

**THE CORPORATION OF THE TOWN OF
NORTHEASTERN MANITOULIN AND THE ISLANDS**

BY-LAW NO. 2006-18

**BEING A BY-LAW TO REGULATE THE SETTING OUT OF FIRES AND
THE PRECAUTIONS TO BE TAKEN WHILE BURNING**

WHEREAS the Fire Protection and Prevention Act, S.O. 1977, section 2(1) provides that every municipality shall

- (a) establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention; and
- (b) provide such other fire protection services as it determines may be necessary in accordance with its needs and circumstances;

AND WHEREAS section 7.1 of the said Act provides that the council of a municipality may pass by-laws,

- (a) regulating fire prevention, including the prevention of the spreading of fires and
- (b) regulating the setting of open air fires, including establishing the times during which open air fires may be set;

AND WHEREAS section 7.1(3) of the said Act further provides that a by-law under this section may deal with different areas of the municipality differently;

NOW THEREFORE the Council of the Corporation of the Town of Northeastern Manitoulin and the Islands enacts as follows:

1. Except for permitted fires, no burning permit shall be issued and no burning allowed in that area of the Town indicated on Schedule "A" attached to and forming part of this by-law.
 - a) For the purposes of this paragraph, a permitted fire is a fire set for the bona fide purposes of cooking or warmth and set in a fully enclosed wood burning appliance bearing a CSA or ULC registration label or other device, including a "chiminea", as authorized in writing by the Fire Chief or designate.
 - b) No person shall set out a permitted fire unless all of the following conditions are met to the satisfaction of the Fire Chief or designate:
 - i) the appliance is in good working order and is not located on a balcony, or on any combustible surface and is located at least three (3) metres from any structure;
 - ii) all openings in the device are completely covered by metal wire mesh with grid openings no larger than 12mm in width;
 - iii) the permitted fire is confined to the appliance and
 - iv) the material burned is limited to charcoal or clean, dry wood yielding little smoke.
2. In all other areas of the Town, other than the area referred to in paragraph 1 above, the following provisions shall apply:
 - a) No person shall set out a fire in the open air to burn wood, brush or discarded wood by-products in piles in excess of 6 feet in height or 6 feet in diameter, except under the authority of a burning permit in the form provided in Schedule "B" attached to and forming part of this by-law.
 - b) No person shall set out a fire to burn grass or leaves where the area to be burned is more than one acre or where the length of the flaming edge is greater than 100 feet, except under the authority of a burning permit in the form provided in Schedule "B" attached to and forming part of this by-law.

Note: The Fire Chief reserves the right to revoke the permit at any time.

- c) No person shall set a fire in the open air to burn other than dry organic material and, notwithstanding the generality of the foregoing, shall not burn any potentially toxic or noxious materials.
 - d) No person shall set any fire in the open air, except in the presence of an adult person and this person shall:
 - i) be in constant attendance of any burning operation as to prevent same from spreading to or endangering other property and
 - ii) be in possession of adequate tools or water to control the fire.
 - e) No person shall set any fire in the open air which causes inconvenience or irritation to others.
 - f) No person shall leave the site of a fire set in the open air, without fully extinguishing the said fire, or implementing measures to prevent its spread.
 - g) Persons wishing to set out a fire, other than under the terms of paragraph 2 of this by-law, shall complete an application for a burning permit in the form outlined in Schedule "B" attached to and forming part of this by-law. A burning permit may be issued at the discretion of the Clerk and upon payment of any applicable fee as may be set by the Town.
3. By-law No. 98-32 be rescinded.
4. Any person who contravenes any provision of this by-law is guilty of an offence under the Provincial Offenses Act.
5. This by-law shall come into effect on the day of its being passed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
13th DAY OF APRIL, 2006.

Joe Chapman

Mayor

Janet Moore

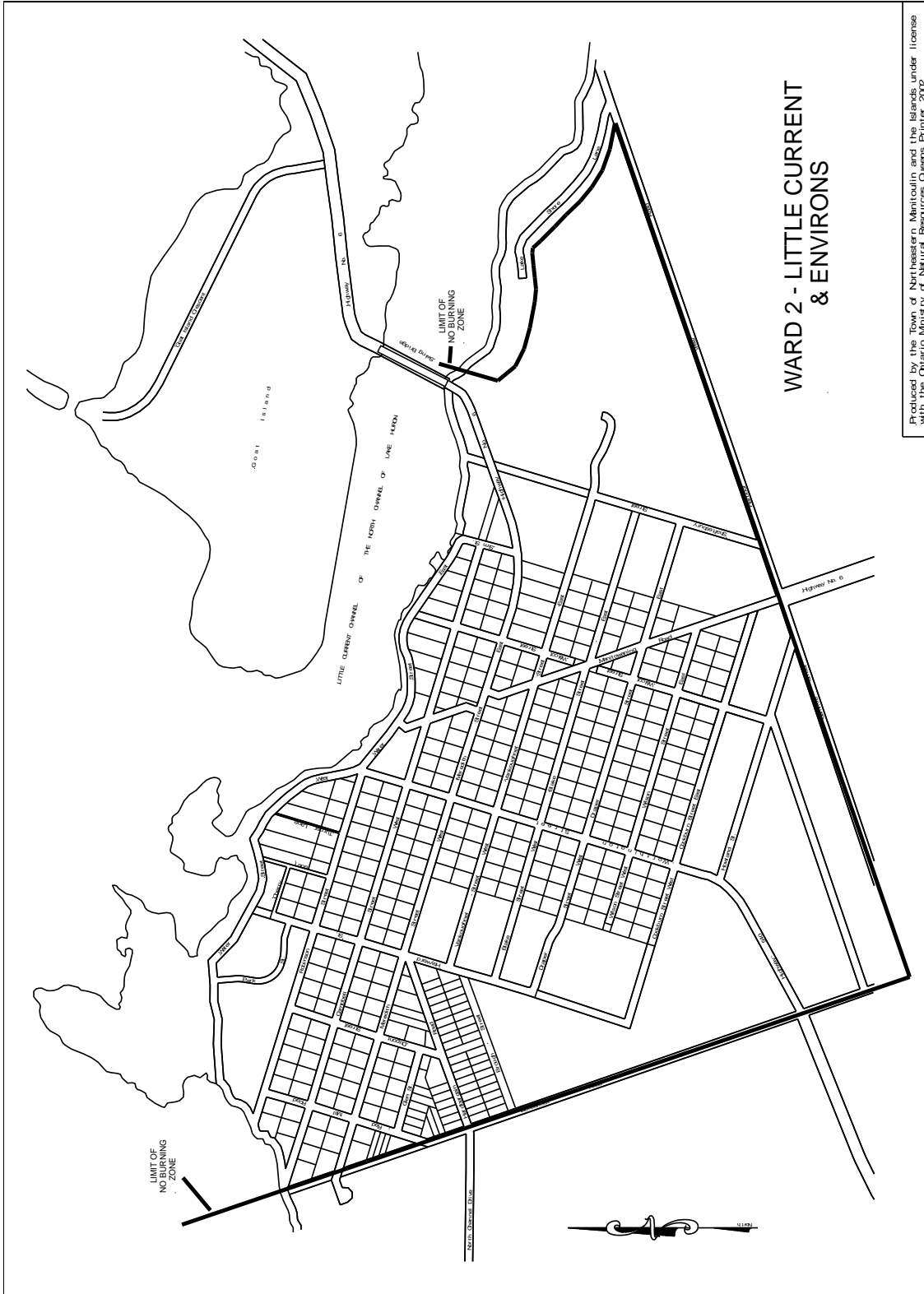
Clerk

Note: The Fire Chief reserves the right to revoke the permit at any time.

SCHEDULE 'A' TO BY-LAW 2006-18

THE CORPORATION OF THE TOWN OF
NORTHEASTERN MANITOULIN AND THE ISLANDS

'NO BURNING' AREA PURSUANT TO PARAGRAPH 1



Note: The Fire Chief reserves the right to revoke the permit at any time.

SCHEDULE 'B' TO BY-LAW 2006-18

THE CORPORATION OF THE TOWN OF
NORTHEASTERN MANITOULIN AND THE ISLANDS

BURNING PERMIT

Date: _____

Applicant Name: _____ Phone #: _____

Mailing Address: _____

Description of materials to be burned: _____

911 Address of the burn: _____

Description of available manpower and suppression equipment to prevent the spread of fire:

Proposed date and time of burn is: _____

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Applicant must abide by the following rules:

1. No fires are permitted in excess of 6 feet x 6 feet except under the authority of a burning permit.
2. No fires shall be set to burn grass or leaves where the area is more than 1 acre or where the length of the flaming edge is greater than 100 feet.
3. Burning of toxic or noxious materials is not permitted.
4. All fires shall be constantly attended by person holding the burning permit or their designate and shall have adequate tools and water on site to control the fire.
5. No fires are permitted which may cause an inconvenience or irritation to others.
6. All fires must be fully extinguished before a person may leave the site.
7. No burning is permitted within the "No Burning" area as per Schedule 'A' of this By-Law.
8. A person within the restricted area may burn in an enclosed wood burning devise i.e. a chiminea, as approved by the Fire Chief and only clean, dry material yielding little smoke may be used in these devises.
9. ANY PERSON WHO CONTRAVENES ANY PROVISION OF THIS BY-LAW IS GUILTY OF AN OFFENCE UNDER THE PROVINCIAL OFFENCES ACT.

Other: _____

I do hereby acknowledge that I have read the above rules and will abide by the restrictions of By-Law No. 2006-18.

Signature of Applicant

Signature of Town Representative

Note: The Fire Chief reserves the right to revoke the permit at any time.