

THE CORPORATION OF THE CITY OF ELLIOT LAKE

*B*Y-LAW NO. 07-23

Being a by-law to regulate the setting of open air fires and to provide for the prevention of the spreading of fires within the Corporation of the City of Elliot Lake and to repeal By-law No. 86-26.

WHEREAS the Council may pass by-laws under section 7.1 of the Fire Protection and Prevention Act, 1997, S.O. c.4 regulating fire prevention and the setting of open air fires within the Corporation of the City of Elliot Lake,

AND WHEREAS the Corporation of the City of Elliot Lake is desirous of passing such a by-law.

NOW THEREFORE The Council of the Corporation of the City of Elliot Lake **ENACTS AS FOLLOWS:**

1. For the purposes of this by-law,
 - (a) "Fire Chief" means person appointed by Council of The Corporation of City of Elliot Lake as the Fire Chief for the Elliot Lake Fire Department and includes any person authorized by the Fire Chief to issue fire permits under authority of this by-law.
 - (b) "Officer of the Fire Department" means any firefighter employed by The Corporation of the City of Elliot Lake.
 - (c) "Fire Permit Holder" means the person named on the Fire Permit and to whom the fire permit is issued.
 - (d) "Fire Department" means the Elliot Lake Fire Department.
 - (e) "Highway" means any municipal roadway and includes a provincial highway.
 - (f) "Urban Area" means that area between the south end of Esten Drive South and the north end of Timber Road North, and more particularly outlined in the map attached hereto as Schedule "B".
 - (g) "Rural Area" means any other area within the Corporation of the City of Elliot Lake.

2. This by-law applies to all lands within the geographic area which constitutes the Corporation of the City of Elliot Lake including the following townships:

Beange	Bouck	Buckles
Bolger	Gunterman	Joubin
McGivern	Esten	Proctor.

3. No person shall set or permit a fire to burn in the open air at any time between April 1 and October 31 without first obtaining a fire permit from the Fire Department.
4. The Fire Department will issue the following classes of permits subject to conditions set out therein.
 - (a) Urban Class: for open air burning within the urban areas.
 - (b) Rural Class: for all types of open air burning within the rural areas.
5. The provisions of section 3 do not apply to a fire used for cooking or warmth set at a distance greater than 200 metres from a highway.
6. No person shall set a grass or bush fire, which is not contained and controlled.
7. Any person setting an open air fire in contravention of this by-law or setting an uncontained or uncontrolled grass or bush fire shall pay for the services of the Fire Department to respond and / or extinguish the fire at the following rate
 - (a) Emergency Service Rendered
 - i \$350.00 first hour or part thereof per each piece of equipment
 - ii \$175.00 each additional half hour or part thereof per piece of equipment.
 - (b) No Emergency Services Rendered
 - i \$350.00 flat rate where services not required or provided.
7. An application for a fire permit shall be made on the forms provided by the Fire Department and shall be subject to compliance with the conditions set out in Schedule "A" to this by-law and such other conditions as may be added to the fire permit by the Fire Chief.
8. Every fire permit holder shall comply with all of the conditions set out on the fire permit.

9. If any conditions set out on the fire permit are contravened, the Fire Chief or Officer of the Fire Department may demand that the fire be extinguished and if the permit holder refuses, an Officer of the Fire Department shall extinguish the fire, and the cost of the extinguishment will be charged to the fire permit holder and if unpaid may be added to the tax roll for the property of the permit holder and collected in the like manner as taxes.
10. In addition to the provisions of section 10 the Fire Chief or Officer of the Fire Department may revoke a fire permit at any time if any provisions of this by-law have been contravened.
11. The conditions of the fire permit set out in Schedule “A” are part of this by-law.
12. Every persons who contravenes any provision of this by-law is guilty of an offence and on conviction liable to a fine of five (\$5,000) thousand dollars.
13. THAT By-law No. 86-26 is hereby repealed

PASSED this 26th day of March, 2007

MAYOR

CLERK

Schedule "A" to By-law No. 07-23 of The
Corporation of the City of Elliot Lake.

Conditions of Fire Permit Classes

Urban Area Class Permit

Every Fire Permit issued for the Urban Area shall be subject to the following conditions:

1. The fire permit holder shall keep the fire permit at the site identified in the fire permit as the site of the burning operation during the burning operation and shall produce the permit if requested by the Fire Chief or Officer of the Fire Department.
2. Burning can only be conducted after 6PM and before 10AM and at no other time.
3. No more than .226 cubic metre being .61x.61x.61 (2'x2'x2') of material can be burned at one time.
4. The fire shall be overseen at all times by an adult person and the permit holder shall maintain at all times during the burning at the site equipment to suppress the fire including but not limited to shovels, water hose, and pumps.
5. No burning shall be conducted when wind velocities are 16 kilometres per hour or more.
6. The permit holder shall not create a condition that interferes with the use of the property of any neighbouring property owner.
7. Shall not burn at a distance of less than 3 metres (9.85') from a building, structure, hedge, highway, overhead wire or any other obstruction.
8. Shall not burn garbage or any materials, which are toxic or hazardous including, but not limited to, painted and pressure treated materials.
9. Other conditions as may be added to the Fire Permit by the Fire Chief.

Rural Area Class Permit

Every permit issued for the Rural Area shall be subject to the following conditions.

1. The fire permit holder shall keep the fire permit at the site identified in the fire permit as the site of the burning operation during the burning operation and shall produce the permit if requested by the Fire Chief or Officer of the Fire Department.
2. Burning can only be conducted after 6PM and before 10AM and at no other time.
3. All land clearing debris shall be in piles separated by at least 4.57 metres (15').

Schedule "A" to By-law No. 07-23 of The
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4. The fire shall be overseen at all times by an adult person and the permit holder shall maintain at all times during the burning at the site equipment to suppress the fire including but not limited to shovels, water hose, and pumps.
5. No burning shall be conducted when wind velocities are 16 kilometres per hour or more.
6. The permit holder shall not create a condition that interferes with the use of the property of any neighbouring property owner.
7. Shall not burn at a distance of less than 3 metres (9.85') from a building, structure, hedge, highway, overhead wire or any other obstruction. Greater distances required for slash and brush burning.
8. Shall not burn garbage or any materials, which are toxic or hazardous including, but not limited to, painted and pressure treated materials.
9. Other conditions as may be added to the Fire Permit by the Fire Chief.