

CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND

BY-LAW NO. 95-2001

**BEING A BY-LAW FOR PRESCRIBING THE TIME FOR SETTING OPEN
AIR FIRES IN THE TOWNSHIP OF ALNWICK/HALDIMAND AND THE
PRECAUTIONS TO BE OBSERVED**

WHEREAS Section 210, Paragraph 35 of the Municipal Act, R.S.O. 1990, as amended, provides that Councils of Municipalities may pass By-Laws for prescribing the times that fires may be set in the open air and the precautions to be observed by persons setting out fires.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND HEREBY ENACTS AS FOLLOWS:

1. All persons setting an open air fire in the Township of Alnwick/Haldimand shall first obtain a "Notice of Controlled Burn" from the municipal office pursuant to this section. The Notice of Controlled Burn shall be in accordance with Schedule "A" attached hereto. The material to be burned shall be limited to wood or by-products of wood, leaves, garden refuse, and brush. A person who has obtained a "Notice of Controlled Burn" pursuant to this section shall:
 - a) not permit more than one (1) cubic metre of material to be burned at any one time;
 - b) ensure that the means of extinguishing the fire designated on the "Notice of Controlled Burn" is available at the site at all times during the fire.
2. Notwithstanding the provisions of section 1 hereof, the Chief Fire Official may, upon application, approve the setting of any fire, subject to the fire being supervised by the Fire Chief of the Township of Alnwick/Haldimand Volunteer Fire and Rescue Department or his designate.
3. Notwithstanding the provisions of section 1, hereof, open air fires may be set when such burning consists of a small confined fire, supervised at all times and it used to cook food of a grill or a barbeque, or is for personal warmth.
4. No person shall set an uncontained fire, including but not limited to a grass fire.
5. All persons setting an open air fire in the Township of Alnwick/Haldimand, at the discretion of the Volunteer Fire Department Officer in charge, may be held:
 - a) responsible for any damage to property or injury to persons occasioned by the said fire; and;
 - b) liable for costs incurred by the fire department, including necessary personnel, equipment and apparatus called in to extinguish the said fire.
 - c) Failure to pay these costs in a timely manner shall result in the unpaid amount, together with, interest thereon being added to the collector's roll in accordance with the Municipal Act.

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6. No open air fire shall be ignited when the wind is in such direction or Intensity, so as to cause any or all of the following:
 - a) smoke and/or odour nuisance to neighbouring premises or buildings,
 - b) a decrease in visibility on any highway or roadway;
 - c) a rapid spread of fire through grass or a brush area.
7. A farmer who intends to set or maintain a fire in the open air on a specified day for disposal of vegetable matter, vegetation, or wood products on farm lands, which is normal and incidental for farming purposes will be issued a "Notice of Controlled Burn" to cover the period of the proposed fire, and will be required to notify the Office of The Corporation of the Township of Alnwick/Haldimand on each day of the proposed fire.
8. A "Notice of Controlled Burn" may be cancelled or suspended at any time by the Chief Fire Official or his designate and immediately upon receiving notice of such cancellation or suspension, the holder of said Notice shall extinguish any fire started under Notice.
9. Every person who contravenes any provision of this By-Law is guilty of an offence and is liable to a fine of not more than \$5,000.00, exclusive of costs under the Provincial Offences Act, (Ontario) as amended from time to time.
10. This By-Law shall come into full force and effect upon the final passing thereof.
11. This By-Law repeals By-Laws **14-97, (Township of Haldimand)** and **99-14, (Township of Alnwick)** in their entirety.

READ THIS FIRST, SECOND AND THIRD TIME, AND FINALLY PASSED THIS 29th DAY OF NOVEMBER, 2001.

MAYOR, WILLIAM FINLEY

CLERK/ADMINISTRATOR,
TERRENCE KOROTKI

SCHEDULE "A"

TO BY-LAW 95-2001

"NOTICE OF CONTROLLED BURN"

NAME OF OWNER: _____

NAME OF FIRE SUPERVISOR: _____

CIVIC ADDRESS: _____

PHONE NUMBER: _____

LOCATION OF SUPERVISED FIRE: LOT _____ CONCESSION _____

MATERIAL TO BE BURNED: _____

APPROXIMATE SIZE TO BE BURNED: _____

MEANS OF EXTINGUISHING AVAILABLE: _____

NOTE: NOTICE IS VALID FOR 7 DAYS INCLUDING DATE OF ISSUANCE

RECEIVED AT GRAFTON/ROSENEATH, ONTARIO THIS _____

DAY _____, 20____.

THE CORPORATION OF THE TOWNSHIP OF ALNWICK/HALDIMAND

PER: _____

FIRE DEPARTMENT USE

CONTACTED OWNER DATE: _____

INSPECTION OF FIRE GROUND DATE: _____

FIRE GROUND RECOMMENDATIONS: _____