

THE CORPORATION OF THE MUNICIPALITY OF SIOUX LOOKOUT

BY-LAW NO. 11-04

BEING A BY-LAW TO RESTRICT OPEN AIR BURNING AND TO GOVERN
THE ISSUANCE OF FIRE PERMIT, AND TO RESCIND BY-LAW NO. 706

WHEREAS Subsection 7.1(1)(b) of the Fire Protection & Prevention Act, S.O. 1997, Chap. 4 provides that Council may pass by-laws prescribing the times during which fires may be set in the open air and the precautions to be observed;

WHEREAS Subsection 7.1(1)(b) of the Fire Protection & Prevention Act, S.O. 1997, Chap. 4 provides that Council make such regulations as it considers necessary for preventing fires and the spread of fires;

WHEREAS Subsection 7.1 of the Forest Fires Prevention Act, S.O. 1997, Chapter 4 provides that an Officer may cancel or suspend a fire permit;

WHEREAS Section 427 of the Municipal Act, 2001 authorizes the Municipality to recover the expense incurred by it in taking any actions to do what another person has been directed or required to do by by-law;

WHEREAS open air fires which may escape from control constitute a danger and expense for persons and property within the Municipality of Sioux Lookout;

WHEREAS the Council of the Corporation of the Municipality of Sioux Lookout deems it expedient to enact a By-Law to regulate the open air burning of materials and to govern the issuance of fire permits;

NOW THEREFORE the Council of the Corporation of the Municipality of Sioux Lookout hereby ENACTS AS FOLLOWS:

1. In this By-Law:
 - a) "Brush piles" means branches, limbs, stumps or parts thereof;
 - b) "Chief Fire Official" means the Chief of the Fire Department or the Emergency Services Manager of the Corporation of the Municipality of Sioux Lookout or his/her designate;
 - c) "Conditions" relate to any factor which could increase the fire hazard such as wind velocity, degree of humidity, or proximity of the site to very flammable material;
 - d) "Corporation" or "Municipality" means the Corporation of the Municipality of Sioux Lookout;
 - e) "Council" means the Council of the Corporation of the Municipality of Sioux Lookout;
 - f) "Daytime Burning" means burning between the time of two hours after sunrise and two hours before sunset;
 - g) "Fire Department" means the Fire Department of the Corporation of the Municipality of Sioux Lookout;
 - h) "Fire Permit" means a permit issued in accordance with this By-Law;
 - i) "Fire Season" means the period from the 1st day of April to the 31st day of October in each year. The Chief Fire Official may declare any period between the 1st day of January and the 31st day of March, both inclusive or between the 1st day of November and the 31st day of December, both inclusive, in any year, to be a fire season;
 - j) "Incinerator" means a container meeting the requirements as specified in Section 6 of this by-law;
 - k) "Municipal Fire Warden" and/or "Fire Permit Issuer" are defined as those appointed under By-Law of the Corporation of the Municipality of Sioux Lookout;

- l) "Officer" means Municipal Chief Fire Official, Municipal Fire Warden, Municipal By-Law Officer, members of the Ontario Provincial Police, and/or Fire Officers and Conservation Officers of the Ministry of Natural Resources;
 - m) "Peat" means soils with a minimum of 30 per cent (30%) organic matter;
 - n) "Seasonal Fire Permit" means a fire permit that has been issued for the entire fire season;
 - o) "Windrows" means refuse from land clearing, bulldozed into piles or rows, consisting of soil/gravel, trees, roots, stumps and brush;
 - p) "Prescribed Burns" is defined as the deliberate application of fire to forest fuels on a specific area under predetermined conditions to fulfill specific silvicultural, wildlife, management, sanitary or hazard reduction requirements.
2. a) No open air burning shall be permitted during the fire season without a fire permit unless:
- i) such burning consists of a small contained fire supervised at all times and used for cooking or warmth as provided in Regulation 207/96 under the Forest Fires Prevention Act.
 - b) Fire permits will be issued:
 - i) for burning in an incinerator and for burning brush and/or grass
 - c) No person shall set a fire of grass, brush, windrows, peat fields, crops or incinerators in the open air without a fire permit.
 - d) No "daytime burning" shall be permitted during the Fire Season except:
 - i) such burning shall be allowed when carried out by the Municipality at the Municipal Landfill Site and must be approved by the Emergency Services Manager.
 - ii) if such burning is a "prescribed burn" which has been formally approved by the Ministry of Natural Resources under the "Prescribed Burns Manual" and provided a Fire Permit has been issued by the Municipality of Sioux Lookout and must be approved by the Emergency Services Manager.
 - iii) Such burning shall be allowed when carried out by the C.N.R. at a designated location on C.N.R. property and must be approved by the Emergency Services Manager.
3. Except under the authority of a fire permit, no person shall ignite fireworks during a fire season in or within 300 metres of a forest or woodland.
4. It is a condition of the fire permit that:
- a) the fire holder shall ensure the fire permit be present at the site of the burning operation conducted under the permit;
 - b) the Permittee shall have at the site of the burning operation a valid Fire Permit and shall produce and show the permit to any Officer, whenever requested by the Officer; and
 - c) the Permittee assumes full responsibility for the burning operation conducted under the permit.
5. Every person who starts a fire outdoors or in an incinerator is in charge or apparently in charge of a fire outdoors shall:
- a) ensure that all conditions will allow the fire to burn safely from start to extinguishment;
 - b) take all necessary steps to keep the fire under control;
 - c) extinguish the fire before quitting the site;

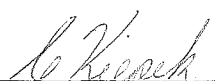
- d) be present at the site of the fire at all times unless a fire permit specifies otherwise;
 - e) in the opinion of an Officer, have sufficient resources available to maintain control of the fire at all times;
 - f) ensure that no fire is lit or maintained until two hours before sunset; and
 - g) ensure that all fires are fully and completely extinguished by two hours after sunrise;
 - h) ensure the material is burned in a single pile that is less than two meters in diameter and less than two meters high; and
 - a) the total area to be burned does not exceed one hectare;
 - b) the length of flaming edge does not exceed thirty metres.
6. No person shall operate an outdoor incinerator unless:
- a) the incinerator is an enclosed device constructed entirely of non-combustible material;
 - b) the incinerator is at least five metres from any forest or woodland;
 - c) the incinerator is at least three metres from any combustible materials;
 - d) the outlet of the incinerator is covered with a screen having a mesh size of not more than five millimeters (1/8");
 - e) the person has a valid incinerator burning permit;
 - f) the material to be burned shall be limited to wood or by-products of wood;
 - g) no fire shall be permitted when the wind is in such direction or intensity to cause any or all of the following:
 - a) smoke which causes annoyance or irritation to adjacent properties or premises;
 - b) when wind velocity exceeds 10 km per hour.
 - h) the person ensures that all fires are fully and completely extinguished by two hours after sunrise;
 - i) the person tending fire has tools or water adequate to contain the fire within the fire site; and
 - j) The incinerator is an enclosed device constructed entirely of non-combustible material and is no more than one metre in diameter and no more than one metre in height.
7. An Officer is authorized to order any person to put out any fire where it poses a danger to life or property.
8. The Municipal Chief Fire, Official, Municipal Fire Warden, Municipal By-Law Officer, members of the Ontario Provincial Police, Fire Officer, and Conservation Officer of the Ministry of Natural Resources are authorized to enforce this By-Law.
9.
 - a) Every person setting a fire in the open air shall comply with all lawful direction of an Officer.
 - b) Where in the opinion of the Chief Fire Official, a potential fire danger exists, the Chief Fire Official may suspend, refuse or rescind any permit.
 - c) Where in the opinion of the Chief Fire Official, a person burning other than by-products of wood in either an indoor wood stove or outdoor wood stove is subject to the provisions of this By-Law.
10. Nothing in this By-Law shall be deemed to authorize any burning which

contravenes the Environment Protection Act R.S.O. 1990, Chapter E-19, the Ontario Fire Code, or Forest Fire Prevention Act, or any regulations made thereunder.


11. If any Section/Subsections, or Part or Parts of this By-Law is declared by any court of law to be bad, illegal, or ultra vires, such Section, Subsection, Part or Parts shall be deemed to be severable and all Parts hereto are declared to be separate and independent and enacted as such.
12. The provisions of this By-Law shall apply to the whole of the Municipality of Sioux Lookout.
13.
 - a) Any fine imposed or offence created by this By-Law related to any matter is subject to the provisions of the Provincial Offences Act.
 - b) Any person who contravenes any provision of this By-Law or any order made thereunder or any condition of a permit issued thereunder 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.
 - c) Any person who contravenes any provision of this By-Law or any order made thereunder or any condition of a permit issued thereunder is guilty of an offence and upon conviction may be fined an amount not exceeding \$5,000.00 and may also be liable for the full cost of extinguishing the fire.
14.
 - a) All accounts rendered by the Corporation for services (including expenses by the Corporation) as referred to in Section 13, shall be paid within 30 days of the billing.
 - b) If payment is not made by the owner in accordance with the provisions of Section 14 a), the Corporation may recover the expense incurred by action, or the same may be recovered in like manner as municipal taxes.
15. All by-laws or parts thereof and all or any resolutions of the Council of the Corporation of the Municipality of Sioux Lookout inconsistent with this by-law are hereby revoked.
16. THAT By-Law No. 706 be and is hereby rescinded.
17. THAT this By-Law comes into force and takes effect upon its final passing.

READ A FIRST AND SECOND TIME THIS NINETEENTH DAY OF MAY, 2004

READ A THIRD TIME AND PASSED THIS NINETEENTH DAY OF MAY, 2004



Cathy Kiepek, Mayor



Mary L. MacKenzie, Clerk

Item	Column 1 (Short Form Wording)	Column 2 (Offense Creating Provision)	Column 3 (Set Fines) (Including Costs)
1.	Fail to produce fire permit	Sec. 2(a)	\$105.00
2.	Unlawfully make fire in incinerator without a permit	Sec. 2(b)	\$155.00
3.	Start fire – fail to leave person in charge	Sec. 4(a)	\$155.00
4.	Maintain fire – fail to ensure fire is supervised at all times	Sec. 4(a)	\$155.00
5.	Light fire – fail to have sufficient resources available to control fire	Sec. 5(a)	\$155.00
6.	Maintain fire – fail to have sufficient resources available to control fire	Sec. 5(e)	\$155.00
7.	Burning outside of allowable times	Sec. 5(f)(g)	\$155.00
8.	Light fire – Burning other than by-products of wood in an incinerator	Sec. 6(e)	\$155.00
9.	Light fire – burning when wind velocity exceeds 10 km per hour	Sec. 6(f)	\$155.00
10.	Light fire – burning other than by-products of wood in outdoor woodstoves	Sec 9 (c)	\$155.00

The penalty provisions for the offences indicated above are in Part 13, Sections (a) to (c) of the By-Law, a certified copy of which has been filed.