

# THE CORPORATION OF THE TOWNSHIP OF HORTON

## BY-LAW NO. 2007-51

Being a By-law of the Corporation of the Township of Horton  
to regulate open air burning within the Township.

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**WHEREAS** Section 7.1 (b) of the Fire Protection and Prevention Act, S.O. 1997, c.4, as amended, provides that Councils of municipalities may pass by-laws for prescribing the times that fires may be set.

**WHEREAS** the Forest Fires Prevention Act, R.S.O. 1990, c.F.24 and O. Reg 207/96 provide rules for outdoor burning within the Fire Regions;

**AND WHEREAS** Section 427 (1) of the Municipal Act, 2001 S.O. c.25, authorizes the municipality to recover the expense incurred by it in taking any action to do what another person has been directed or required to do by by-law.

**AND WHEREAS** Section 427 (3) of the Municipal Act authorizes the municipality to recover the costs of doing a thing or matter under Subsection 427 (1) by adding the costs to the tax roll and collecting them in the same manner as taxes

**NOW THEREFORE** the Council of the Corporation of the Township hereby enacts the following:

1. All persons setting an open air fire in the Corporation of the Township of Horton shall first obtain a fire permit from the fire department pursuant to this section. The material to be burned shall be limited to wood or by-products of wood. A person who has obtained a fire permit pursuant to this section shall:
  - (a) Not permit more than eight (8) cubic metres of material to be burned at any one time; (7 ft. X 7 ft. X 7 ft.) - height, width, length.
  - (b) Ensure that the means of extinguishing the fire designated on the permit form is available at the site at all times during the fire;
  - (c) The said permits shall be in accordance with Schedule "A" attached hereto.
  - (d) Stay with the fire until it is out.
2. A fire permit 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 permittee shall extinguish any fire started under the permit.
3. 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 Corporation of the Township of Horton or his designate.
4. Notwithstanding the provisions of Section 1 hereof, confined open air fires used for cooking or warmth when such burning consists of a small fire 1/2 metre square (2 ft. X 2ft. X 2ft.) and is supervised at all times.
5. Grass fires shall be no larger than can be safely controlled.
6. All persons setting an open fire in the Corporation of the Township of Horton shall be responsible for any damage to property or injury to persons occasioned by the said fire.
7. Any person who contravenes any provision of this by-law may be liable for all damages to public and/or private property caused by the fire and may also be liable for the full cost of extinguishing the fire in accordance with rates so established by the Township.

8. No open air fire shall be ignited when the conditions as such may cause any or all of the following:
  - a) a decrease in visibility on any highway or roadway
  - b) inconvenience or irritation to others
  - c) fire spread through grass, brush, forested area or other property that was not intended to be burned
  - d) a contravention of other municipal by-law, provincial or federal legislation
9. No person shall set any fire outdoors, or shall burn outdoors, any kitchen garbage, construction materials or materials made of/ or containing rubber, plastic, petroleum or tar.
10. Any person who contravenes any provision of this by-law is guilty of an offence and shall, upon conviction be subject to a minimum fine of \$300.00 and not more than \$2,000.00 exclusive of costs and every fine is recoverable under the Provincial Offences Act R.S.O. 1990, c.P. 33 and amendments hereto.
11. All accounts rendered by the Township for services (including expenses by the Township) as referred to in Section 7, shall be paid within thirty (30) days of the billing.
12. If payment is not made by the owner in accordance with the provisions of Section 7, the Township may recover the expense incurred by action, or the same may be recovered in like manner as municipal taxes.
13. Hours of Burning: May 01<sup>st</sup> to October 31<sup>st</sup> - 6:00 p.m. to 10:00 a.m.  
November 01<sup>st</sup> to April 30<sup>th</sup> - burning permitted 24 hours
14. The current supply of blank fire permit books may continue to be issued until such time as they are used up. At that time a new supply of fire permit books shall be printed quoting this by-law and schedule.
15. This by-law may be cited as "The Corporation of the Township of Horton Open Air Burning By-law"
15. That this By-law shall come into force and take effective immediately upon the passage thereof.
16. That By-law 2005-09 be rescinded in its entirety.

Read a First and Second time this 06<sup>th</sup> day of November 2007.

Read a Third time and passed this 06<sup>th</sup> day of November 2007.

Robert A. Johnston (signed)  
MAYOR

Mackie J. McLaren (signed)  
CAO/CLERK

**SCHEDULE "A"**

***FRONT SIDE OF PERMIT FORM***

CORPORATION OF THE TOWNSHIP OF HORTON  
BY-LAW NO. 2007-51

HORTON TOWNSHIP FIRE DEPARTMENT  
Administration 432-6271  
Emergency Number 9-1-1

PERMIT NUMBER \_\_\_\_\_

DAILY PERMIT FOR OPEN FIRES

PERMISSION IS HEREBY GRANTED TO:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

POSTAL CODE: \_\_\_\_\_ TELEPHONE NUMBER \_\_\_\_\_

\_\_\_\_\_

FOR THE PURPOSE OF HAVING AN OPEN FIRE:

DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

LOCATION: \_\_\_\_\_

MATERIAL TO BE BURNED: \_\_\_\_\_

\_\_\_\_\_

NUMBER OF PEOPLE REQUIRED TO BE PRESENT DURING FIRE: \_\_\_\_\_

MEANS OF EXTINGUISHMENT AVAILABLE: \_\_\_\_\_

\_\_\_\_\_

THE APPLICANT AGREES TO COMPLY WITH THE PROVISIONS OF THE BY-LAW # 2007-51 AS AMENDED, AND AGREES TO ASSUME ALL RESPONSIBILITY FOR ANY DAMAGES OCCURRING FROM THE FIRE FOR WHICH THIS PERMIT IS ISSUED.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Fire Official or Designate

## ***REVERSE SIDE OF PERMIT FORM***

All persons setting an open air fire in the Corporation of the Township of Horton shall first obtain a fire permit from the fire department pursuant to this section. The material to be burned shall be limited to wood or by-products of wood. A person who has obtained a fire permit pursuant to this section shall:

- (a) Not permit more than eight (8) cubic metres of material to be burned at any one time (Length of 7 feet x width of 7 feet x height of 7 feet);
- (b) Ensure that the means of extinguishing the fire designated on the permit form is available at the site at all times during the fire;
- (c) Stay with the fire until it is out;
- (d) Any person who contravenes any provision of this by-law is guilty of an offence and shall, upon conviction be subject to a minimum fine of \$300.00 and not more than \$2,000.00 exclusive of costs and every fine is recoverable under the Provincial Offenses Act R.S.O. 1990, c.P. 33 and amendments hereto.
- (e) All accounts rendered by the Township for services (including expenses by the Township) as referred to in Section 7, shall be paid within thirty (30) days of the billing.
- (f) If payment is not made by the owner in accordance with the provisions of Section 7, the Township may recover the expense incurred by action, or the same may be recovered in like manner as municipal taxes.
- (g) The said permit shall be in accordance with the provisions of By-law 2007-51;