resources available at the burn site to extinguish the fire at all times if causing any adverse effect including those set out in section 6 below;
- h. be responsible for any damage to property or injury to persons with respect to the setting of a fire or permitting the fire to burn;
- i. ensure at the end of the burn, that the fire is completely extinguished before leaving the burn site.

6. THAT any person who has been issued a fire permit shall not:

- a. Set a fire or permit a fire to burn when the wind is in such a direction or of such intensity so as to create a decrease in the visibility on any highway or cause danger to any person or structure;
- b. Create, by the setting or burning of the fire, any odour or annoyance or irritation which causes discomfort to any person residing in the area;
- c. Set a fire or permit a fire to burn between sunset and sunrise unless otherwise expressly permitted by permit;
- d. Set a fire or allow a fire to burn on any land of which he/she is not the registered owner, without the written permission of the registered owner, which permission shall be evidenced by a written authorization.
- e. Burn industrial waste, agricultural waste, domestic waste, petroleum products, plastics, rubber, painted lumber, mixed demolition debris or any else that will cause excessive smoke or fumes;
- f. Burn unless it complies with the Ontario Environment Protection Act, and Forest Fires Prevention Act, and the Fire Protection and Prevention Act –Ontario Fire Code.

7. THAT if the Fire Emergency Services is called to respond to a fire set or permitted to burn, the permit holder, the person who set the fire, or allowed it to burn, and the owner of the land, if the owner permitted the fire to be set or permitted the fire to burn, shall forthwith pay as per the fees by-law.

**THE CORPORATION OF THE TOWN OF ATKOKAN
 BY-LAW NO. 02-14 – OPEN AIR BURNING
 PART 1 OF THE PROVINCIAL OFFENCES ACT**

Item No.	Column 1 – Short Form Wording	Column 2 – Provision Creating or Defining Offence	Column 3 – Set Fine
1	Failure to extinguish fire	5. (l)	
2	Set a fire which did cause a disturbance to residents	6 (b)	
3	Failure to supervise burning	5 (e)	
4	Burning without adequate extinguishment equipment	5 (g)	
5	Permit a fire to burn outside of permitted hours	6 (c)	
6	Failure to follow conditions of permit	5	
7	Permit a fire to burn without a permit	4 (a)	
8	Provide false information in the Application for a Permit	8 (b)	

Note: The penalty provision for the offences indicated above is Section 8 (e) of By-Law No.02-14, a certified copy of which has been filed.

**THE CORPORATION OF THE TOWN OF ATKOKAN
 BY-LAW NO. 02-14 – OPEN AIR BURNING
 PART 1 OF THE PROVINCIAL OFFENCES ACT**

Item No.	Column 1 – Short Form Wording	Column 2 – Provision Creating or Defining Offence	Column 3 – Set Fine
1	Failure to extinguish fire	5. (i)	\$200.00
2	Set a fire which did cause a disturbance to residents	6 (b)	\$200.00
3	Failure to supervise burning	5 (e)	\$200.00
4	Burning without adequate extinguishment equipment	5 (g)	\$200.00
5	Permit a fire to burn outside of permitted hours	6 (c)	\$200.00
6	Failure to follow conditions of permit	5	\$200.00
7	Permit a fire to burn without a permit	4 (a)	\$200.00
8	Provide false information in the Application for a Permit	8 (b)	\$200.00

Note: The penalty provision for the offences indicated above is Section 8 (e) of By-Law No.02-14, a certified copy of which has been filed.

Atikokan Fire Rescue

Information: Phone 597-1234 ext. 228

Emergency Phone: 911

OPEN AIR BURNING PERMIT

By-law No. 02-14 Schedule "B"

Name of Company/Person: _____

Address: _____

Phone #: _____

Location of Burning: _____

If not the Owner, written authorization to burn required.

TYPE OF PERMIT (check one) Subject to Inspection and Approval

1. Burning of trash (incinerator) _____
Calendar Year

2. Burning of brush, grass or leaves _____
Permit Valid for Seven Days from date of issue

3. Burning of/for cooking or warmth (bonfires) _____
Calendar Year

4. Burning of commercial or industrial origin _____
Permit required on each occasion

5. Burning of/for cooking or warmth (bonfires) _____
each occasion community event Fee No Charge

Whenever the Ministry of Natural Resources institutes a ban on burning, all our permits are cancelled until such time that the MNR removes the restriction.

Keep fire at least 10 metres from any structure and 5 metres from any combustible material (trees, grass, wood piles etc. Burning must not be conducted when wind velocity exceeds 25 km./hr. Stay with fire at all times until it is completely extinguished.

Equipment and resources must be available at the burn site to extinguish fire in the event that the fire gets out of control or is causing adverse effects.

Common courtesy for your neighbours is expected (clothes lines, open windows etc.) if we receive a complaint the Fire Dept. must respond and the permit may be cancelled and/or the fire extinguished.

BURNING BETWEEN SUNSET and SUNRISE Approved _____ Not Approved _____

Permit Holder: PLEASE READ AND UNDERSTAND ALL REQUIREMENTS, AS RELATED TO YOUR PERMIT TYPE {See Reverse side for permit information.

Applicant _____ Are you the owner of the property: Yes ___ No ___

Date Issued: _____ Issuing Officer: _____

Distribution:
Original Owner/Applicant, copy Fire Dept.

THAT any person (s) who has been issued a fire permit pursuant to this by-law shall:

- a) burn only dry material,
- b) the material be burned shall be limited to wood or by products of wood, or grasses and leaves,
- c) keep the fire at least 10 metres from any dwelling and/or from any structure,
- d) attend the fire at all times until it is completely extinguished,
- e) supervise the fire at all times
- f) ensure that the fire is under control at all times
- g) have sufficient equipment and resources available at the burn site to extinguish the fire at all times;
- h) be responsible for any damage to property or injury to persons with respect to the setting of a fire or permitting the fire to burn;
- i) ensure at the end of the burn, that the fire is completely extinguished before leaving the burn site.

THAT any person who has been issued a fire permit shall not:

- a) set a fire or permit a fire to burn when the wind is in such a direction or of such intensity so as to create a decrease in the visibility on any highway or cause danger to any person or structure;
- b) create, by the setting or burning of the fire, any odour or annoyance or irritation which causes discomfort to any person residing in the area;
- c) set a fire or permit a fire to burn between sunset and sunrise unless otherwise expressly permitted by permit;
- d) burn unless it complies with the Ontario Environment Protection Act, and Forest Fires Prevention Act and Fire Protection and Prevention Act – Ontario Fire Code.

A. PERMITS:

1. Burning of Trash (incinerators):

- a) burning must be in an enclosed device.
- b) incinerators is covered by a screen mesh with openings less than 5mm.
- c) incinerator is a least 5 metres from any forest.
- d) incinerator is at least 2 metres from flammable or combustible material.
- e) incinerator is monitored by the permit holder until fire is out.
- f) incinerator is located at least 10 metres from any building or structure .
- g) site plan required.
- h) annual permit valid for calendar year.

2. Burning of Grass, Leaves and Brush:

- a) fire must be tended by the permit holder until out.
- b) is single pile less than 2 metres in diameter and less than 2 metres high.
- c) is at least 5 metres from any flammable or combustible material, and 10 metres from any building or structure.
- d) is tended by the permit holder who has adequate tools and/or water contain the fire at all times.
- e) permit valid for seven(7) days from date of issue.

3. Burning for Cooking or Warmth (bon fires):

(1) Built Up Area:

- a) the fire must be tended by the permit holder until out.
- b) fire must be single pile less than 1 metre in diameter and less than 1 metre high.
- c) is a least 5 metres from any flammable materials or combustibles, and 10 metres from any structure.
- d) perimeter of fire surrounded by approved non-combustible materials (stone, metal ring, masonry etc.).
- e) site plan required.
- f) annual permit valid for calendar year.

(2) Outside Built Up Area:

- a) permit not required
- b) EXCEPTION: permit required for Commercial or Industrial Origin fire.

(3) Established Campgrounds:

- a) site plan required annually.

4. Commercial or Industrial Burning Including Slash Piles and Prescribed Burns:

- a) Site Plan Required.
- b) All information as required by Fire Chief.
- c) Permit valid for each occasion only.

NOTE:

Site Plan Requirements:


- show location of all buildings and proposed burn pile/unit.
- Include all distances in metric measurements from proposed burn pile to all structures and forest.

8. ENFORCEMENT, OFFENCE AND PENALTY

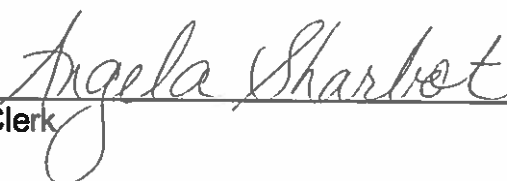
A person is guilty of an offence if the person:

- a. THAT if any person fails to pay the fees set out in Sec. 7 above, forthwith upon demand, the amount of the fee in default may, in addition to any other remedies the Town of Atikokan may have, be recovered by The Corporation of the Town of Atikokan in like manner as municipal taxes in accordance with the Municipal Act, S.O. 2001, c25, as amended, against the owner of the land;
 - b. Furnishes false information in the Application for a Permit;
 - c. Fails to produce a permit when requested by an officer as defined by this by-law;
 - d. The Chief Fire Official or designate may revoke a permit if the permit holder fails to comply with the requirements of the permit and/or any other provision of this by-law:
 - i. Upon revocation, the permit holder or owner must immediately extinguish the fire or the fire service may extinguish the fire with all costs incurred being recoverable from the property owner or permit holder;
 - e. This By-Law shall be enforced using the powers granted to municipalities under Part XIV of the Municipal Act, including sections 425 (1). Every person who contravenes any provision of the By-Law is guilty of an offence and, if convicted, is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33;
 - f. The Municipality shall make application to the Ministry of the Attorney General of Ontario for approval of Short Form Wordings and Set Fines in accordance with the Set Fine Schedule. Such fines shall come into effect upon the approval or amendment by the Attorney General of Ontario or his or her designate.
9. THAT this by-law shall be cited as the "Open Air Burning By-Law".
10. By-Law No. 21-99 and 57-99 are hereby repealed.
11. THAT this by-law shall take effect and come into force upon date of passing.

READ a First, second and third time and finally passed this 10th day of March, 2014



Mayor



Clerk