

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 11-976

Being a bylaw to regulate the setting of open air fires, including establishing the times during which open air fires may be set, and to repeal by-law 97-393 and all amendments thereto.

WHEREAS the Municipality entered into a fire management agreement pursuant to section 19 of the Forest Fires Prevention Act, R.S.O. 1990, cF-24;

AND WHEREAS Municipal Forest Fire Management Agreement, section 2b) provides that the Municipality agrees to control open air burning in a coordinated fashion in the municipality through by-laws or a municipal fire permit system consistent with the Forest Fires Prevention Act, the Ontario Fire Code and the Ministry of Environment and Energy guidelines;

AND WHEREAS Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, Section 7.1(1) provides that a 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;

AND WHEREAS Section 7.1 (3) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, provides that a by-law under this section may deal with different areas of the municipality differently;

AND WHEREAS Section 7.1 (4) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, provides that a municipality may appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether by-laws enacted in accordance with this section are being complied with;

AND WHEREAS Section 391 of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that despite any Act, a municipality and a local board may pass by-laws imposing fees or charges on any class of person, for services or activities provided or done by or on behalf of it or for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board;

NOW THEREFORE the Council of the Corporation of the Municipality of Temagami hereby enacts as follows:

Definitions

1. In this bylaw,

Adverse Weather Conditions shall mean that the wind speed exceeds 10 knots (gentle breeze), the Forest Fire Hazard Rating is high or extreme (11 or greater), or a smog alert has been declared. The appropriate Federal and/or Provincial Government agency shall be used as the source of this information.

Barbecue shall mean a portable or fixed device designed and intended solely for the cooking of food in the open air, but does not include outdoor fireplaces and campfires.

Building shall mean any structure used or intended for supporting or sheltering any use or occupancy;

By-law Officer shall mean a person appointed by Council as a Municipal Law Enforcement Officer to enforce the provisions of the by-law;

Brush fire shall mean an open air fire that is set and maintained solely for the purposes of burning piled wood, tree limbs and branches;

Burn barrel shall mean a metal barrel in sound condition no larger than a 45 gallon drum designed for the purposes of burning wood scraps, tree limbs, branches and non-compostable material limited to paper products and sisal twine.

Burning Permit - shall mean a permit, issued under authority of this bylaw, authorizing an open air fire;

By-Products shall include smoke and ash.

Campfire shall mean a small confined fire with the material being burnt, at any one time, comprising an area of less than 60cm in width at its widest point, and less than 50 cm in height at its highest point;

Campground shall mean an “organized campground” as defined in section 8.7, Ontario Regulation 207/96, amended to O. Reg. 265/05, Outdoor fires.

Council shall mean the elected Council of the Corporation of the Municipality of Temagami.

Combustible material shall mean material capable of burning including wood, paper, plastic and vegetation;

Crown Protection Area shall mean an area of the municipality within which the Ministry of Natural Resources will provide a range of fire protection services, pursuant to the Municipal Forest Fire Management Agreement.

Dangerous condition shall mean any condition as determined by the Fire Chief or designate that increases the risk of the spread of a fire or is adverse to public safety;

Domestic Waste shall include kitchen waste, food, scraps, cloth, rags, clothing, plastics and any other materials which contents include any of the aforementioned;

Fire ban shall mean a period of time during which the Fire Chief or his designate declares a total ban on open air fires;

Fire Chief shall mean the person appointed as Chief Fire Official, by *Municipal* by-law pursuant to the *Fire Protection and Prevention Act*, and his or her designate.

Fire Pit shall mean any space designed specifically for the purposes of holding a campfire, which encloses the perimeter of a campfire with non-combustible materials, and may include a steel or masonry container, but does not include burn barrels or incinerators

"FPPA" shall mean the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and the regulations enacted there under as amended from time to time, or any Act or Regulation enacted in substitution therefore;

“FFPA” shall mean the Forest Fires Prevention Act,

Forest Fire Season is between April 1st* and October 31st of every year

Highway - shall mean and includes a common and public highway, street, roadway, driveway, or bridge designed and intended for, or used by the general public;

Incinerator shall mean an enclosed device used for burning; see *burn barrel*.

Industrial Waste shall include used automobile and truck bodies, tires, oil, grease, paint, cloth, rags, plastics or other material which contents include any of the aforementioned;

Maintain shall mean to allow an open air fire to continue to burn; "maintained" and "maintaining" have a corresponding meaning;

Municipality shall mean the Corporation of the Municipality of Temagami.

Municipal Forest Fire Management Agreement shall mean an agreement between the Municipality and the Crown respecting suppression of grass, brush and forest fires within the municipality.

Municipal Protection Area shall mean an area within which the municipality will provide a range of fire protection services, pursuant to the Municipal Forest Fire Management Agreement.

Municipal Property shall include any property owned or operated by the *Municipality*, but does not include any property which is leased out by the *Municipality*.

Negative Impact shall mean one or more of:

- actual damage to property or to plant or animal life;
- harm or material discomfort to any person;
- impairment of the safety of any person;
- smoke affecting the visibility of motorists using roads in the vicinity of the burn
- loss of normal use of property; or
- interference with normal conduct of business.

Officer shall mean any Fire Department officer, provincial offence officer, OPP, Ministry of Natural Resources (MNR) conservation officer or fire crew leader.

Open Air Burning shall mean burning or combustion of materials in any open place including yards, fields or constructions areas which are not enclosed by a building or structure.

Open air fire shall mean the burning of material such as wood, tree limbs and branches where the flame is not wholly contained and includes campfires, brush fires, burn barrels/incinerators, and outdoor fireplaces, but does not include barbecues;

Outdoor fireplace shall mean a manufactured, non-combustible, enclosed container designed to hold a small fire for decorative purposes and the size of which does not exceed 1 m in any direction and includes, but is not limited, to a chiminea, firebowl or a natural gas/propane firepit;

Outdoor Solid Fuel Burning Appliance - shall mean an appliance, portable or fixed in place, constructed of non-combustible material, that contains a chamber located within the firebox of the appliance used to contain a combustion flame, a stack to control the flow of air or combustion gases from the appliance, a spark arrestor located at the end of the stack to control disbursement of sparks, and is enclosed on all sides;

Owner shall mean any person, firm or corporation having control over any portion of a building or property and includes the persons occupying the building or property.

Person shall mean any individual, association, firm, partnership, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law;

Private lands shall mean all alienated Crown lands, including Crown land under Crown Lease, Licence of Occupation (LO), or Land Use Permit (LUP);

Set shall mean to light an open air fire and "setting" has a corresponding meaning;

Shall - is mandatory and not directory; words in the singular include the plural; words in the plural include the singular; words in the present tense include future or past tense.

Prohibition

2. (1) No person shall set or maintain an open air fire, other than a campfire, between April 1st and October 31st without first having obtained the necessary permit from the Fire Chief or designate.
- (2) . Despite subsection (1), no person shall set or maintain an open air fire in any hatched areas within the Urban Zoned areas of the Municipality, as shown on the maps attached as Schedules A & B, unless,
 - a. It is a campfire;
 - b. It is an open air fire set and maintained in an outdoor fireplace; or
 - c. A special circumstances permit has been issued by the fire chief
- (3) . No person shall start a fire or permit the setting of a fire or allow a fire to burn during a Restricted Fire Zone order (RFZ); unless the activity is authorized under Outdoor Fires, O. Reg. 207/96 and a special circumstance permit, has been issued by the fire chief.
- (4) . No person shall start a fire on any road allowance or *Municipal Property* without the written permission of the *Municipality*, unless such burning is being conducted by authorized employees of the *Municipality of Temagami*
- (5) . No person shall burn industrial waste, domestic waste, petroleum products, rubber, painted lumber, mixed demolition debris or anything else that will cause excessive smoke or fumes in addition to any other material identified in the regulations contained in the Environmental Protection Act.
- (6) . No persons or owner(s) of land shall prohibit an officer from entering private lands to investigate an open air burning complaint.

Interpretation

3. (1) The administration of this by-law shall be the responsibility of the *Fire Chief*.
- (2) . In this by-law, a work interpreted in the singular number has a corresponding meaning when used in the plural.
- (3) . If this By-law is in conflict with, or is less restrictive than any Federal or Provincial Act or Regulation, the provisions of the said Federal or Provincial Act or Regulation shall supersede those affected portions of this By-law.

- (4) . Should any section of this by-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.
- (5) . In this by-law, the word “meter” shall be represented by the abbreviation “m”, the word “centimeter” shall be represented by the abbreviation “cm”, and the word “millimeter” shall be represented by the abbreviation “mm”.

Application for an Open Air Fire Permit

- 4. (1) Any person eighteen (18) years of age or older may make a written application for an open air fire permit to the Fire Chief prior to the proposed date of the first open air fire.
- (2) . The application shall include:
 - a. the name, address and phone number of the applicant;
 - b. the owner's written consent to the open air fire, if the applicant is not the owner of the property;
 - c. the municipal address of the location of the proposed open air fire if it differs from the address of the applicant;
 - d. the applicable open air fire permit fee in accordance with the Municipal Fees and Charges By-law;
 - e. an indemnification in writing in accordance with the terms of Section 14; and
 - f. such other information as may be required by the Fire Chief.
- (3) . The Fire Chief, or designate, shall issue an open air fire permit unless,
 - a. the application is incomplete;
 - b. there are reasonable grounds to believe that the open air fire may be adverse to public safety;
 - c. the owner, occupant or permit holder has, in the past, contravened the provisions of this by-law or has not complied with any conditions attached to a permit issued pursuant to this by-law; or
 - d. there are reasonable grounds to believe that the open air fire will result in a breach of this by-law, the FFPA, Outdoor Fires O. Reg. 207/96 or any other provincial or federal statute.

CONDITIONS FOR PERMIT ISSUANCE

- 5. (1) No person shall undertake to set or maintain any open air fire, other than a campfire, between April 1st and October 31st except in accordance with the conditions of the permit.
- (2) . The permit holder shall comply at all times with the FFPA, FPPA, and with all other applicable municipal by-laws and provincial and federal laws.
- (3) . A permit issued under this section is valid on the date of issue and for the balance of the time period for which the permit is issued.
- (4) . No holder of a permit issued under this by-law shall set or maintain an open air fire unless the permit holder:
 - a. Ensures the permit or a copy of the permit is kept at the burning site specified in the permit;
 - b. Ensures the size of the open air fire does not exceed the limits set by the permit;

- c. Ensures a person tending a fire shall produce the fire permit for the fire to an *Officer* upon request;
 - d. Ensures contact with the Municipal Fire Services (phone/radio) is immediately available;
 - e. Produces his or her permit upon being so ordered by the fire chief; and
 - f. Complies at all times with the requirements of section 7, and where applicable, sections 8, 9, 10, and 11
- (5) . The Fire Chief may attach such additional conditions to a permit as he or she deems necessary to ensure public safety.
- (6) . A permit for an open air fire issued under this by-law is not transferable.

Exemptions

6. (1) The setting of fires on un-alienated Crown land shall be exempt from the provisions of this by-law.
- (2) . *Municipal* Fire Services shall be exempt from the provisions of this by-law with respect to *Open Air Burning* for the purposes of educating and training individuals.
 - (3) . The municipality shall be exempt from the provisions of this by-law with respect to open air fires related to municipal public works.
 - (4) . No permit shall be required for, and the provisions of this by-law shall not apply to:
 - a. The use of portable stoves for cooking or warmth, as regulated under OUTDOOR FIRES, O. Reg. 207/96
 - b. The use of portable or permanent charcoal installations, as regulated under OUTDOOR FIRES, O. Reg. 207/96
 - c. An outdoor Solid Fuel Burning Appliance.

General Requirements for Open Air Fires

7. (1) Where the material to be burned in an open air fire is 2m or less in length, width and height, or is in a burn barrel, no person shall set or maintain an open air fire,
- a. between April 1st and October 31st, unless a burning permit has been issued under section 4;
 - b. within 15m from any building, structure, hedge, fence, vehicular roadway of any kind or nature, overhead wiring, or any property line;
 - c. unless an area of 2m, around and over top of the fire, is free from any flammable materials;
 - d. unless the space around and above the fire is at least 5m from vegetation;
 - e. Unless a competent person, sixteen (16) years of age or older, maintains constant watch and control over the open air fire at all times from the time of the setting of the fire until the fire is totally extinguished;
 - f. Unless sufficient equipment capable of extinguishing the fire, such as rakes, shovels, or water, are on site and immediately available for use;
 - g. Unless the burn is conducted in such a manner as to prevent the escape of the fire from beyond the area of the pile being burnt;

- h. That uses prohibited materials, which include grass, leaves, garbage, pressure or creosote treated wood, or any combustibles that produces toxic fumes other than those produced by the burning of untreated lumber, wood, tree limbs or branches;
 - i. under-adverse weather conditions; or
 - j. Unless adjacent properties are protected and that *by-products* of the fire do not have a *Negative Impact* on persons, pets or the environment.
- (2) . During the forest fire season (April 1st to October 31st), no person shall set an open air fire, other than a campfire, earlier than two hours before sunset or fail to completely extinguish set fires not later than two hours after sunrise the following day, or earlier.
- (3) . Despite subsection 7(2) no permit holder shall conduct open air burning, other than a campfire, between the hours of two hours after sunrise to two hours before sunset during the forest fire season, unless:
- a. A forest fire danger rating of 3 or less (Low); and
 - b. Obtaining fire chief permission on the day of each proposed open air fire.
- (4) . In determining if an open air burning request will be permitted, under subsection 7(3), the Fire Chief shall take into consideration,
- a. the permit provisions;
 - b. forecasted weather conditions for the day;
 - c. Consultation with the Ministry of Natural Resources fire staff; and
 - d. Additional safety measures to be implemented by the permit holder.

Additional requirements for Burn Barrels / incinerators

8. (1) Despite clauses (a) (b) (c) and (e) of subsection 7(1) no person shall set or maintain an open air fire in a burn barrel / incinerator unless:
- a. A valid burning permit, for the use of a burn barrel, is on site;
 - b. The barrel is in good condition, and equipped with a heavy duty screen with mesh size no greater than 5mm over the top to prevent debris, sparks and embers from flying out the barrel. Vent holes must be punched in the side for ventilation, and drainage holes in the bottom;
 - c. The barrel and an area of 2m around the barrel is on bare rock or other non-combustible material; and free of combustible materials;
 - d. The barrel is at least 5m from vegetation, building, structure, hedge, fence, vehicular roadway of any kind or nature, overhead wiring or any property line;
 - e. The only materials being burned are untreated wood scraps, tree limbs, branches, leaves and non-compostable material limited to paper products and sisal twine;
 - f. A person who starts a fire in an incinerator shall ensure that a responsible person monitors the fire until it is extinguished; and
 - g. In compliance with the requirements of subsection 7(1) clauses (d) and (f) to (j) inclusive.

- (2) . Despite subsection 7(2) daytime burning in a burn barrel / incinerator is permitted where the conditions in subsection 8(1) are met.

Campfires

9. (1) *Despite clause (a), (b), (c) and (d) of subsection 7(1), an open air burning permit is not required for a person to set and tend an open air fire, on property he or she lawfully occupies,*
- a. where the campfire is contained within in a *Fire Pit* which is no more than one square metre in area, and located on bare rock or other non-combustible material;
 - b. Where the material being burnt, at any one time, is contained in an area measuring less than 60cm in width, and less than 50cm in height;
 - c. That uses dry firewood;
 - d. Unless the area, within 1m around and over top of the fire, is free of combustible materials;
 - e. Unless a 3m space, above the 1m area around the fire, is free from vegetation;
 - f. Unless in compliance with the requirements of subsection 7(1) clauses (e) to (j) inclusive; and
 - g. Where the campfire is surrounded by non-combustible material to a minimum height of 30cm and located a distance more than 5m from any building, structure, hedge, fence, vehicular roadway of any kind or nature, overhead wiring or any property line; or
 - h. Where the campfire is not surrounded by non-combustible material and located a distance more than 10m from any building, structure, hedge, fence, vehicular roadway of any kind or nature, overhead wiring or any property line.
- (2) . Despite subsection 9(1) *No person shall set or maintain a Campfire*, for recreational enjoyment, during the forest fire season, unless the fire is:
- a. Started not earlier than two hours before sunset, and is extinguished not later than two hours after sunrise the following day, or earlier, during the *forest fire season*; and
 - b. In compliance with the requirements of clauses 9(1) (a) to (h) inclusive.

Additional requirements for outdoor fireplaces

10. (1) Despite clauses (a) (g) and (h) of subsection 9(1), no person shall set or maintain a fire in an outdoor fireplace:
- a. Started not earlier than two hours before sunset, and is extinguished not later than two hours after sunrise the following day, or earlier during the *forest fire season*; and
 - b. Unless the outdoor fireplace is located on a non-combustible surface extending beyond the outdoor fireplace to a dimension equal to the height of the outdoor fireplace and is equipped with a spark arrestor;

- c. Unless the outdoor fireplace is located a distance more than 3m from any building, structure, hedge, fence, vehicular roadway of any kind or nature, overhead wiring or any property line; and
- d. Unless the open air fire is in compliance with the requirements of subsection 9(1) clauses (b) through (f) inclusive; or
- e. Unless the outdoor fireplace is a manufactured propane or natural gas fired outdoor fireplace, operated in accordance to the manufactures operating instructions and in compliance with the requirements of subsection 9(1) clauses (d), (e) and (f).

Additional requirements for Special Circumstances

11. (1) *Open Air Burning*, that does not meet the criteria in sections 7 to 10, may be conducted under the authority of and in compliance with a permit issued by the Fire Chief pursuant to this section.
 - (2) . The requirements of Section 4 of this by-law apply to an application under subsection (1)
 - (3) . The Fire Chief shall take into consideration all general permit provisions in determining, if a special circumstances permit shall be issued pursuant to subsection (1), and what specific conditions to attach to said permit along with the period of time for which the permit is valid.
 - (4) . Prior to granting a special circumstances permit, the *Fire Chief* may request additional information and give consideration to:
 - a. the results of an on-site inspection (optional);
 - b. the size of the proposed fire;
 - c. the safety measures proposed;
 - d. the supervision arrangements proposed;
 - e. the time of year and the time of day;
 - f. the type of special event;
 - g. the materials to be burned;
 - h. the anticipated weather conditions; and
 - i. any other relevant considerations.
 - (5) . The Fire Chief may authorize open air burning during a Restricted Fire Zone:
 - a. where necessary for a ceremonial event (where authorized, by MNR, under section 5.2 of O. Reg. 207/96); or
 - b. for organized campgrounds (meeting criteria under section 8.7 of O. Reg. 207/96) where necessary to provide comparable campfire amenities as offered at adjacent provincial parks located within the municipality.
 - (6) . No permit holder for a special circumstances open air fire shall set or maintain an open air fire that is not in compliance with the requirements of subsection (3).

Burn Ban

12. (1) Despite the existence of a valid Burning Permit, the *Fire Chief* may suspend, without recourse, any and all Burning Permits and cause to be extinguished any *Fire* until such conditions as the *Fire Chief* may indicate are met.
- (2) . Notwithstanding the provisions of this by-law, the Fire Chief may institute a burn ban at any time, as may be deemed necessary to protect the natural environment
- (3) . No person shall set an open air fire at any time when a burning ban has been declared by the Fire Chief.

Extinguished upon Demand

- 13.(1) When made aware of an unapproved *Open Air Burning*, any *Officer* may order the land owner or occupant to immediately extinguish the fire.
- (2) . An *Officer* has the authority to order the owner or occupant to immediately extinguish a fire where in the opinion of the *Officer* the approved *Open Air Burning*-
- a. is having a *Negative Impact* on the occupants of adjacent land;
 - b. is adversely affecting persons using a road or highway adjacent to the burn site;
 - c. where the weather has deteriorated or conditions have become unfavourable;
 - d. where conditions attached to the permit or the provisions of this by-law are being contravened; or
 - e. is adverse to public safety.
- (3) . Any person conducting or permitting *Open Air Burning* shall extinguish all *fires* upon direction by an *Officer*. The *Officer* shall dispatch emergency fire crews to extinguish the fire should the land owner or occupant fail to extinguish the fire when ordered to do so.
- (4) . Any permit holder conducting or permitting *Open Air Burning* in violation of this By-law shall have their permit summarily revoked and all *Fires* shall be immediately extinguished.

INDEMNIFICATION

14. (1) The applicant shall indemnify and save harmless the Municipality of Temagami from any and all claims, demands, causes of action, losses, costs or damages that the Municipality of Temagami may suffer, incur or be liable for resulting from the open air fires as set out in the by-law whether with or without negligence on the part of the applicant, the applicant's employees, directors, contractors and agents.

ENFORCEMENT/ENACTMENT

Penalty

15. (1) Every person who contravenes any provision of this By-law is guilty of an offence.
- (2) . Every person who is convicted of an offence under this bylaw is liable to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990, Chapter P.33*.

- (3) . Where a person has been convicted of an offence under this by-law,
 - a. The Ontario court of Justice; or
 - b. Any court of competent jurisdiction thereafter, may in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of act or thing by the person convicted directed towards the continuation or repetition of the offence.
- (4) . Every person who sets a fire in contravention of this by-law or who fails to extinguish a fire once ordered to do so by an *Officer* shall, in addition to any penalty provided for herein, be liable to the municipality for all expenses incurred as approved by Council, for the purpose of investigating, controlling and extinguishing any fire set or left to burn, and such expenses may be recovered by court action or in a like manner as municipal taxes.

Enforcement

16. (1) The Municipality will investigate the cause and origins of all fires responded to within the Municipal Protection Area to determine if any contraventions to the Open Air Burning by-law have occurred.
- (2) . The MNR will, at their own expense, investigate the cause and origins of all fires responded to within the Crown Protection Area, and provide information related to any burning contraventions to the municipality in a timely manner, as per Municipal Forest Fire Management Agreement.
- (3) . The authority to enforce penalty provisions of this by-law is hereby granted to the *Municipal Fire Chief*, and Provincial Offence Officers, (municipal by-law officer, OPP, MNR conservation officers).
- (4) . Where fires are contentious in nature, the Fire Chief may, under the Municipal Forest Fire Management Agreement, request the MNR assist in the investigation of fire occurrences, and undertake prosecutions for contraventions of the Forest Fires Prevention Act and its Regulations.

Collection of Costs

17. (1) If any contravention of the by-law results in municipal or provincial Fire Services being dispatched, the person and/or property owner may be charged, in addition to any penalty provided for herein, with the actual cost of the response by the appropriate fire agency, according to the rates established in Schedule “C” of the Municipal Forest Fire Management Agreement, as approved from time to time by Municipal bylaw.
 - a. In calculating those costs, time will be charged from the receipt of the alarm through to the time responding personnel leave the location of the fire, to return to their respective stations.
- (3) . Nothing in this schedule of rates shall be construed as limiting the rights of the *Municipality of Temagami*, or the *Province of Ontario*, to seek restitution for other direct or consequential damages or costs incurred beyond those listed.

Repeals

18. The following By-law and any amendments to said By-law, and any other previous by-laws regulating *Open Air Burning*, are repealed: By-law No. 97-393

Transition

19. Open air fire permits issued in 2011 pursuant to the provisions of bylaw 97-393, prior to the final passing of this bylaw, shall continue to be in effect for the season, however, the requirements of this by-law shall apply once passed, and permittees may be charged for contravention of this bylaw.

Short Title

20. This By-law shall be cited as the "Open Air Burning By-law".


Effective

21. This by-law shall come into force on the date of final passing thereof.

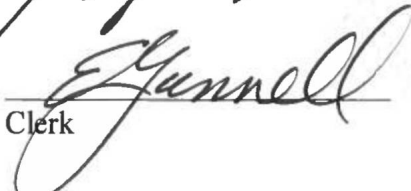
BE TAKEN AS READ A FIRST time on this 13th day of January, 2011.

BE TAKEN AS READ A SECOND time on this 24th day of March, 2011.

READ A THIRD time and finally passed this 14th day of April, 2011.



Mayor



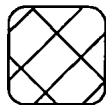
Clerk

Schedule A
URBAN NEIGHBOURHOOD
Temagami North Townsite

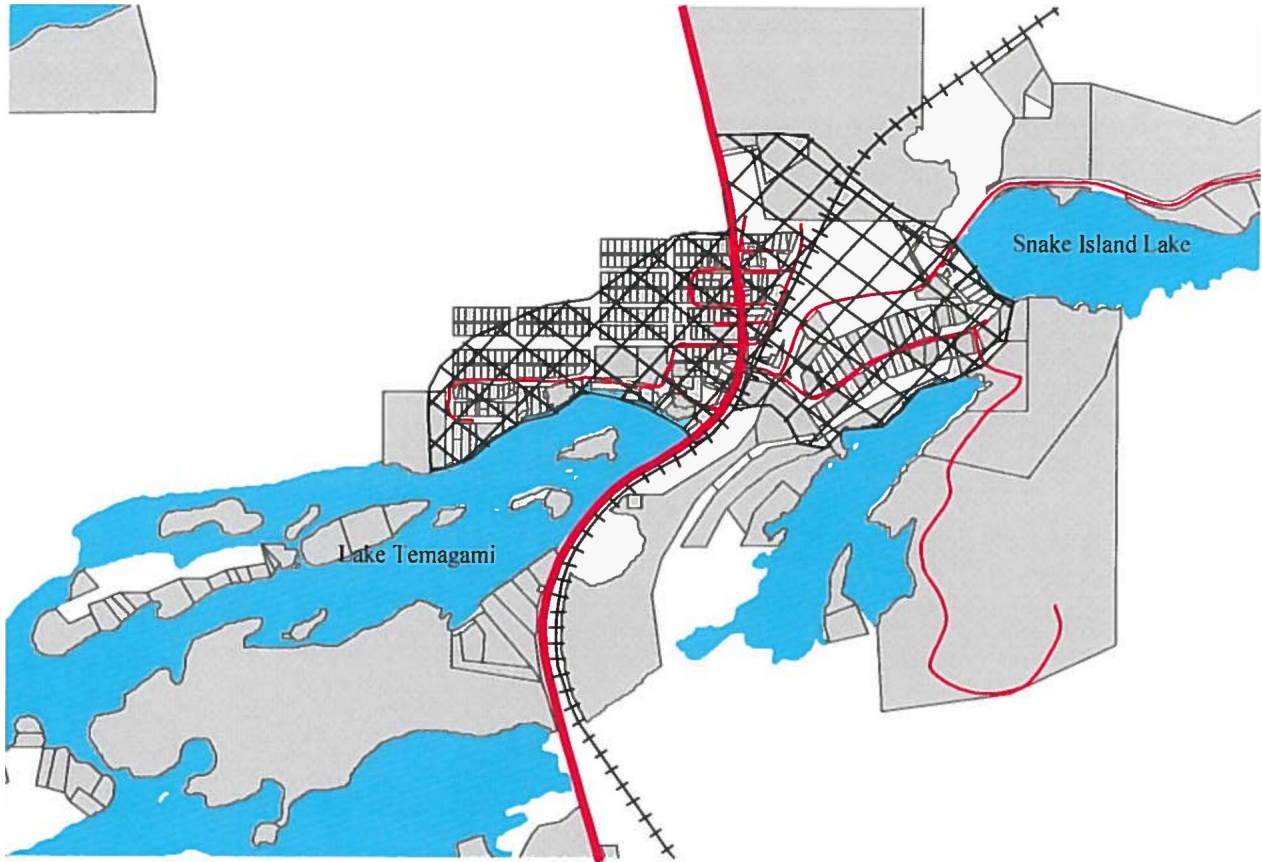


Legend

Hatched area:

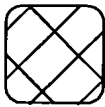


URBAN NEIGHBOURHOOD
Village of Temagami



Legend

Hatched area:



OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET, SUITE 303
SUDBURY, ONTARIO, P3E 6A5



BUREAU DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR, PIÈCE 303
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE : (705)564-7624
FACSIMILE/TÉLÉCOPIEUR : (705)564-7620

3238

May 31, 2011

Elaine Gunnell
Municipal Clerk
The Corporation of the Municipality of Temagami
7 Lakeshore Drive
Temagami, ON, P0H 2H0

Dear Ms. Gunnell:

Re: Set Fine Application - Provincial Offences Act
Part I - Municipality of Temagami - Nipissing District

Please find enclosed an Order and a copy of the schedule of set fines for By-law No. 11-976, the By-laws indicated in the schedules. Please ensure that a copy of the said document is forwarded to the Provincial Offences Office, which has jurisdiction for the Municipality of Temagami, in the Nipissing District.

The setting of the fines does not constitute my approval of the short form of wording used to describe the Offences.

I have forwarded the original of the Orders and the schedules of these set fines to the Ontario Court of Justice in North Bay.

Yours truly,

Justice Richard Humpfrey
Regional Senior Justice
Ontario Court of Justice

RAH/sp
Encl.

c.c.: Her Worship Kathleen Bryant, Regional Senior Justice of the Peace
His Worship Moreau, Justice of the Peace

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JUN 03 2011

File ☒ Incoming ☐ Other

Mayor ☐

Council ☐

AO ☐

Building ☒ Bylaw

Finance DS DC

EsDev DS DC

Parks & Rec DS DC

Planning DS DC

Public Wks DS DC

PPP D

Social Services ☐

☒ Fire Depts.

☒ Clerk

original - Bylaw book

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET, SUITE 303
SUDBURY, ONTARIO, P3E 6A5



BUREAU DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
REGION DU NORD-EST

159, RUE CEDAR, PifeCE 303
SUDBURY (ONTARIO) P3E 6A5


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PROVINCIAL OFFENCES ACT

Parti

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 11-976 , of the Municipality of Temagami, Nipissing District, attached hereto is the set fine for those Offences. This Order is to take effect June 7, 2011.

Dated at the City of Greater Sudbury this 31th day of May 2011.



RICHARD A. HUMPHREY
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

THE CORPORATION OF THE
MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 11-976: Open Air Fire Regulation
Part I Provincial Offences Act
Set Fines Schedule

plan

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Set Fine
1.	Set or maintain open air fire between April 1 st and October 31 st without a permit	S.2(1)	155.00
2.	Set or maintain open air fire within a restricted area	S. 2(2)	155.00
3.	Set or maintain open air fire in a Restricted Fire Zone (RFZ)	S. 2(3)	155.00
4.	Set or maintain open air fire that exceeds size limits set out in permit	S. 5(4)(b)	155.00
5.	Fail to produce permit	S. 5(4)(c)	155.00
6.	Set or maintain open air fire (2m or less in length, width and height or in burn barrel) within 15m from any (building, hedge, fence, overhead wiring, other combustible material, highway)	S. 7(1)(b)	155.00
7.	Set or maintain open air fire (2m or less in length, width and height or in burn barrel) with flammable materials less than 2m (around and over top) of the fire	S- 7(1)(c)	155.00
8.	Set or maintain open air fire (2m or less in length, width and height or in burn barrel) with vegetation less than 5m (around, above) of the fire	S- 7(1)(d)	155.00
9.	Fail to ensure person 16 years of age or older maintains constant watch and control over open air fire at all times until it is extinguished	S. 7(1)(e)	155.00
10.	Fail to have sufficient equipment capable of extinguishing fire immediately available at site of open air fire	S. 7(1)(f)	155.00
11.	Set or maintain open air fire (2m or less in length, width and height or in burn barrel) that uses prohibited material	S. 7(1)(h)	155.00
12.	Set or maintain open air fire (2m in length, width and height or in burn barrel) under adverse weather conditions	S. 7(1)(i)	155.00
13.	Set or maintain open air fire (2m in length, width and height or in burn barrel) causing negative impact on (persons, pets, environment)	S. 7(1)®	155.00
14.	Set or maintain open air fire earlier than two hours before sunset	S. 7(2)	155.00
15.	Set or maintain open air fire later than two hours after sunrise.	S. 7(2)	155.00
16.	Fail to notify Fire Chief for permission on day of each open air fire conducted between the hours of two hours after sunrise to two hours before sunset during the forest fire season	S- 7(3)(b)	155.00

17.	Set or maintain open air fire in a burn barrel in poor condition	S. 8(1)(b)	155.00
18.	Set or maintain open air fire in a burn barrel without the use of a heavy duty screen with a mesh size of 5mm or less on top of the barrel	S- 8(1)(b)	155.00
19.	Set or maintain open air fire in burn barrel with combustible materials (under, within 2 meters of) the barrel	S. 8(1)(c)	155.00
20.	Set or maintain open air fire in a burn barrel that uses fuel other than wood, tree limbs, branches, paper, sisal twine	S. 8(1)(e)	155.00
21.	Set or maintain campfire where material to be burned exceeds 60cm in width at largest point	S.9(1)(b)	155.00
22.	Set or maintain campfire where material to be burned is piled higher than 50cm in height	S.9(1)(b)	155.00
23.	Set or maintain campfire that uses material other than dry firewood	S. 9(1)(c)	155.00
24.	Set or maintain campfire at distance less than 10m from any (building, hedge, fence, overhead wiring, combustible material, highway) where campfire is not surrounded by non-combustible material	S- 9(1)(h)	155.00
25.	Set or maintain campfire at distance less than 5m from any (building, hedge, fence, overhead wiring, other combustible material, highway) where campfire is surrounded by non-combustible material to a minimum height of 30cm	S. 9(1)(g)	155.00
26.	Set or maintain campfire for recreational enjoyment between the hours of two hours after sunrise to two hours before sunset during the forest fire season	S. 9(2)(a)	155.00
27.	Set or maintain open air fire in outdoor fireplace between the hours of two hours after sunrise to two hours before sunset during the forest fire season	S. 10(1)(a)	155.00
28.	Set or maintain open air fire in outdoor fireplace not equipped with spark arrester	S. 10(1)(b)	155.00
29.	Set or maintain open air fire in outdoor fireplace on combustible surface	S. 10(1)(b)	155.00
30.	Set or maintain open air fire in outdoor fireplace on non-complying non-combustible surface	S. 10(1)(b)	155.00
31.	Set or maintain open air fire in outdoor fireplace at distance of less than 3m from any (building, hedge, fence, overhead wiring, combustible material, highway)	S. 10(1)(c)	155.00
32.	Specific Event permit holder setting or maintaining open air fire not in compliance with conditions imposed by Fire Chief	S. 11(6)	155.00
33.	Set or maintain open air fire when fire ban issued by Fire Chief	S. 12(3)	250.00
34.	Fail to immediately extinguish open air fire upon being ordered by an officer	S. 13(3)	155.00

The general penalty provision for the offences listed above is Section 15 of By-law No. 11-976, a certified copy of which has been filed.

THE CORPORATION OF THE
MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 11-976: Open Air Fire Regulation
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Set Fines Schedule

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5.	Fail to produce permit	S. 5(4)(c)	
6.	Set or maintain open air fire (2m or less in length, width and height or in burn barrel) within 15m from any (building, hedge, fence, overhead wiring, other combustible material, highway)	S. 7(1)(b)	
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8.	Set or maintain open air fire (2m or less in length, width and height or in burn barrel) with vegetation less than 5m (around, above) of the fire	S. 7(1)(d)	
9.	Fail to ensure person 16 years of age or older maintains constant watch and control over open air fire at all times until it is extinguished	S. 7(1)(e)	
10.	Fail to have sufficient equipment capable of extinguishing fire immediately available at site of open air fire	S. 7(1)(f)	
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