

**THE CORPORATION OF THE  
TOWNSHIP OF EDWARDSBURGH/CARDINAL  
BY-LAW NO. 2005-15**

**“A BY-LAW TO PRESCRIBE THE PRECAUTIONS AND CONDITIONS  
UNDER WHICH FIRES MAY BE SET IN OPEN AIR”**

**WHEREAS** Section 9(1) of the Municipal Act, S.O. 2001, c. 25, confers authority to municipalities to govern their affairs as they consider appropriate;

**AND WHEREAS** Section 9(3) of the Municipal Act, S.O. 2001, c.25, permits a municipality to pass by-laws to regulate or prohibit and to provide for a system of licenses, permits, approvals or registrations and impose conditions;

**AND WHEREAS** Section 128 of the Municipal Act, S.O. 2001, c. 25, authorizes a local municipality to prohibit and regulate with respect to public nuisances;

**AND WHEREAS** Section 130 of the Municipal Act, S.O. 2001, c. 25, authorizes a local municipality to regulate matters related to the health, safety and well-being of the inhabitants of the municipality;

**AND WHEREAS** Section 427 of the Municipal Act, S.O. 2001, c. 25, permits the municipality to cause remedial action and recover the costs of so doing;

**NOW THEREFORE** the Council of the Corporation of the Township of Edwardsburgh/ Cardinal enacts as follows:

1. That this by-law shall apply to the whole of the lands within the municipal boundaries of the Township of Edwardsburgh/Cardinal.
- 2.a) That no fire shall be deliberately set for the purposes of burning grass, brush or other materials within the territorial limits of the Township of Edwardsburgh/ Cardinal without the assessed owner of the lands on which the grass, brush or other materials are to be burned first obtaining a permit from the Fire Chief, Deputy Fire Chief or Captain of the Edwardsburgh/Cardinal Fire Department.
- 2.b) A permit to burn shall be issued in accordance with the regulations as stated on Schedule “A” attached to this by-law.
3. In the event that a fire started in grass, brush or other materials burns out of control and requires the assistance of fire fighting or fire protection services of the Township or any other municipality, then all costs in connection with the Township providing this assistance shall be borne by the assessed owner of the property subject to the fire either deliberately set or otherwise ignited. The charge-out rate shall be in accordance to Schedule “C” to this by-law.
4. That the Council of the Corporation of the Township of Edwardsburgh/ Cardinal may, in default of the owner failing to pay the costs described in Section 3 of this by-law, pay the cost on his or her behalf and may recover the costs incurred in like manner as municipal taxes.
5. That only small confined fires used for the purpose of cooking and supervised at all times shall be permitted in the high density residential areas of Cardinal, Johnstown and Spencerville as shown on Schedule “D” to this by-law.

6. That fires may be set in approved containers in accordance with Schedule "B" attached to this by-law in areas of the municipality outside of the boundaries of Cardinal, Johnstown and Spencerville as shown on Schedule "D" to this by-law.
7. In addition to the penalties in Clause 3 and 4, every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than \$5,000 pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33 as amended.
8. That Township of Edwardsburgh By-law 94-08 is hereby repealed.
9. That this by-law shall come into force and effect immediately upon the day of final passing thereof.

Read a first and second time in open Council this 20<sup>th</sup> day of June, 2005.

Read a third and final time, passed, signed and sealed in open Council this 20<sup>th</sup> day of June, 2005.

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**Mayor**

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**Clerk**

Schedule "A"  
By-law 2005-15

OPEN AIR BURN PERMIT REGULATIONS

1. This permit is effective only on the date and time specified.
2. If for any reason the fire cannot be started within the hour specified, permission to change the time or date must be obtained from the issuing officer.
3. The permittee assumes full responsibility for the conducting of Open Burning.
4. All open fires shall be attended at all times.
5. No fire shall be started or maintained when the wind is in such a direction as to cause a decrease in visibility on any highway or travelled road, or any odour, smoke or ash that causes discomfort to persons living in the area.
6. No open fire shall be started on days of adverse weather conditions, such as rain, fog or other conditions that prevent the ready dispersion of smoke.
7. Materials to be burned must not include petroleum products, plastics, rubber, or other materials that create excessive smoke, or any materials prohibited by the Ministry of the Environment.
8. Permission must be obtained prior to each burn.

Schedule "B"  
By-law 2005-15

APPROVED CONTAINER REGULATIONS

1. An approved container shall be constructed of non-combustible materials such as a metal container, a steel barrel or a wood burning stove.
2. The container shall have a wire mesh or expanded sheet metal screen with a maximum mesh size of 1 inch (25 mm) covering the open top of the container.
3. The container shall be placed on base mineral soil, bare rock, cement or non-combustible material.
4. The container shall be placed a minimum of 16.4 feet (5 m) from any combustible material.

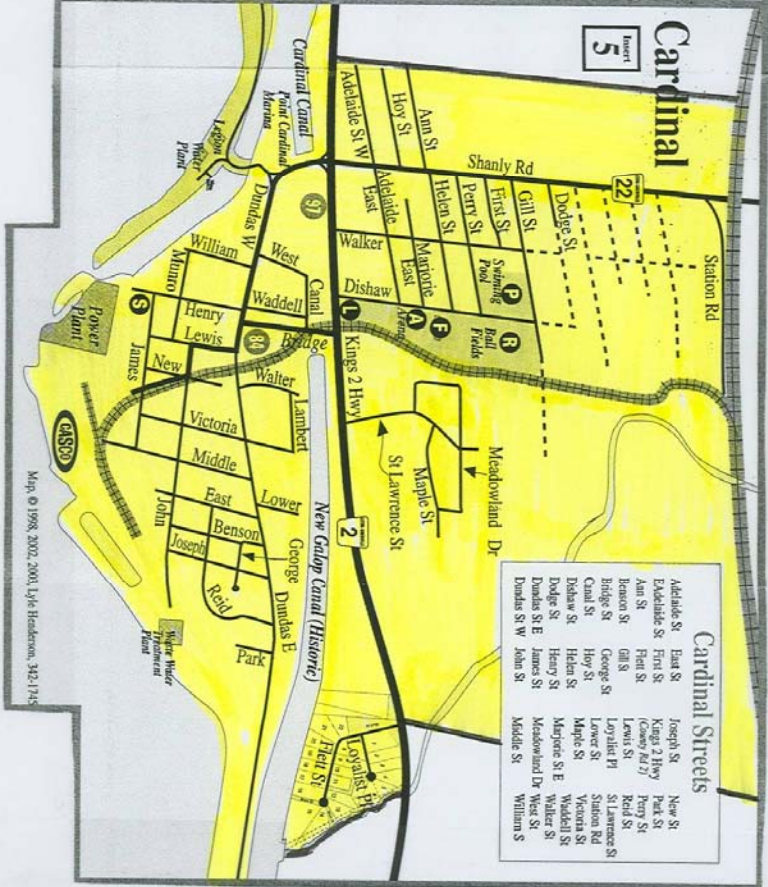
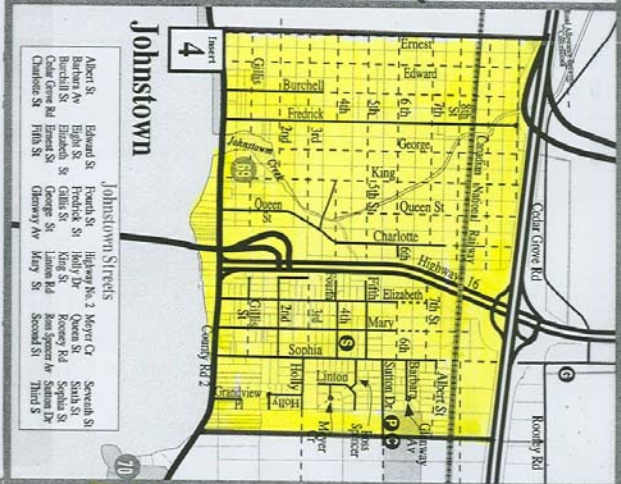
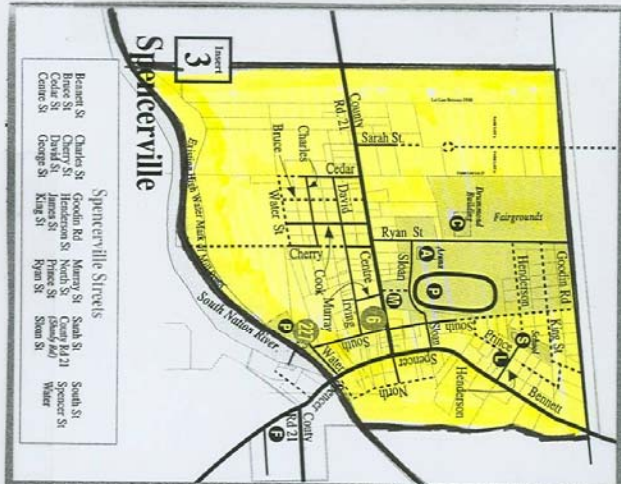
Schedule "C"  
By-law 2005-15

CHARGE OUT RATE

Charge out rate for fire call

\$600.00 per hour

SCHEDULE "D"  
BY-LAW 2005-15



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