

THE CORPORATION OF THE TOWNSHIP OF ST. CLAIR

**BY-LAW NUMBER 13 OF 2001**

A By-law to provide for regulation and control for the setting of fires, the prevention of fires, and the removal of fire hazards.

**WHEREAS** a Municipal Council may pass by-laws for the prevention and spread of fires and the removal of fire hazards, as Council considers necessary, pursuant to the Municipal Act, R.S.O. 1990.

**AND WHEREAS** the Council deems it to be in the public interest and necessary to pass such a by-law.

**NOW THEREFORE** the Council of the Corporation of the Township of St. Clair hereby enacts as follows:

1. From and after the passing of this by-law, no person, either directly or through agents, servants or workmen, shall set fire to burn or cause or permit to be burned in the open air within the Township of St. Clair any material or building or structure whether standing or demolished or any part thereof subject only to the exceptions herein.
2. Upon the application of any person to the Fire Chief for the setting of a fire otherwise herein prohibited, the Fire Chief may give his consent in writing upon the following terms and conditions:
  - (i) That no provincial enactment, law or regulation shall be infringed by the setting of such fire.
  - (ii) No such fire shall be set on any street, parks or public property or within one kilometre from any part of the Township that in the decision of the Fire Chief is deemed to be a built up residential area.
  - (iii) Where in the decision of the Fire Chief such fire by its nature requires, the same shall not be set except under the supervision of and in the presence of a member of the fire department.
  - (iv) No person under the age of sixteen years shall be permitted to set a fire without a permit or be allowed by any person setting a fire to be in the immediate proximity thereof.
  - (v) Every person setting a fire herein permitted shall exercise such due care and take such necessary precaution as may be required to avoid endangering persons or property in the vicinity thereof and shall remain in constant attendance at such fire until the same is completely burned out or extinguished and shall take precautions and follow such directions as may be set by the fire chief whether before, during, or after setting such fire.

3. Nothing in this by-law shall be deemed to authorize or permit the commission of a nuisance and the granting of permission to set such fire herein shall not be deemed to relieve the applicant from, nor impose upon the Municipality, any civil or criminal liability that may otherwise be incurred by reason of the setting of such fire. This By-law does not prohibit the use of a fire for legitimate cooking or heating purposes, and the size of the fire is contained in an area not exceeding one cubic metre.
4. THAT any person, Firm or Corporation who deliberately sets a fire without a permit, in the open air, to any grass, leaves or refuse within the limits of the municipality, which fire gets out of control and/or complained about, and to which fire the Municipal Fire Department is called to extinguish, shall be assessed a penalty of (\$500.00), Five Hundred Dollars.
5. This penalty if not paid voluntarily shall be assessed as a penalty for an infraction of the By-law and added to the taxes owing against that property and collected in the same manner as Municipal Taxes.
6. Any person convicted of a breach of any of the provisions of this by-law shall be liable to a fine or penalty recoverable under the Provincial Offences Act not exceeding Five Thousand Dollars (\$5,000.00) exclusive of costs.
7. Any person charged with an offense and any person having been convicted under this By-Law, may also be charged under the Fire Marshals Act. (Subsection 18 a (5) &(6)).

Read three times and finally passed this 19th day of February 2001.

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Mayor

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Clerk