

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH/CARDINAL**

BY-LAW NO. 2011-65

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

WHEREAS Section 8(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 8(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(1) 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 429 of the Municipal Act, S.O. 2001, c. 25, permits the municipality to establish a system of fines for offences under a by-law of the municipality;

AND WHEREAS Section 446 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 Conditional Permit from the Township Municipal Office and signed by the Fire Chief, or his/her designate, 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 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 sole purpose of cooking and supervised at all times and extinguished immediately after the cooking process 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. That the municipality may set controlled fires, supervised at all times, for the purposes of burning grass , brush or other materials on lands owned by the municipality in any area of the Township of Edwardsburgh/Cardinal.
8. 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 \$25,000 pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33 as amended.
9. That Township of Edwardsburgh/Cardinal By-law 2005-05, as amended by Bylaws 2007-15 and 2010-26, is hereby repealed.
10. 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 29th day of August, 2011.

Read a third and final time, passed, signed and sealed in open Council this 29th day of August, 2011.

Mayor

Clerk

Schedule "A"
By-law 2011-65

OPEN AIR BURN PERMIT REGULATIONS

1. Every person wishing to have an open air fire must first obtain a conditional permit in the form herein prescribed from the Township of Edwardsburgh/Cardinal Fire Chief or his/her designate. All permits shall expire on December 31st of the year in which it was issued.
2. The Edwardsburgh/Cardinal Fire Department must be advised of each burning time by calling 613-658-3001 and providing date, time, location and active permit number. All open fires are to occur in the dawn to dusk time period except for recreational campfires in permitted areas only. At time of calling permittees will be advised if a Burn Ban for the Township is in effect which will cancel the permit for the Burn Ban period.
3. The permittee assumes full responsibility for the conducting of Open Burning and agrees to follow all the conditions specified on the Conditional Open Burning Permit.
4. No person shall cause to be burned more than one pile, container, etc., at any one time.
5. No person shall set fire to, ignite or otherwise cause to be burned any permitted materials in a windrow or pile with a combined volume of greater than 36 cubic meters (47 cubic yards).
6. All open fires **shall be attended** at all times.
7. 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 traveled road, or any odour, smoke or ash that causes discomfort to persons living in the area.
8. 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.
9. Materials to be burned must not include petroleum products, plastics, rubber, or other materials that create excessive smoke, or any materials prohibited by the Environmental Protection Act, RSO 1990, Chapter E.19 as amended.
10. Permission must be obtained prior to each burn.
11. The Edwardsburgh/Cardinal Fire Department may deny any request or revoke a permit if:
 - a. Burning site is not in a suitable location.
 - b. Permit applicant has violated this by-law in the past and/or the Fire Chief, at his sole discretion, has reasonable cause to believe the conditions of this by-law will not be respected.
 - c. Any smoke or odour to such extent as to be objectionable or cause discomfort to persons in the immediate vicinity is, or becomes apparent.
 - d. For any other reason that the Fire Chief, at his sole discretion, has reason to believe is in the interest of preserving and maintaining fire safety.

Permit # _____

**THE CORPORATION OF THE TOWNSHIP OF EDWARDSBURGH/CARDINAL
As per Schedule "A" to By-Law No. 2011-65
CONDITIONAL PERMIT FOR "OPEN BURNING"**

Issued to _____ Phone _____

Civic Address: _____

Lot: _____ Concession: _____ Roll #: _____

Valid in the Township of Edwardsburgh/Cardinal

The Ontario Fire Code Part 2, Article 2.6.3.4 states:

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.

Any person who is going to have an Open Fire for other than mentioned above, must have a **Permit for Open Fire**. These permits can be obtained from the Municipal Office of the Township of Edwardsburgh/Cardinal. **Once signed by the issuing authority this permit is only valid until December 31st of the calendar year in which it was signed, provided that the following regulations are observed.**

Regulations for Open Burning:

- 1) Only small confined fires used for the sole purpose of cooking must be extinguished immediately after 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 By-law 2011-65.
- 2) The undersigned agrees to **contact** the Edwardsburgh/Cardinal Fire Department **prior** to any open burning taking place and to ensure that a **fire ban is not in effect**. All open fires shall only occur in the dawn to dusk time period except for recreational campfires in permitted areas only.
- 3) The undersigned **assumes full responsibility** when conducting Open Burning.
- 4) No person shall cause to be burned more than one pile, container, etc. at any one time.
- 5) No person shall set fire to, ignite, or otherwise cause to burn any permitted materials as outlined in this by-law, in a windrow or pile with a combined volume of greater than 36 cubic metres (47 cubic yards).
- 6) **Open burns must be supervised at all times.**
- 7) Wind conditions shall be taken into account before starting a fire.
- 8) No fires shall be started or maintained when the weather conditions prevent the ready dispersion of smoke.
- 9) Materials to be burned must **NOT** include those which cause excessive smoke, e.g. rubber, plastics or other materials prohibited by the *Environmental Protection Act*, R.S.O. 1990, Chapter E.19, as amended.
- 10) The undersigned, when setting an authorized fire, not only acknowledges responsibility for controlling it, but also for Fire Department services costs, if the fire gets out of control.
- 11) Section 446 of the *Municipal Act*, R.S.O. 2001 c 25, as amended, authorizes the recovery of costs related to the violation of these provisions.

Registered Land Owner's
Signature

Issuing Officer / Designate

Date of Issue: _____

**Permit may be revoked at any time by the
Fire Chief or designate for failure to comply with the regulations of By-Law 2011-65 or unsafe practices.
Please be Considerate - Notify Your Neighbours Prior to Any Burning**

Use common sense and prevent fire mishaps
Fire Condition Information, Permit Activations, Notifications 613-658-3001 ext. 103

Schedule "B"
By-law 2011-65

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.

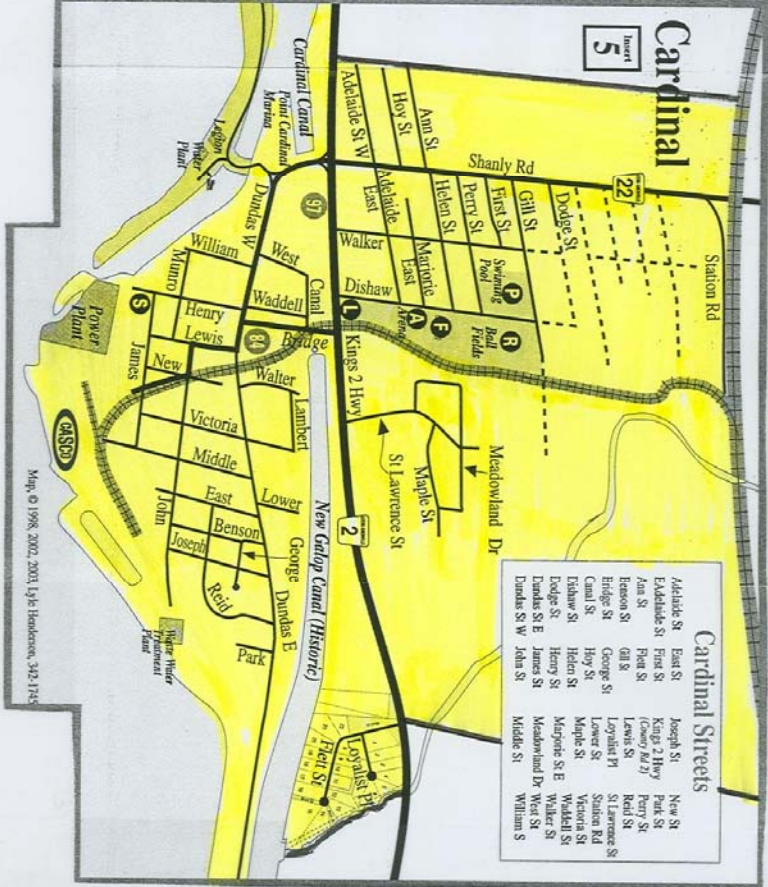
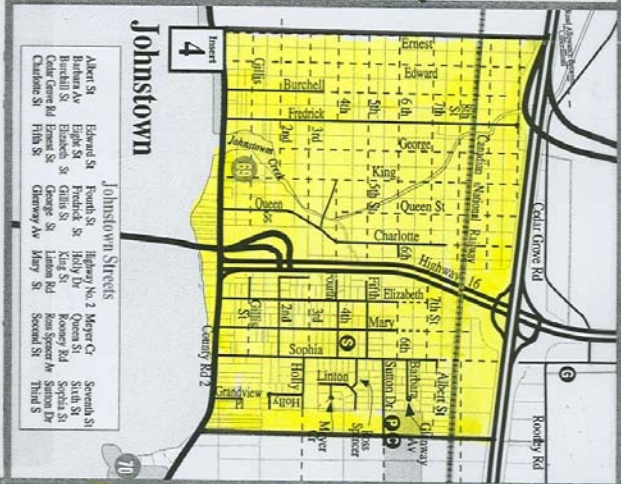
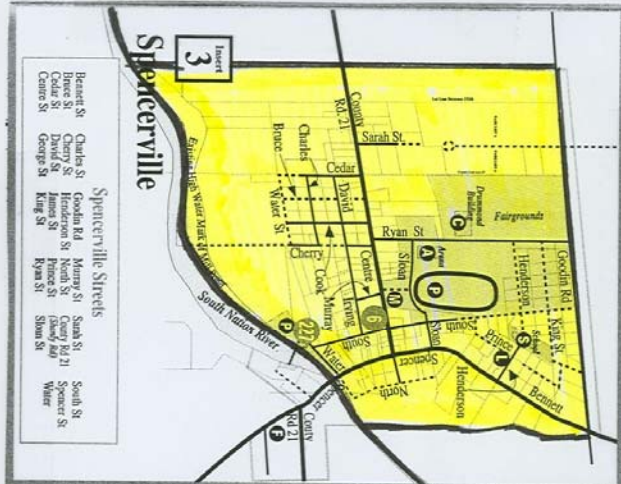
Schedule "C"
By-law 2011-65

CHARGE OUT RATE

Charge out rate for fire call \$600.00 per hour

plus costs of Fire Apparatus at \$600.00 per unit if Fire Department is called.

SCHEDULE "D"
BY-LAW 2011-65



Map © 1998, 2002, 2001, 1996 Henderson, 343-1745

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