

**THE CORPORATION OF THE TOWN OF ERIN**

**BY-LAW # 06 - 14**

**Being a By-Law to repeal and replace By-Law # 02 - 87 & By-Law to regulate the setting of fires and prevent the spreading of fires, establish a fire permit system.**

**WHEREAS**, pursuant to Section 7.1 of the Fire Protection and Prevention Act 1997, as amended, and Ontario Regulation 244/02 Section 13, provides the authority to pass by-laws to establish regulations for preventing fires and the spreading of fires and to establish a fire permit system.

**AND WHEREAS**, the Ontario Fire Code provides for the prevention and control of open air burning.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF ERIN HEREBY ENACTS AS FOLLOWS:**

1. No person shall set or maintain a fire in the open air without first having obtained a permit, to do so from the Town Manager of the Town of Erin or his/her designate; the Fire Chief or his/her designate and except in accordance with the requirements of Section 4 of this By-Law. The permit shall be as set out in Schedule A to this by-law.
2. The permit must be produced upon request by the Fire Chief or his/her designate or a Municipal Law Enforcement Officer for the Town of Erin, as described in Section 1.
3. Permits issued under this By-Law shall be valid for the duration of the calendar year of issue. The permit fee is as set out in Schedule B to this By-Law.
4. Where a permit has been issued under Section 1, the permit holder shall comply with the following regulations:
  - A. The fire must be under constant supervision and control from the time of lighting until it is totally extinguished;
  - B. The fire must be located no closer than 15 metres, (50 feet), from any building, structure, hedge, fence, road or overhead wire or obstruction of any kind;
  - C. There must be a space free and clear of combustible material around the perimeter of such fire of at least 4.5 metres, (15 feet);
  - D. A fire shall not be burned during periods of dry conditions or drought or when a prohibition has been declared pursuant to Section 9 of this By-Law;
  - E. A fire shall not be burned when the wind velocity exceeds 16 k.p.h., (10 m.p.h.);
  - F. The dimension of a fire shall not exceed 1 cubic metre for rural properties;
  - G. The dimension of a fire shall not exceed .3 cubic metres for urban properties
  - H. Fires shall not be set or burned between the hours of 9:00 p.m. and 6:00 a.m.;
  - I. The burning of household garbage, tires, cardboard, paint, asphalt based products, roofing materials, chemical wastes and other petroleum based products considered to create excessive smoke is strictly prohibited.
  - J. The burning of leaves and garden waste is not permitted;
  - K. Any fire set under this by-law shall at no time negatively impact neighbouring properties due to smoke or debris from the fire.
5. Small, confined fires for the purpose of burning environmentally acceptable waste or fires used to cook food are permitted but must comply with the following regulations:
  - A. Such fires shall be located no closer than 6 metres, (20 feet), from any building, structure, hedge, fence, road or overhead wire or obstruction of any kind;
  - B. The dimensions of the fire shall not exceed .3 cubic metres,
  - C. Section 4 (B), (F), (G) and (H) shall not apply to fires burned pursuant to this section; all other subsections of Section 4 shall apply.

6. This By-Law shall not apply to portable barbecue appliances.
7. In the event any person proposes to start or set a fire which is larger than the maximum size provided in Section 4 such person shall contact the Fire Chief, or his/her designate, to request a site inspection. If the Fire Chief or his designate deems it necessary to conduct an on-site inspection a fee as set out in Scheduled A to this By-Law shall apply. The Fire Chief may or may not authorize the fire to be ignited, subject to such conditions as the Fire Chief or his/her designate may impose, issued in writing. The person requesting permission for this authorization shall comply with all provisions of the permit.
8. The Fire Chief or his/her designate is authorized to order any person to extinguish any fire or to cause such fire to be extinguished when there is a breach of any of the provisions of this By-Law or where, in his/her opinion, there is a danger of such fire spreading or otherwise endangering life or property and the person shall comply with any such order.
9. The Fire Chief, or his/her designate may declare a total prohibition against outdoor burning when in his/her opinion atmospheric conditions or local circumstances make such fires hazardous and every person shall comply with such prohibition.
10. The Fire Chief, Deputy Fire Chiefs, Chief Fire Prevention Officer and the Municipal Law Enforcement Officer appointed by the Town of Erin are hereby authorized to enforce the provision of this By-Law pursuant to the Provincial Offences Act.
11. Every person who contravenes any section of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R. S. O. 1990, as amended.
12. This By-Law repeals By-Law # 98 - 21 and By-Law # 02 - 87.
13. For the purposed of this By-Law "environmentally acceptable waste" means, clean untreated lumber only.
14. The Town of Erin responds to air quality advisories issued by the Environment Canada and the Ontario Ministry of the Environment (MOE). On those days when the Ministry of the Environment issues an Air Quality Index (AQI) warning, more commonly referred to as a "Smog Alert", all outdoor burning within the Town of Erin is prohibited.

**READ A FIRST, SECOND AND THIRD TIME  
AND FINALLY PASSED IN OPEN COUNCIL  
THIS 7 DAY OF March 2006.**

  
Mayor

  
Clerk