

# CORPORATION OF THE TOWNSHIP OF EAST HAWKESBURY

## BY-LAW NUMBER 99-35

**BEING** a By-Law for prohibiting the setting of fires in the Township of East Hawkesbury and for prohibiting or regulating the setting off of fireworks.

**WHEREAS** Section 210(35) of the *Municipal Act*, R.S.O.1990, chp. M.45, and amendments thereto, provides that Councils of Municipalities may pass by-laws for prescribing the times during which fires may be set in the open air, and the precautions to be observed by persons setting out fires.

**AND WHEREAS** Section 210(38) of the *Municipal Act*, R.S.O. 1990, chp. M.45, and amendments thereto, provides that Councils of Municipalities may pass by-laws for prohibiting or regulating the setting off of fireworks or any class or classes thereof in the municipality or in any defined area or area thereof and for requiring a permit for the holding of fireworks displays and prescribing the conditions under which fireworks displays may be held under such permit.

**NOW THEREFORE** the Council of the Corporation of the Township of East Hawkesbury HEREBY ENACTS AS FOLLOWS:

### DEFINITIONS

1. In this by-law:

- a) Fire Chief means the chief of the Fire Department of the Corporation of the Township of East Hawkesbury or his designate;
- b) Corporation means the Corporation of the Township of East Hawkesbury;
- c) Council means the Council of the Corporation of the Township of East Hawkesbury;
- d) Fire means any fire lit or maintained in the open air for the removal of dead grass/brush or other vegetation, the disposal of refuse, the clearing of land, the enjoyment of spectators or other like purpose, but shall not include:
  - (i) fire in blowtorches, cutting torches, highway paving equipment or other fire incidental to the use of apparatus associated with a trade, service or occupation
  - (ii) fire in smoking tobacco
- e) Fire Department means the fire department of the Township of East Hawkesbury;
- f) Owner includes any person, firm or corporation having control over any portion of the property under consideration and includes the person occupying the property.

2. No person shall set any type of uncontained fire within the limits of the Township of East Hawkesbury, including but not limited to a grass fire.
3. The setting off of fireworks or any class or classes thereof within the limits of the Township of East Hawkesbury or in any defined area or areas thereof is hereby prohibited unless written permission has been obtained from the Fire Chief for the holding of said fireworks displays.
4. Notwithstanding the provisions of Section 3 hereof, it is understood and agreed that even when a permit has been obtained for the holding of a fireworks display, the applicant (who must be 18 years of age or older) remains responsible for any and all damages incurred and must show proof of a public liability insurance policy covering said activity when applying for said written permission.
5. Notwithstanding the provisions of Section 1 hereof, open air fires may be set:
  - (a) when such burning consists of a small confined fire, used to cook food on a grill or barbecue or is for personal warmth; **AND**
  - (b) subject to the owner being responsible to ensure that the fire is supervised at all times by a competent person who is eighteen (18) years of age or older; **AND**
  - (c) it is further understood and agreed that if, at any time, the fire department is called out to extinguish said fire, that the owner shall be responsible for any and all costs involved in extinguishing said fire, all as set out in Section 7 hereof.
6. Notwithstanding the provisions of Section 1 hereof, open air fires, other than the type mentioned in Section 5 hereof, may be set after first having notified the Fire Department of the intention to do so, subject to the fire being supervised at all times by one or more responsible persons, said person(s) being responsible to ensure that the means of extinguishing the fire is available at the site at all times during the fire; **AND** it is further understood and agreed that if, at any time, the fire department is called out to extinguish said fire, that the owner shall be responsible for any and all costs involved in extinguishing said fire, all as set out in Section 7 hereof.
7. All persons setting any type of open-air fire in the Township of East Hawkesbury shall:
  - a) be responsible for any damage to property or injury to persons occasioned by the said fire;
  - b) be liable for all costs incurred by the fire department, including personnel, equipment and apparatus necessary and called in to extinguish the said fire.
  - c) be liable for any and all Court costs incurred by the municipality should he/she/they be proven guilty.

8. No open-air fire shall be maintained when the wind is in such direction or intensity so as to cause any or all of the following:
  - a) a decrease in visibility on any highway or roadway;
  - b) a rapid spread of fire through grass or a brush area.
9. A farmer who intends to set or maintain a fire in the open air on a specified day for disposal of brush, vegetable matter or vegetation on farm lands which is normal and incidental for farming purposes will be required to notify the fire department for each day of the proposed fire.
10. Notwithstanding the provisions of Section 9 hereof, any farmer who sets or maintains a fire in the open air is subject to all of the conditions mentioned in Section 7 hereof.
11. Every person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine of not more than \$2,000.00, exclusive of costs, under the *Provincial Offences Act*.
12. This by-law may be cited as the Township of East Hawkesbury Open Air Burning By-law, and the provisions of this by-law shall apply to the whole of the Township of East Hawkesbury.
13. It is declared that if any section, subsection or part or parts thereof of this by-law be declared by any court of law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
14. This by-law shall come into full force and effect upon the final passing thereof, And that By-Law No. 1241 adopted May 11th, 1981 be and is hereby rescinded.

**READ A First, Second and Third Time and Enacted this 8th day of March, 1999.**

---

Michel Lalonde, Reeve

---

Réjeanne Clermont, Clerk