

THE CORPORATION OF THE TOWN OF LASALLE

BY-LAW NO. 7170

A by-law restricting the setting of fires within the Town of LaSalle.

WHEREAS Section 128(1) of the *Municipal Act 2001*, S.O. 2001, c.25 as amended, authorizes a municipality to pass by-laws to prohibit and regulate public nuisances, including matters that, in the opinion of Council are, or could become public nuisances;

AND WHEREAS in accordance with Section 425 of the *Municipal Act 2001*, S.O. 2001, c. 25 as amended, a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

AND WHEREAS Section 444 of the *Municipal Act 2001*, c. 25 states if a municipality is satisfied that a contravention of a by-law of the municipality passed under this Act has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS By-law 4667 was enacted on the 8th day of January 1991 and amended by By-law 4980 on October 12, 1993, to restrict the setting of fires within the Township of Sandwich West;

AND WHEREAS Council of the Corporation of the Town of LaSalle is desirous of repealing By-law 4667 and its amending By-law 4980 in order to enact a new by-law to regulate the setting of fires and identify the precautions and conditions to be observed for such fires within the Town of LaSalle;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF LASALLE HEREBY ENACTS AS FOLLOWS:

DEFINITIONS

1. In this by-law:
 - (a) "Acceptable Burn Material" means commercially produced charcoal or briquettes, small amounts of white or brown paper or cardboard used to start a fire, dry seasoned wood that has been generated on the landowner's own property, dry wood by-products that have not been chemically treated, painted or stained, purchased fire logs or purchased firewood sold for the purpose of recreational campfires and not exceeding the maximum permitted Recreational Fire dimensions defined in this By-law.
 - (b) "Cooking Fire" means a small, confined fire supervised at all times, and used to cook food on a grill or barbeque.

- (c) “High Risk period” means any period of time, when due to extreme dry, high wind or other conditions, there is a higher than normal risk of unwanted spread of fire, as determined by the Ontario Fire Marshall or the Town of LaSalle Fire Chief and identified as a High Risk Period.
- (d) “Burning Appliance” means any device designed or engineered to have a fire set within a contained area and totally enclosed by various means of screening and/or other methods.
- (e) “By-law Enforcement Officer” means the municipal person appointed by the Town of LaSalle who shall be responsible for the enforcement of the provision of this by-law.
- (f) “Chief Fire Official” means the Fire Chief of the LaSalle Fire Services or designate.
- (g) “Competent Adult” means any person (18 years of age or older) who, in the opinion of those charged with enforcement of this by-law, is capable of exercising the required judgment and is capable of performing the necessary actions to control and prevent its unwanted spread.
- (h) “Farmer” means the owner or operator of an agricultural operation within an area zoned for agricultural pursuant to the *Farming & Food Protection Act, 1998*.
- (i) “Farmlands” means land designated “agricultural”.
- (j) “Firefighter” means any person or any rank of person employed in, or appointed to the LaSalle Fire Services and assigned to undertake fire protection or fire prevention services.
- (k) “Open Air” means any open place, yard, field, lot, part lot or construction area which is not enclosed by a building or structure.
- (l) “Open Air Burning” means any fire set in the open air.
- (m) “Owner” means the registered owner or any person, firm or corporation having control over, or possession, of any portion of the building or property under consideration and includes the persons in the building or on the property.
- (n) “Person” means an individual, business, a partnership or corporation.
- (o) “Pit” means an area dug into the ground and/or surrounded by materials designed to contain the fire and prevent its spread to areas beyond the pit.
- (p) “Poor Air Quality Day” means any period of time when a Poor Air Quality Advisory has been issued by Environment Canada or other recognized government health or meteorological agency.

- (q) “Prohibited Burn Materials” means any material other than as described under “Acceptable Burn Materials”. Specifically prohibited under this By-law and not to be burned under any circumstances include household waste, human or animal excrement, leaves, grass, treated lumber, insulation, asphalt shingles or other construction materials, commercial by-products such as those generated from wood working, deck building or landscaping businesses, tires, rubber, plastic, styrofoam or other potentially toxic waste materials.
 - (r) “Recreational Fire” means a small outdoor fire such as a campfire set within a confined area or device such as an outdoor fireplace or fire pit, situated in a “Safe Location” and measuring no greater than one square metre in any dimension and supervised at all times.
 - (s) “Safe Location” means outdoors and not on a porch or balcony area that is roofed or otherwise covered, or near dry vegetation, or in any other place conducive to unwanted development or spread of fire or explosion, or supported by combustible material. The Safe Location shall be a minimum of 5 metres from any structure and a minimum of 3 metres from adjacent property lines.
2. Enforcement of this by-law is the responsibility of the Chief Fire Official, any Firefighter, any Police Officer or any By-law Enforcement Officer.
 3. An officer or officers are hereby authorized to enter at all times upon any property in order to ascertain whether the provisions of this by-law are obeyed, such officers are authorized to enforce and carry into effect the provisions of this by-law.
 4. Any person who fails to comply with the provisions of this by-law or fails to extinguish a fire once notification to do so has been given by the Chief Fire Official, a Firefighter, a Police Officer or a By-law Enforcement Officer shall, in addition to any penalty provided herein, be liable to the municipality for all expenses incurred for the purposes of controlling and extinguishing of any fire so set or left to burn and such expenses may be recovered by court action or in a like manner as municipal taxes.
 5. No person shall set a Recreational Fire or Open Fire or maintain a Recreational Fire or Open Fire when wind conditions are in such direction or intensity so as to cause any or all of the following:
 - (a) to have smoke or debris interfere with vehicular traffic or otherwise pose a safety hazard on a public roadway;
 - (b) threaten a rapid spread of fire through a grass or brush area;
 - (c) neighbours from enjoyment of the normal use of their property or causes discomfort in the immediate area.
 6. No person shall set a Recreational or an Open Fire during a period identified as a Poor Quality Day or a High Risk Period.

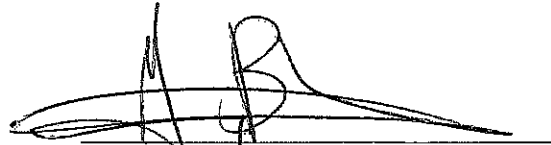
7. No person shall set a Recreational Fire or Open Fire subject to the following regulations being met:
 - (a) the fire must be set in a safe location, on the landowner's own property and contained within an appropriate device;
 - (b) the fire must be fueled only with acceptable burn material;
 - (c) the fire must be supervised at all times;
 - (d) effective means of extinguishing must be readily available;
 - (e) the fire must be fully extinguished before being left unsupervised;
 - (f) fire must be set and supervised by a competent adult at all times.
8. No person shall set a Recreational Fire or Open Fire greater than one (1) square metre with flames no higher than one (1) metre in height.
9. Every person who sets an open air fire in the Town of LaSalle shall be:
 - (a) responsible and liable for any damage to property or injury to persons occasioned by the open air fire;
 - (b) liable for the cost incurred by the LaSalle Fire Services, including personnel and other agencies called to control and extinguish said fire in accordance with Schedule "A" attached hereto and forming part of this by-law.
10. No person shall set any fire in the open air to burn asphalt products, tires, treated wood, construction material or rubble, kitchen garbage or any garbage or trash, rubber, plastics and all like items.
11. No person shall set a fire at construction and/or demolition sites for the purpose of disposing of waste, building material or rubble.
12. No person shall set a fire to dispose of commercial, industrial or construction waste or other like materials in areas zoned for commercial or industrial occupancies and such aforementioned materials shall not be transported to residential or agricultural area for burning purposes.
13. No person shall set a fire to burn anything defined as Prohibited Burn Material .
14. Notwithstanding the provisions of this by-law, in an area where farming is conducted, no person may set or cause to be set an open air fire that is not burn material generated on the landowner's property which are the remains of an activity inherent to farming, such as field stubble, brush from fence rows, and/or drains, etc. unless following these specific and inclusive conditions:
 - (a) No person shall set an open air fire referred to in Section 14 without notifying a member of the LaSalle Fire Dispatch at 519-966-1711 immediately prior to starting an Open Fire and after;

7. No person shall set a Recreational Fire or Open Fire subject to the following regulations being met:
 - (a) the fire must be set in a safe location, on the landowner's own property and contained within an appropriate device;
 - (b) the fire must be fueled only with acceptable burn material;
 - (c) the fire must be supervised at all times;
 - (d) effective means of extinguishing must be readily available;
 - (e) the fire must be fully extinguished before being left unsupervised;
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12. No person shall set a fire to dispose of commercial, industrial or construction waste or other like materials in areas zoned for commercial or industrial occupancies and such aforementioned materials shall not be transported to residential or agricultural area for burning purposes.
13. No person shall set a fire to burn anything defined as Prohibited Burn Material .
14. Notwithstanding the provisions of this by-law, in an area where farming is conducted, no person may set or cause to be set an open air fire that is not in a container whereby said person may burn material generated on the landowner's property which are the remains of an activity inherent to farming, such as field stubble, brush from fence rows, and/or drains, etc. unless following these specific and inclusive conditions:
 - (a) No person shall set an open air fire referred to in Section 14 without notifying a member of the LaSalle Fire Dispatch at 519-966-1711 immediately prior to starting an Open Fire and after;

- (b) Open fires must be confined to daylight hours;
 - (c) Open fires must be set on the landowner's own property;
 - (d) open fires must be fueled only with Acceptable Burn Materials;
 - (e) Open fires must be supervised at all times;
 - (f) Effective means of extinguishing must be readily available, and
 - (g) Open fires must be fully extinguished before being left unsupervised.
15. Every person violating any provision of this by-law shall be guilty of an offence and liable to a fine not exceeding Five Thousand (\$5,000) Dollars exclusive of costs and such fine shall be recoverable under the *Provincial Offences Act*.
16. That By-law 4667, finally passed the 8th day of January 1991, be and the same is hereby repealed.
17. That By-law 4980, finally passed the 12th day of October 1993, be and the same is hereby repealed.
18. This by-law shall come into force and take effect upon the final passing thereof.

Read a first and second time, and **FINALLY PASSED** this 15th day of June, 2010.

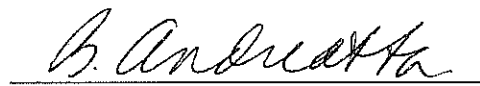
1st Reading - June 15, 2010



Mayor - G. Baxter

2nd Reading - June 15, 2010

3rd Reading - June 15, 2010



Clerk - B. Andreatta

BY-LAW 7170
SCHEDULE "A"

THE CORPORATION OF THE TOWN OF LASALLE/LASALLE FIRE
SERVICES EQUIPMENT SERVICE RATES

Rate Structure

Services Rendered

- a) \$350.00 for the first hour or part thereof per unit
- b) \$175.00 for each additional half hour or part thereof per unit
- c) the cost of all additional extinguishing agents required to extinguish the fire
(e.g. Foam or like agents)

No Services Rendered

- a) \$350.00 flat rate per unit where no services are rendered

PART I PROVINCIAL OFFENCES ACT

THE CORPORATION OF THE TOWN OF LASALLE

BY-LAW NUMBER 7170

A By-Law Restricting the Setting of Fires within the Town of LaSalle

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence Creating Provision or Defining Offence	COLUMN 3 Set fines
1.	Burn on poor air quality day or high risk period	Sec. 6	\$250.00
2.	Smoke or debris causing hazard on roadway	Sec. 5(a)	\$200.00
3.	Smoke causing loss of enjoyment to neighbouring uses	Sec. 5(c)	\$100.00
4.	Fire not in safe location	Sec. 7(a)	\$100.00
5.	Burning unacceptable materials	Sec. 7(b)	\$200.00
6.	Leave fire unsupervised	Sec. 7(c)	\$100.00
7.	Fail to extinguish fire	Sec. 7(e)	\$100.00
8.	Fire with no means of extinguishing	Sec. 7(d)	\$100.00
9.	Fire not set or supervised by a competent adult	Sec. 7 (f)	\$100.00
10.	Burning in commercial and industrial areas	Sec. 12	\$200.00
11.	Burning prohibited burn materials	Sec. 13	\$300.00
12.	Burning of materials not generated on property	Sec. 14	\$300.00
13.	Fail to call Fire Dispatch	Sec. 14(a)	\$100.00
14.	Burning outside daylight hours	Sec. 14(b)	\$100.00
15.	Fail to supervise open fire	Sec. 14(e)	\$100.00
16.	Open fire with no means of extinguishing	Sec. 14(f)	\$100.00

Note: The penalty provision for the offences indicated above is section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33