

THE CORPORATION OF THE TOWNSHIP OF ADJALA-TOSORONTIO

BY-LAW 05-44

A BY-LAW TO REGULATE THE SETTING OF FIRES AND TO PREVENT THE SPREAD OF FIRES IN THE TOWNSHIP OF ADJALA – TOSORONTIO AND FOR PROVIDING FIREFIGHTING AND FIRE PROTECTION SERVICES WITHIN THE TOWNSHIP OF ADJALA – TOSORONTIO

Fire Control By-law

WHEREAS the Municipal Act, 2001, S.O. 2001, Chapter 25, Section 8, 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, that Section 8 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

AND WHEREAS Section 11, of the *Municipal Act*, provides that a lower-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

AND WHEREAS Section 467, of the *Municipal Act*, 2001, S.O. 2001, Chapter 25 provides that despite the repeal of the old Act, clause (e) of paragraph 31 of section 210 and paragraph 32 of section 210 of that Act continue to apply for the purpose of protecting a municipality from liability with respect to agreements entered into and emergency fire services plans adopted prior to January 1, 2003;

AND WHEREAS the Municipal Act, R.S.O. 1990, chapter M.45, section 210, subsection 31 (e), provides that despite the agreement, no liability accrues to the other municipality or person for failing to supply the use of the fire-fighting equipment or any of it;

AND WHEREAS section 210, of the *Municipal Act*, R.S.O. 1990, Chapter M.45, subsection 32, provides for adopting and participating in an emergency fire service plan and program upon such terms and conditions as the council considers appropriate, but despite such plan and program, no liability accrues to a municipality for failing to supply the use of fire fighting equipment in accordance with the plan and program;

AND WHEREAS the Fire Code, Ontario Regulation 315/01, Article 2.6.3.4 provides that open air burning shall not be permitted unless approved or unless such burning consists of a small confined fire supervised at all times and used to cook food on a grill or a barbecue;

AND WHEREAS the Environmental Protection Act, R.S.O. 1990, Chapter E.19, section 14, provides that despite any other provision of the Act or the regulations, no person shall discharge a contaminant or cause or permit the discharge of a contaminant into the natural environment that causes or is likely to cause an adverse effect;

AND WHEREAS the Council of the Corporation of the Township of Adjala - Tosorontio deems it necessary and expedient to pass such a by-law;

NOW THEREFORE the Council of the Corporation of the Townships of Adjala – Tosorontio hereby enacts as follows:

1. **TITLE**

This By-law shall be cited as “The Township of Adjala – Tosorontio Fire Control By-law” and may be referred to as the “Fire Control By-law” and shall apply to the entire Municipality.

2. **REPEAL OF EXISTING BY-LAWS**

All existing by-laws or portions thereof conflicting with the provision of this By-law be and the same are hereby repealed, and in particular By-law 97-52 is hereby repealed.

3. **EFFECTIVE DATE**

This By-law shall come into full force and take effect on and from the final passing thereof.

4. **VALIDITY**

Should any section, paragraph, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remainder of the By-law.

5. **DEFINITIONS**

In this By-law:

- a) **“Automatic Alarm System”** shall include a mechanical, electrical or battery operated fire detection mechanism;
 - b) **“Corporation”** shall mean the Corporation of the Township of Adjala – Tosorontio;
 - c) **“Motor Vehicle”** includes any vehicle within the meaning of the Highway Traffic Act whether intended for use as a private passenger vehicle or not;
 - d) **“Owner”** shall mean the person who is the registered holder of a designated piece of property, real or personal.
 - e) **“Settlement Areas”** for the purpose of this By-law “Settlement Areas” shall include areas identified as Colgan, Everett, Glencairn, Hockley, Keenansville, Lisle, Loretto, Rosemont and any other area that is subject to a plan of subdivision.
6. No person shall light, ignite or start or allow or cause to be lighted, ignited or started, a fire of any kind whatsoever in the open air without first having obtained a written permit to do so from the Chief or Deputy Chief of the Township of Adjala – Tosorontio Fire Department or the Rosemont District Fire Department or the Clerk of the Corporation or their designates.
7. Any person obtaining such permit shall:
- a) place and maintain at all times a competent person eighteen years of age or older in charge and in attendance of the fire until it is completely extinguished and shall ensure that equipment and resources are available at the burning site to extinguish the fire, in the event that the fire gets out of control, or is causing an adverse effect and shall be held responsible;
 - b) be responsible for any damage to property or injury to persons occasioned by the said fire;
 - c) be liable and will forthwith on demand pay all costs incurred by the Fire Department including use of personnel, equipment and apparatus necessary to extinguish any fires set or burning contrary to this By-law;

8. Any person who has been issued a fire permit, shall not set a fire;
 - a) within 100 metres of any dwelling and/or 30 metres from any other structure;
 - b) in any street, lane or any public property;
 - c) when rain or fog are present because smoke cannot disperse properly and may become concentrated in one particular area;
 - d) when wind speeds are high (exceeding 5 miles per hour) or wind directions are frequently changing because these conditions allow fires to spread rapidly;
 - e) during the night hours between dusk and dawn;
 - f) under hazardous conditions of any kind.
9. A permit to light a fire grants permission to burn dry materials only:
 - a) Petroleum products, plastics, rubber, painted lumber or anything else that will cause excessive smoke or fumes must not be burned;
 - b) Mixed demolition debris is not suitable for open burning;
 - c) No more than four cubic metres of material is to be burned at a time.
 - d) Any fire larger than four cubic metres will require prior inspection by the Fire Department and may be subject to an inspection charge.
10. Notwithstanding the provisions of sections 8 and 9, any person who has been issued a fire permit within a settlement area, shall not set a fire;
 - a) within 15 metres from any combustible material;
 - b) that is greater than one cubic metre without the prior inspection by the Fire Department and may be subject to an inspection charge.
11. The provisions hereinafter contained in this By-law shall not apply to small confined fires for burning refuse in an incinerator or to small confined fires used to cook food in grills or barbecues.
12. Any person who contravenes any provision of this By-law is guilty of an offence and upon conviction thereof, is liable to a fine not exceeding \$5,000.00 pursuant to and recoverable under the Provincial Offences Act, R.S.O. 1990, section 61, as amended from time to time.
13. Any person who, with or without a permit as provided for under section 6:
 - a)
 - (i) lights, ignites or starts a fire of any kind whatsoever in open air or in an incinerator, grill or barbecue;
 - (ii) allows or causes to be lighted, ignited or started a fire of any kind whatsoever in open air or in an incinerator, grill or barbecue;
 - (iii) is the owner of land on which an automatic alarm system is situated and such automatic alarm system as a result of its operation, faulty or otherwise, emits an alarm which proves to be false as determined by the responding Fire Department; or
 - (iv) is the owner of a motor vehicle which as a result of a fire or accident requires servicing by a Fire Department within the Corporation; and
 - b) who as a result of (a) (i), (iii) or (iv), causes the summons of a fire truck and fire brigade from any fire department boarding the Municipality

shall be responsible to the Corporation for any expenses thereby incurred.

14. **PERMIT TO LIGHT FIRE**

As in form attached hereto as Schedule “A” and Schedule “B”.

15. **OFFENSES AND PENALTIES**

THAT every person who contravenes any provision of this By-law is, on conviction, therefore guilty of an offence and shall be liable to a fine not exceeding \$5,000.00 pursuant to and recoverable under the Provincial Offenses Act, as amended, from time to time;

AND THAT every person who contravenes any provision of this By-law is subject to fees which shall be determined by the Fire Chief based on the By-law to Establish Fees for Services and Activities Carried Out by the Adjala – Tosoronto Fire Department.

16. **THAT**, notwithstanding anything contrary to the rules of procedure, this By-law be introduced and read a first and second time and be considered read a third time and finally passed this 18th day of July, 2005.

“T Walsh”

Mayor T. Walsh

“B Kane”

Clerk Barb Kane

