



THE CORPORATION OF THE MUNICIPALITY OF RED LAKE

BY-LAW No. 38-2018

BEING A BY-LAW TO RESTRICT OPEN AIR BURNING AND TO GOVERN THE ISSUANCE OF FIRE PERMITS

WHEREAS Section 9 of the Municipal Act, 2001, S. O. C.25, as amended, provides that 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 Section 7.1(1) of the Fire Protection and Prevention Act, S.O. 1997, as amended, provides that a council of a municipality may pass by-laws to regulate fire prevention, including the prevention of the spreading of fires and whereas regulate setting of open air fires, including establishing the times during which open air fires may be set; and

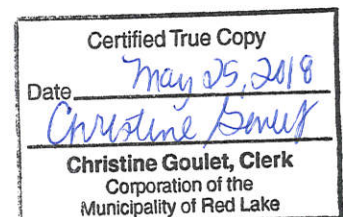
WHEREAS open air fires which may escape from control constitute a danger and expense for persons and property within the Corporation of The Municipality of Red Lake; and

WHEREAS the Council of The Corporation of the Municipality of Red Lake deems it expedient to enact a By-Law to regulate the open air burning of materials and to govern the issuance of fire permits;

NOW THEREFORE the Council of The Corporation of the Municipality of Red Lake hereby ENACTS AS FOLLOWS:

1. Definitions

- 1.1 "Annual Fire Permit" shall mean a fire permit issued by the Municipality which is valid from April 1st or the date of issue (whichever is the latter) until October 31st of the current year.
- 1.2 "By-Law Enforcement Officer" shall mean the person appointed by Council to perform the duties of the By-Law Enforcement Officer or his/her designate.
- 1.3 "Clean Wood" shall mean wood that is not painted, stained, treated or glued.
- 1.4 "Commercial Fireworks" shall mean high-hazard display fireworks designed for professional use.
- 1.5 "Conditions" relate to any factors, which could increase the fire hazard such as wind velocity, degree of humidity, or proximity of the site to very flammable material.
- 1.6 "Council" shall mean the Council of The Corporation of the Municipality of Red Lake.
- 1.7 "Daytime Burning" shall mean burning between the time of two (2) hours after sunrise and two (2) hours before sunset.
- 1.8 "Debris" shall mean surface litter (leaves, needles) and clean wood and wood by-products.
- 1.9 "Fire Chief" shall mean the person appointed by Council to perform the duties of the Fire Chief for the Red Lake Fire and Rescue Service of the Municipality or his/her designate.



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1. Definitions – Continued

- 1.10 "Fire Department" shall mean the Red Lake Fire and Rescue Service.
- 1.11 "Fire Permit" shall mean a permit issued by the Municipality.
A fire permit shall include the following:
- a) Level (1) One Fire Permit;
 - b) Level (2) Two Fire Permit;
 - c) Level (3) Three Fire Permit; and
 - d) Annual Fire Permit
- 1.12 "Fire Permit Issuer" shall mean a Fire Warden or a person appointed by By-Law by The Corporation of the Municipality of Red Lake to issue fire permits.
- 1.13 "Fire Season" shall mean the period from the 1st of April to the 31st day of October in each year. The Fire Chief may declare any period between the 1st day of January and the 31st day of March, both inclusive or between the 1st day of November and the 31st day of December, both inclusive, in any year, to be a fire season.
- 1.14 "Incinerator" shall mean a container meeting the requirements as specified in Section 3.3 of the By-Law and is valid from April 1st or the date issued (whichever is the latter) until October 31st of the current year.
- 1.15 "Level (1) One Fire Permit" shall mean a fire permit issued for a fire outdoors that does not exceed the conditions outlined in Section 3 of this By-Law, void of incinerators and is valid for four (4) consecutive days including the date issued.
- 1.16 "Level (2) Two Fire Permit" shall mean a fire permit issued for incinerators, slash piles and all other fires outdoors that exceed the conditions outlined in Section 3 of this By-Law and is valid for four (4) consecutive days including the date issued, except incinerators which are valid for the fire season.
- 1.17 "Level (3) Three Fire Permit" shall mean a fire permit issued for a prescribed burn in a Mineral Mining Zone or the Municipal Transfer Site and is valid from April 1st or the date of issue (whichever is the latter) until October 31st of the current year.
- 1.18 "Municipality" shall mean The Corporation of the Municipality of Red Lake.
- 1.19 "Officer" shall mean Fire Chief, By-Law Enforcement Officer, members of the Ontario Provincial Police, and/or Fire Officers and Conservation Officers of the Ministry of Natural Resources.
- 1.20 "Restricted Fire Zone" shall mean an Order made by the Ministry of Natural Resources under the FFPA, that restricts the use of open air fires in a specific area of the Province.
- 1.21 "Slash Pile" shall mean branches, limbs stumps or parts thereof which exceed the conditions outlined in Section 3 of this By-Law.
- 1.22 "Windrow" shall mean refuse from land clearing, bulldozed into piles or rows, consisting of soil/gravel, trees, roots, stumps and brush.



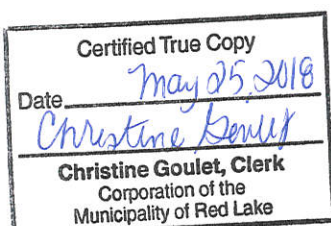
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2. General

- 2.1 No person shall conduct an open air burn during the fire season without a valid Fire Permit unless:
- 2.1.1 Such burning consists of a small contained fire supervised at all times and used for cooking and warmth as provided in Regulation 207/96 under the Forest Fires Prevention Act and no other heat/cooking source is available.
- 2.2 Annual Fire Permits may be issued by a Fire Permit Issuer without an inspection and a fee prescribed in the Tariff of Fees By-Law shall be paid. The Municipality may apply conditions to the permit as required.
- 2.3 Level (1) One Fire Permits may be issued by a Fire Permit Issuer without an inspection and a fee prescribed in the Tariff of Fees By-Law shall be paid. The Municipality may apply conditions to the permit as required.
- 2.4 Level (2) Two Fire Permits may be issued but shall have an inspection completed and approved by the By-Law Enforcement Officer, Fire Chief and/or the Ministry of Natural Resources and Forestry and a fee prescribed in the Tariff of Fees By-Law shall be paid. The Municipality may apply conditions to the permit as required.
- 2.5 Level (3) Three Fire Permits may be issued but shall have an inspection completed and approved by the By-Law Enforcement Officer, Fire Chief, and/or the Ministry of Natural Resources and Forestry and a fee prescribed in the User Fees and Charges By-Law shall be paid. The Municipality may apply conditions to the permit as required.
- 2.6 No person shall use an Annual Fire Permit except for the following:
- 2.6.1 Campfire burned in a single pile no larger than 0.7 metres by 0.7 metres in diameter by 0.7 metres high; and
- 2.6.2 Commercial fire pots (ex. Chimineas) no larger than 0.7 metres by 0.7 metres in diameter by 0.7 metres high.
- 2.7 No person shall conduct a daytime burn during the Fire Season except where:
- 2.7.1 a Level (3) Three Fire Permit has been issued by the Municipality; or
- 2.7.2 if such burning is a slash pile or exceeds Section 3 of this By-Law and has been formally approved by the Fire Chief and a valid Level (2) Two Fire Permit has been issued by the Municipality.

3. Conditions

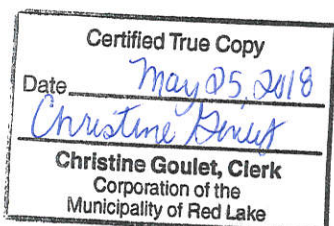
- 3.1 Every person shall comply with the following Fire Permit conditions:
- 3.1.1 the Permittee or a person in charge shall be present at the site of the burning operation conducted under the permit;
- 3.1.2 the Permittee shall have at the site of the burning operation a valid Fire Permit and shall produce and show the permit, whenever requested by the Officer;



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3. Conditions - continued

- 3.1.3 the Permittee assumes full responsibility for the burning operation conducted under the permit;
 - 3.1.4 the Permittee shall, in the opinion of an Officer, have sufficient resources available to maintain control of the fire at all times;
 - 3.1.5 there shall be no burning if winds exceed fifteen (15) km/hr;
 - 3.1.6 the fire is started not earlier than two (2) hours before sunset;
 - 3.1.7 the fire is extinguished not later than two (2) hours after sunrise the following day, or earlier;
 - 3.1.8 the material is burned in a single pile that is less than two (2) metres by two (2) metres in diameter and less than two (2) metres high, unless otherwise approved;
 - 3.1.9 only the burning of clean wood, brush, leaves or clean wood by-products is conducted;
 - 3.1.10 the Permittee or person in charge shall not burn during a Restricted Fire Zone; and
- 3.2 No person shall start or be in charge of a fire outdoors unless they ensure the following:
- 3.2.1 all conditions outlined in Section 3.1 are complied with;
 - 3.2.2 that all conditions will allow the fire to burn safely from start to extinguishment;
 - 3.2.3 take all necessary steps to keep the fire under control;
 - 3.2.4 extinguish the fire before quitting/leaving the site;
 - 3.2.5 be present at the site of the fire at all times unless a fire permit specifies otherwise;
 - 3.2.6 the fire is at least five (5) metres from any forest or woodland; and
 - 3.2.7 the fire is at least three (3) metres from any flammable materials.
- 3.3 No person shall operate an outdoor incinerator unless they ensure the following:
- 3.3.1 conditions outlined in Section 3.1 are complied with;
 - 3.3.2 the incinerator is an enclosed device constructed entirely of non-combustible material;
 - 3.3.3 the incinerator is at least five (5) metres from any forest or woodland;
 - 3.3.4 the incinerator is at least three (3) metres from any combustible materials;



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3.3 Conditions - continued

3.3.5 the outlet of the incinerator is covered with a screen having a mesh size of not more than six (6) millimetres (1/4"); and

3.3.6 the person who starts a fire in an incinerator shall ensure that a responsible person monitors the fire until it is extinguished.

3.4 No person shall burn grass or leaf litter unless they ensure the following:

3.4.1 the total area to be burned does not exceed 0.1 ha (1/4 acre);

3.4.2 the length of the flaming edge does not exceed fifteen (15) metres (50ft.);

3.4.3 a responsible person is available to tend the fire until the fire is extinguished; and

3.4.4 the fire is at least three (3) metres away from any flammable material.

3.5 No person shall ignite commercial fireworks during the fire season:

3.5.1 without a Level two (2) Fire Permit issued by the Municipality with a site inspection completed and approved by the Fire Chief.

3.5.2 within 300 metres of a forest or woodland; and

3.5.3 shall ensure any residue from the discharge is extinguished.

4. Enforcement

4.1 An Officer is authorized to order any person to put out any fire where it poses a danger to life or property.

4.2 The Fire Chief, By-Law Enforcement Officer, members of the Ontario Provincial Police and/or a Fire Officer and Conservation Officer of the Ministry of Natural Resources are authorized to enforce this by-law.

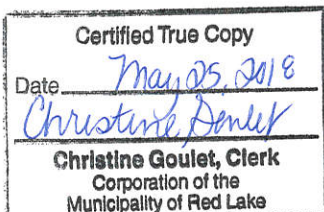
4.3 No person setting a fire in the open air shall fail to comply with all lawful directions of an Officer.

4.4 Where in the opinion of the Officer, a potential fire danger exists, or if upon inspection the permittee or person tending the open air burning has violated any of the terms of the permit approval, the Officer shall suspend or cancel a fire permit and may give notice of the suspension and cancellation to the permittee, or in the absence of the permittee, to the person tending a fire for which the permit was issued.

4.5 Every issued permit shall be nullified if a Restricted Fire Zone is declared.

4.6 Nothing in this by-law shall be deemed to authorize any burning which contravenes the Environmental Protection Act R.S.O. 1990, the Ontario Fire Code, or Forest Fires Prevention Act or any regulations made thereunder.

4.7 Fire Permits are not extendable or refundable.



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5. Offence

- 5.1 The provisions of this By-Law shall apply to the whole of the Corporation of the Municipality of Red Lake.
- 5.2 Any person who contravenes any provision of this By-Law is guilty of an offence and, upon conviction, is liable to a penalty as provided in the Provincial Offences Act.
- 5.3 Any person who contravenes any provision of this By-Law or any order made thereunder or any condition of a permit issued thereunder may be liable for all damages to public and/or private property caused by the fire and may also be liable for the full cost of extinguishing the fire.


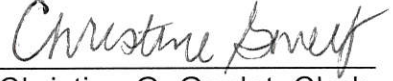
6. Validity

- 6.1 If a court of competent jurisdiction declares any provision or any part of a provision in this by-law to be invalid or to be of no force and effect, it is the intention of Council in enacting this by-law that each and every provision be applied and enforced in accordance with the terms to the extent possible according to law.

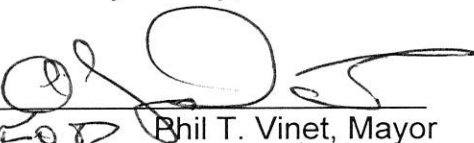

7. Enactment

- 7.1 **THAT** By-Law No's. 1295-10, 1326-10 and 1707-12 of the Municipality of Red Lake are hereby repealed.
- 7.2 **THAT** this by-law shall come into force and take effect on the date the Ministry of the Attorney General approves the Set Fines under By-Law No. 38-2018.

READ a FIRST AND SECOND TIME this 22nd day of May, 2018


for Phil T. Vinet, Mayor

Christine G. Goulet, Clerk

READ a THIRD TIME and FINALLY PASSED this 22nd day of May, 2018.


for Phil T. Vinet, Mayor

Christine G. Goulet, Clerk



SET FINES

"Part 1 Provincial Offenses Act"



Municipality of Red Lake By-Law No. 38-2018

Title: Open Air Burning By-Law

Item #	Column 1 (Short Form Wording)	Column 2 (Provision Creating or Defining Offence)	Column 3 (Set Fines)
1.	Conduct burn without permit.	Sec. 2.1	\$200.00
2.	Fail to use Annual Fire Permit correctly.	Sec. 2.6	\$200.00
3.	Daytime burn during Fire Season.	Sec. 2.7	\$200.00
4.	Fail to ensure Permittee or person in charge present at burning site.	Sec. 3.1.1	\$200.00
5.	Fail to produce valid fire permit.	Sec. 3.1.2	\$200.00
6.	Fail to have sufficient resources to maintain control of fire at all times.	Sec. 3.1.4	\$200.00
7.	Burning when winds exceed 15 km/hr.	Sec. 3.1.5	\$200.00
8.	Start fire earlier than 2 hrs before sunset.	Sec. 3.1.6	\$200.00
9.	Fail to extinguish fire within 2 hrs after sunrise.	Sec. 3.1.7	\$200.00
10.	Burn pile larger than 2 m by 2m by 2m.	Sec. 3.1.8	\$200.00
11.	Burn material other than clean wood, wood by-products, brush and leaves.	Sec. 3.1.9	\$200.00
12.	Burn during Restricted Fire Zone.	Sec. 3.1.10	\$200.00
13.	Fail to burn safely.	Sec. 3.2.2	\$200.00
14.	Fail to keep fire under control.	Sec. 3.2.3	\$200.00
15.	Fail to extinguish fire.	Sec. 3.2.4	\$200.00
16.	Fail to remain at site.	Sec. 3.2.5	\$200.00
17.	Fail to ensure fire is 5m from forest (woodland).	Sec. 3.2.6	\$200.00
18.	Fail to ensure fire is 3m from flammable materials.	Sec. 3.2.7	\$200.00
19.	Fail to ensure incinerator is 5m from forest (woodland).	Sec. 3.3.3	\$200.00
20.	Fail to ensure incinerator is 3m from any combustible materials.	Sec. 3.3.4	\$200.00

21.	Fail to monitor burn in incinerator.	Sec. 3.3.6	\$200.00
22.	Burn area exceeding 1/4 acre.	Sec. 3.4.1	\$200.00
23.	Flaming edge exceeds 50ft.	Sec. 3.4.2	\$200.00
24.	Fail to tend fire until fire is extinguished.	Sec. 3.4.3	\$200.00
25.	Fail to ensure fire is 3m away from flammable materials.	Sec. 3.4.4	\$200.00
26.	Ignite commercial fireworks without a fire permit.	Sec. 3.5.1	\$200.00
27.	Ignite commercial fireworks within 300 metres of a forest (woodland).	Sec. 3.5.2	\$200.00
28.	Fail to extinguish residue from discharge.	Sec. 3.5.3	\$200.00

“NOTE: The general penalty provision for the offences listed above is Section 5 of By-Law No. 38-2018, a certified copy of which has been filed and section 61 of the Provincial Offences Act, R.S. O. 1990, c. P.33.”

