

THE CORPORATION OF THE TOWN OF HANOVER

BY-LAW NO. 2171-97

BEING a By-law for prescribing times during which fires may be set in the open air and the precautions to be observed by persons setting fires, and for setting fees for fire permits.

WHEREAS the Municipal Act, R.S.O. 1990, c. M.45, s. 210, paragraph 35, as amended, provides that by-laws may be passed by the Councils of local municipalities for prescribing, for the whole or any part of the municipality, times during which fires may be set in the open air and the precautions to be observed by persons setting fires;

AND WHEREAS the Municipal Act, R.S.O. 1990, c. M.45, s. 220.1 provides that despite any Act, a municipality may pass by-laws imposing fees or charges on any class of persons;

AND WHEREAS the Fire Code, R.R.O. 1990, Reg. 454, subsection 2.6.3.4, provides that open air burning shall not be permitted unless approved or unless such burning consists of a small contained fire supervised at all times and used to cook food on a grill or a barbecue;

NOW THEREFORE the Council of the Corporation of the Town of Hanover enacts as follows:

1. For the purposes of this by-law, the following definitions shall apply:
 - (a) Town shall mean the Corporation of the Town of Hanover;
 - (b) “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;
 - (c) “Agricultural Waste” shall include any animal fecal deposits or manure, and animal carcasses;
 - (d) “Domestic Waste” shall include kitchen waste, food, scraps, cloth, rags, clothing, plastics and any other materials which contents include any of the aforementioned.
2. This By-law shall apply to all land within the geographical limits of the Town of Hanover and to the setting of fires in the open air (fires) on any such land excluding approved camp fires located within Town owned campgrounds.
3. A fire permit may be cancelled or suspended at any time by the Chief Fire Official or his designate and immediately upon receiving notice of such cancellation or suppression the permittee shall extinguish any fire started under the permit.
4. Except a fire prohibited by Section 5 c) hereof, a fire wholly contained within a permanent or portable barbecue or a small contained fire supervised at all times that is used for the preparation of food for human consumption shall not be deemed to be a fire for the purposes of this By-law.
5. No person(s) or owner(s) of land shall:

- (a) set an open air fire in the central business district in the Town of Hanover as defined in the Town of Hanover Official Plan;
- (b) set a fire or permit the setting of a fire, or having set or permitted the setting of a fire, permit a fire to continue to burn without first having obtained a fire permit, in the form attached as Schedule "A", from the Chief Fire Official, or designate, and in accordance with the provisions of the permit and this by-law;
- (c) set a fire or allow a fire to burn in any highway, park, walkway, public land, or upon any land owned by the Corporation of the Town of Hanover without having first obtained permission to do so from an Officer of the Corporation;
- (d) burn industrial waste, agricultural waste, domestic waste, petroleum products, plastic, rubber, painted lumber, mixed demolition debris or anything else that will cause excessive smoke or fumes;
- (e) set a fire or permit a fire to burn between 12:00 midnight and sunrise;
- (f) burn any leaves;
- (g) set a fire or allow a fire to burn on any land of which he/she is not the registered owner, without the written permission of the registered owner, which permission shall be evidenced by the signature of the registered owner of the land on the fire permit required pursuant to this by-law.

6. Where a fire permit has been issued pursuant to this By-law the applicant and the owner shall jointly and severally be responsible for any damage or injury to persons or property with respect to the setting of a fire or permitting the fire to burn and to insure that;

- (a) not more than one (1) cubic metre of material is burned at any one time;
- (b) only dry material is burned (excluding leaves);
- (c) the fire is kept at least 5 metres from any dwelling and/or from any structure;
- (d) the fire is attended at all times until it is completely extinguished;
- (e) sufficient equipment and resources are available at the burn site to extinguish the fire if the fire gets out of control or is causing any adverse effect including those set out in Section 7 below;
- (f) the Hanover Fire Department is informed, prior to setting the fire, of the approximate time the fire will be set and extinguished;
- (g) at the end of the burn, that the fire is completely extinguished before leaving the burn site.

7. Where a fire permit is issued, no person shall:

- (a) set a fire or permit a fire to burn when the wind is in such a direction or of such intensity so as to reduce the visibility on any highway or cause danger to any person or structure;
- (b) create, by the setting or burning of the fire, any odour or smoke which causes discomfort to any person residing in the area;

- (c) set a fire or permit a fire to burn when rain or fog is present;
 - (d) set a fire or permit a fire to burn after 12:00 midnight unless otherwise expressly permitted by permit;
 - (e) set a fire or permit a fire to burn without first having confirmed that the materials to be burned meet the requirements of the Environmental Protection Act.
8. The fee for the issuance of a fire permit shall be as set out on Schedule “B” attached to and being a part of this By-law.
9. The service for which this fee is required is the receipt of and processing of an application for a fire permit, and where applicable, the issuing of the same.
10. Any person who:
- a) completes the prescribed application form by providing information indicating that the provisions of this By-law will be complied with; and,
 - b) pays the prescribed fee for the fire permit,
- is entitled to a fire permit under this By-law, to be issued by the Chief Fire Official or his designate.
11. The Chief Fire Official may from time to time make amendments to the Fire Permit application form that are administrative in nature.
12. Any person who contravenes the provisions of this By-law is guilty of an offence and upon conviction, shall be liable to a fine as provided for under the Provincial Offences Act, C.P. 33, R.S.O. 1990, as amended.
13. All By-laws of the Town that are inconsistent with the provisions of this By-law are hereby repealed.
14. Where the provisions of this By-law in conflict with the provisions of any other Town By-law, the provisions of this By-law shall prevail.
15. If, for any reason, any section, clause or provision of this By-law is declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this By-law as a whole or any part thereof other than the part which was declared invalid.
16. This By-law shall be cited as the “Town of Hanover Open Air Burning By-law”.
17. This By-law shall come into full force and effect upon the final passing thereof.

READ A FIRST, SECOND and THIRD TIME and FINALLY PASSED this 29th day of September, 1997.

Bob White, Mayor

William Roberts
Chief Administrative Officer & Clerk