

THE CORPORATION OF THE TOWNSHIP OF RAMARA

BYLAW NO. 2012. 13

BEING A BYLAW TO REGULATE OPEN AIR BURNING WITHIN  
THE TOWNSHIP OF RAMARA

**WHEREAS** Section 9 of the Municipal Act, 2001, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

**AND WHEREAS** Section 7.1 (1)(b) of the Fire Protection and Prevention Act, 1997, provides that the Council of a municipality may pass by-laws regulating the setting of open air fires, including establishing the times during which open air fires may be set;

**NOW THEREFORE** be it resolved that the Council of the Corporation of the Township of Ramara hereby enacts the following:

1. THAT in this Bylaw:

**DEFINITIONS**

- a) **Bona Fide Farmer** means a person conducting business with a valid Farm Business Registration Number issued by the Ontario Ministry of Agriculture, Food and Rural Affairs.
  - b) **Corporation** means the Corporation of the Township of Ramara.
  - c) **Council** means the Council of the Corporation of the Township of Ramara.
  - d) **Fire and Rescue Services** means the department of the corporation.
  - e) **Chief Fire Official** means the one person appointed by Council as the Manager of Fire and Rescue Services/Fire Chief or his/her designate.
  - f) **Property Owner** means any person, firm or corporation which legally owns the property.
2. No person shall cause the open air burning of material or things without approval from the Chief Fire Official of the Township.
  3. Approval to open air burn is granted by the Chief Fire Official to any individual who meets the following criteria:

- a) there is no declared fire ban in effect;
- b) the air quality advisory is less than 70 as determined by Environment Canada;
- c) the volume of material being burned is no larger in size than 1 metre cubed;
- d) the fire is surrounded by non-combustible material to prevent spread;
- e) the fire is a minimum of 5 metres from a dwelling, building, structure, and property line;
- f) the fire is supervised at all times;
- g) the direction of smoke does not hinder traffic or the quality of life of neighbouring people;
- h) wind speed will have no adverse effect on control of the fire;
- i) the materials being burned are organic in nature such as dry wood, leaves, grass and paper; and,
- j) the owner of the property has granted permission to individual to open air burn.

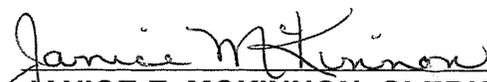
4. Notwithstanding Section 3 and to the contrary, approval to open air burn is granted to a bona fide farmer by the Chief Fire Official when the individual leaves the name, address, date and time of the start and completion of the open air burn with Fire and Rescue Services and subject to the following criteria:

- a) there is no declared fire ban in effect;
- b) the air quality advisory is less than 70 as determined by Environment Canada;
- c) the volume of material being burned is contained in no more than 3 piles of a maximum size of 5 metres by 5 metres by 2 metres high each;
- d) the fire is surrounded by non-combustible material to prevent spread;
- e) the fire is a minimum of 7 metres from a dwelling, building, structure, and property line;
- f) the fire is supervised at all times;

- g) the direction of the smoke does not hinder traffic or the quality of life of neighbouring people;
  - h) wind speed will have no adverse effect on control of the fire;
  - i) the materials being burned are organic in nature such as dry wood, leaves, grass and paper, and;
  - j) the owner of the property has granted permission to the bona fide farmer to open air burn.
5. If a person desires to open air burn material that does not comply with Section 3 or if a bona fide farmer desires to open air burn material that does not comply with Section 4, permission to do so may be granted by the Chief Fire Official upon inspection of the site for the open air burn and agreement is reached with the owner of the property of the protective measures required.
6. Where the Fire and Rescue Services of the Township attend a property where the open air burn does not comply, in the opinion of the attending fire personnel, to the requirements listed above, the fire may be extinguished in the following manner:
- a) by the owner when ordered to do so by the attending fire personnel; or
  - b) by Fire and rescue Services with the property owner being invoiced for the work in accordance with the Township's Fees and Charges Bylaw.
7. THAT the Chief Fire Official implement the necessary policy to give effect to the bylaw.
8. THAT this bylaw shall come into force and take effect on the date of passing.

**BYLAW READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 23 DAY OF January , 2012.**

  
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**WILLIAM DUFFY, MAYOR**

  
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**JANICE E. MCKINNON, CLERK**