

THE CORPORATION OF THE TOWNSHIP OF ALFRED AND PLANTAGENET

By-Law Number 2010-86

BEING A FIRE PREVENTION AND FIRE SAFETY BY-LAW

BEING A BY-LAW of the Corporation of the Township of Alfred and Plantagenet respecting the setting of fires in the open air.

WHEREAS section 7.1(1) of the *Fire Protection Act* provides that the council of a municipality may pass by-laws for regulating fire prevention, including the spreading of fires, for regulating the setting of open air fires, including establishing the times during which open air fires may be set and for designating private roads as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle left parked or left along any of the fire routes at the expense of the owner of the vehicle;

AND WHEREAS, a Municipality may pass by-laws imposing fees and charges for services or activities provided by or on behalf of it, pursuant to Section 392 of the *Municipal Act, 2001*;

AND WHEREAS, the Corporation of the Township of Alfred and Plantagenet deems it desirable to do so;

THEREFORE the Council of the Corporation of the Township of Alfred and Plantagenet enacts as follows:

1. SHORT TITLE

This by-law may be cited as the "Fire Prevention and Fire Safety By-Law".

2. DEFINITIONS

In this by-law:

"Owner" shall mean the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge whom occupies the property;

"Corporation" shall mean the Corporation of the Township of Alfred and Plantagenet;

"Municipal Law Enforcement Officer" shall mean the Municipal Law Enforcement Officer appointed by the Council of the Corporation of the Township of Alfred and Plantagenet responsible for the enforcement of the municipal by-laws;

"Permit Holder" shall mean the person to whom a permit was issued and whom is responsible to comply with the Act and this by-law;

"Director of the Fire Department" shall mean the Director of the Fire Department appointed by the Council of the Corporation of the Township of Alfred and Plantagenet, his or her representatives, assistants or authorized subordinates;

"Fire Department" shall mean the Fire Department of the Corporation of the Township of Alfred and Plantagenet;

"Open air fire base" shall mean the area or the surface on the ground which is used to contains the materials to burn. The open air fire base may be determined by a pit dug in the ground or may be defined by a metal, rock, stone or brick edge or any non-combustible material;

"Open air fire" shall mean a campfire, an incinerator, an outdoor fireplace, a burn drum and a construction site fire;

"Outdoor fireplace" shall mean a manufactured, non-burnable, enclosed container designed to hold a small fire for decorative purposes, which does not exceed one cubic meter in size and includes, but is not limited, to a chimney, and must be equipped with a spark arrester.

3. GENERAL REQUIREMENTS

- a) No person shall, unless otherwise authorized by the provisions of this by-law or any other by-law of the Corporation, set, or permit to be set, a fire in the open air without first obtaining an open air fire permit in compliance with this by-law;
- b) No open air fire shall be permitted when a smog alert or a drought notice has been issued for the forecast area which includes the Township;
- c) If the dimensions of the open air fire base is larger than one (1) square meter and the volume of the base combined with the height of the flames is bigger than one (1) cubic meter, the owner shall file an application for an open air fire permit by completing the prescribed form with the Municipal Law Enforcement Officer and pay the required fees;
- d) No person shall be deemed to have been issued an open air permit unless the Municipal Law Enforcement Officer has issued such a permit. Filing an application for an open air fire permit does not constitute a permit;
- e) No person shall give false information or make a false declaration for the purposes of obtaining an open air fire permit;
- f) Where a fire permit is required, no person shall set, or permit to be set, a fire in the open air during the period starting one half hour before sunset and ending one half hour after sunrise;
- g) No person shall be allowed to ignite more than one (1) open air fire on a property, except on a camping site in compliance with the Zoning By-Law No 2009-50;
- h) No person shall burn or permit to be burn petroleum products, plastics, rubber, pressure treated wood, domestic waste or garbage, brushes, grass, weeds, leaves, evergreen needles, organic material, or any other material that may create a dense or excessive smoke or produce noxious or toxic fumes;
- i) Open air fires which require the issuance of a permit may be permitted during the whole year at the discretion of the Municipal Law Enforcement Officer after obtaining a permit;
- j) At the discretion of the Municipal Law Enforcement Officer or the Director of the Fire Department, the application for an open air fire permit may be granted, issued with conditions or refused;
- k) No open air fire permit shall be issued for any period of time exceeding ninety (90) days. No open air permit shall be issued during a drought period as declared by the Director of the Fire Department or the Municipal Law Enforcement Officer;
- l) Notwithstanding any other provisions of this by-law, following the issuance of an open air fire permit, if upon an inspection the Municipal Law Enforcement Officer or the Director of the Fire Department deems that the open air fire poses a danger to the health or safety of any person or property, the Municipal Law Enforcement Officer or Director of the Fire Department may revoke or postpone the open air fire permit and order that the open air fire be extinguished;
- m) Notwithstanding any other provisions of this by-law, if the Municipal Law Enforcement Officer or the Director of the Fire Department deems that an open air fire poses a danger to the health or safety of any person or property because of its size, its location on the property or the materials used to feed the open air fire, the Municipal Law Enforcement Officer or Director of the Fire Department may order that the open air fire be extinguished;
- n) The dimensions of the open air fire for which a permit was issued must be contained at all time in order for the permit holder to extinguish the fire immediately if it is deemed necessary to do so due to a change in the weather conditions or following an order issued by the Municipal Law Enforcement Officer or the Director of the Fire Department;

- o) The permit holder shall:
- Upon demand produce the fire permit;
 - comply with any conditions on the fire permit and only burn material authorized on the fire permit;
 - supervise the fire continuously from ignition until completely extinguished;
 - agree to extinguish the fire when an order is issued to that effect by the Municipal Law Enforcement Officer or the Director of the Fire Department;
 - Keep at hand or in close proximity all the necessary equipment and tools required to extinguish the fire (shovel, rake, fire extinguisher, garden hose, backhoe, etc.);
- p) No permit for an open air fire is required if the dimensions of the open air fire base is less than one (1) square meter and the volume of the base combined with the height of the flames is less than one (1) cubic meter;
- q) An open air fire must be used to burn only dry firewood;
- r) An open air fire shall be authorized only in the rear yard of a property;
- s) No open air fire shall be permitted in the front yard or in the side yards of a property, as defined in the Township of Alfred and Plantagenet Zoning By-Law No. 2009-50, as amended from time to time;
- t) The base of the open air fire which contains the material to burn shall be located at a minimum distance of five (5) meters (16 feet) from any part of a main building, any part of an accessory building or structure, any rear or side lot line or property limit, any tree, any hedge, any fence, any overhead wiring, and any combustible material;
- u) If the open air fire base cannot be located in the rear yard of a property in compliance with the minimum distances prescribed in this by-law, then the open air fire shall be contained within an outdoor fireplace with a maximum dimension of one (1) cubic meter;
- v) The outdoor fireplace shall be located in the rear yard of the property at a minimum distance of two (2) meters (6 feet) from any part of a main building, any part of an accessory building or structure, any rear or side property lot line, any tree, any hedge, any fence, any overhead wiring, and any combustible material;
- w) The outdoor fireplace must be located on a non-burnable surface (e.g.: brick, stone, concrete, etc.) covering an area on the ground extending beyond the outdoor fireplace height and must be used to burn only dry firewood;
- x) The authorization granted to ignite an open air fire, as set out in this by-law, does not relieve an owner, a permit holder or any other person from their obligation to comply with the *Environmental Protection Act of Ontario*. While burning, it is the owner, the permit holder or any other person igniting an open air fire to ensure that smoke does not interfere with the ability of the neighbors to enjoy their properties or conduct their business without disruption. The owner, the permit holder or any other person igniting an open air fire are required to watch where the smoke travels and not to burn when there are foggy or windy conditions that would carry the smoke in a direction that will disrupt adjacent properties or roadways.

4. ADMINISTRATION AND ENFORCEMENT

- a) No person shall obstruct, hinder or interfere with the Municipal Law Enforcement Officer or the Director of the Fire Department in the lawful performance of their duties.
- b) The provisions of this By-Law shall be enforced by the Municipal Law Enforcement Officer.

- c) The Municipal Law Enforcement Officer is hereby authorized to:
- issue open air fire permits as provided in this by-law;
 - sign all open air fire permits on behalf of the Corporation;
 - limit the duration of the open air fire permit and the materials allowed to be burned;
 - impose any other conditions to the open air fire permit deemed required and necessary for safety reasons.
- d) The Municipal Law Enforcement Officer or the Director of the Fire Department may:
- demand the fire permit for inspection from any permit holder;
 - inspect any premises for which a fire permit has been issued;
 - enter at all reasonable times upon any property in order to ascertain whether the provisions of this by-law are obeyed and to enforce or carry into effect this by-law;
 - undertake any technical investigation or inspection for the purposes of administering this by-law.

5. INFRACTIONS

- a) If any person or permit holder contravenes any provisions of this by-law, the Fire Department may enter upon any lands to extinguish the open air fire;
- b) Where the Fire Department is called upon to intervene to extinguish an open air fire, the owner shall pay the costs for the intervention by the Fire Department, as set out in Schedule "A" of this By-Law;
- c) Where the owner fails or refuses to pay the call for the Fire Department intervention, such fee and all costs incurred by the Township shall be added to the collector's roll of taxes for the current year and shall be collected in like manner and with the same remedies as municipal taxes;
- d) Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction thereof shall forfeit, and pay a penalty for each such offence and every such penalty shall be recoverable under the Provincial Offences Act, R.S.O. 1990, chapter P.33 and amendments thereto;
- e) When a person has been convicted of an offence under this by-law 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 any act or thing by the person convicted directed toward the continuation or repetition of the offence.

6. INDEMNIFICATION

The owner, a permit holder and any person igniting an open air fire shall indemnify and save harmless the Corporation from any and all claims, demands, causes of action, losses, costs or damages the Corporation may suffer, incur or be liable for resulting from the open air fire as set out in this by-law whether with or without negligence on the part of the owner, the permit holder or any person igniting an open air fire, their employees, directors, contractors or agents.

7. ADMINISTRATION

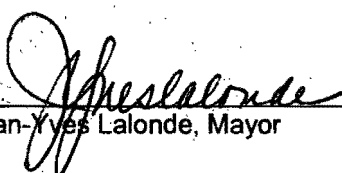
The requirements of this by-law are severable. If any requirements of this by-law are held invalid, the application of such requirements to other circumstances and the remainder of this by-law shall not be affected.

This by-law is not to be construed at any time in such a fashion as to hold the Corporation or its officers liable for failing to ensure that persons comply with the provisions of this by-law.

This by-law shall come into force and take effect on the date of its adoption by the Municipal Council.

That By-laws No. 2005-68 and No. 2006-34 are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 7th DAY OF SEPTEMBER, 2010.


Jean-Yves Lalonde, Mayor


Marc Daigneault, Clerk

SCHEDULE "A" TO BY-LAW NO. 2010-86

1. FIRE PERMIT FEES:

Permits	\$50.00
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2. FIRE DEPARTMENT FEE:

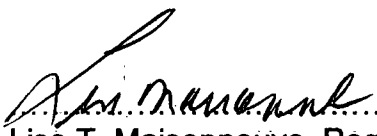
Call for service fee shall be the total of all costs incurred by the fire department in fighting the fire plus an administration fee of 10% of the total. Equipment shall be charged at an hourly rate of \$100.00.

PROVINCIAL OFFENCES ACT

Part I

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. 2010-86 as amended of the Township of Alfred and Plantagenet, Prescott and Russell Counties, attached hereto is the set fine for that offence. This Order is to take effect on May 8th, 2012.

Dated at Ottawa this 8th day of May 2012.


.....
Lise T. Maisonneuve, Regional Senior Justice
Ontario Court of Justice
East Region

PART I PROVINCIAL OFFENCES ACT

TOWNSHIP OF ALFRED AND PLANTAGENET TITLE: Fire Prevention and Fire Safety, #2010-86, as amended

Page 1 of 4

<u>ITEM</u>	<u>COLUMN 1</u> Short form wording	<u>COLUMN 2</u> Provision Creating or Defining Offence	<u>COLUMN 3</u> Set Fine
1.	Set/maintain/allow an open air fire without a permit.	Section 3. a)	\$300.00
2.	Set/maintain/allow an open air fire when a smog alert has been issued.	Section 3. b)	\$85.00
3.	Set/maintain/allow an open air fire when a drought alert has been issued.	Section 3. b)	\$85.00
4.	Set/maintain/allow an open air fire between one half hour before sunset and one half hour after sunrise.	Section 3. f)	\$85.00
5.	Set/maintain/allow more than one open air fire on a property.	Section 3. g)	\$125.00
6.	Set/maintain/allow the burning of petroleum products.	Section 3. h)	\$125.00
7.	Set/maintain/allow the burning of plastic.	Section 3. h)	\$125.00
8.	Set/maintain/allow the burning of rubber.	Section 3. h)	\$125.00
9.	Set/maintain/allow the burning of pressure treated wood.	Section 3. h)	\$125.00
10.	Set/maintain/allow the burning of domestic waste or garbage.	Section 3. h)	\$125.00

NOTE: The penalty provision(s) for the offence(s) indicated above is Section 5 of By-Law 2010-86, as amended, a certified copy of which has been filed.

PART I PROVINCIAL OFFENCES ACT

TOWNSHIP OF ALFRED AND PLANTAGENET TITLE: Fire Prevention and Fire Safety, #2010-86, as amended

Page 2 of 4

<u>ITEM</u>	<u>COLUMN 1</u> Short form wording	<u>COLUMN 2</u> Provision Creating or Defining Offence	<u>COLUMN 3</u> Set Fine
11.	Set/maintain/allow the burning of brushes.	Section 3. h)	\$125.00
12.	Set/maintain/allow the burning of grass.	Section 3. h)	\$125.00
13.	Set/maintain/allow the burning of weeds.	Section 3. h)	\$125.00
14.	Set/maintain/allow the burning of leaves.	Section 3. h)	\$125.00
15.	Set/maintain/allow the burning of evergreen needles.	Section 3. h)	\$125.00
16.	Set/maintain/allow the burning of organic material.	Section 3. h)	\$125.00
17.	Set/maintain/allow the burning of any other material that may create a dense or excessive smoke or produce noxious or toxic fumes.	Section 3. h)	\$125.00
18.	Failure to comply with conditions set in the fire permit.	Section 3. o)	\$200.00
19.	Set/maintain/allow an open air fire in the front yard of a property.	Section 3. s)	\$85.00
20.	Set/maintain/allow an open air fire in the side yards of a property.	Section 3. s)	\$85.00

NOTE: The penalty provision(s) for the offence(s) indicated above is Section 5 of By-Law 2010-86, as amended, a certified copy of which has been filed.

PART I PROVINCIAL OFFENCES ACT

TOWNSHIP OF ALFRED AND PLANTAGENET TITLE: Fire Prevention and Fire Safety, #2010-86, as amended

Page 3 of 4

<u>ITEM</u>	<u>COLUMN 1</u> Short form wording	<u>COLUMN 2</u> Provision Creating or Defining Offence	<u>COLUMN 3</u> Set Fine
21.	Set/maintain/allow an open air fire within 5 meters from any building or accessory thereof.	Section 3. t)	\$250.00
22.	Set/maintain/allow an open air fire within 5 meters from any property side line or limit.	Section 3. t)	\$250.00
23.	Set/maintain/allow an open air fire within 5 meters from any tree.	Section 3. t)	\$250.00
24.	Set/maintain/allow an open air fire within 5 meters from any hedge.	Section 3. t)	\$250.00
25.	Set/maintain/allow an open air fire within 5 meters from any fence.	Section 3. t)	\$250.00
26.	Set/maintain/allow an open air fire within 5 meters from any overhead wiring.	Section 3. t)	\$250.00
27.	Set/maintain/allow an open air fire within 5 meters from any combustible material.	Section 3. t)	\$250.00
28.	Locate an outdoor fireplace within 2 meters of any building or accessory thereof.	Section 3. v)	\$85.00

NOTE: The penalty provision(s) for the offence(s) indicated above is Section 5 of By-Law 2010-86, as amended, a certified copy of which has been filed.

PART I PROVINCIAL OFFENCES ACT

TOWNSHIP OF ALFRED AND PLANTAGENET TITLE: Fire Prevention and Fire Safety, #2010-86, as amended

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<u>ITEM</u>	<u>COLUMN 1</u> Short form wording	<u>COLUMN 2</u> Provision Creating or Defining Offence	<u>COLUMN 3</u> Set Fine
29.	Locate an outdoor fireplace within 2 meters of any tree.	Section 3. v)	\$85.00
30.	Locate an outdoor fireplace within 2 meters of any hedge.	Section 3. v)	\$85.00
31.	Locate an outdoor fireplace within 2 meters of any fence.	Section 3. v)	\$85.00
32.	Locate an outdoor fireplace within 2 meters of any overhead wiring.	Section 3. v)	\$85.00
33.	Locate an outdoor fireplace within 2 meters of any combustible material.	Section 3. v)	\$85.00
34.	Being one who obstruct, hinder or interfere with the Municipal Law Enforcement Officer or Director of the Fire Department in the performance of their duties.	Section 4.a)	\$300.00

NOTE: The penalty provision(s) for the offence(s) indicated above is Section 5 of By-Law 2010-86, as amended, a certified copy of which has been filed.

**THE CORPORATION OF THE TOWNSHIP OF
ALFRED AND PLANTAGENET**

By-Law Number 2010-86

**BEING A FIRE PREVENTION
AND FIRE SAFETY BY-LAW**

Je, le soussigné, greffier adjoint pour la Corporation
du canton d'Alfred et Plantagenet, certifie que ce docum
est une copie conforme de

I, the undersigned, Deputy Clerk for the Corporation of
Township of Alfred and Plantagenet, hereby certify that t
document is a true copy of

By-law Number 2010-86

Monique Dutilleul Feb. 22, 2011
Signature Date

**BEING A BY-LAW of the Corporation of the Township of Alfred and Plantagenet
respecting the setting of fires in the open air.**

WHEREAS section 7.1(1) of the *Fire Protection Act* provides that the council of a municipality may pass by-laws for regulating fire prevention, including the spreading of fires, for regulating the setting of open air fires, including establishing the times during which open air fires may be set and for designating private roads as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle left parked or left along any of the fire routes at the expense of the owner of the vehicle;

AND WHEREAS, a Municipality may pass by-laws imposing fees and charges for services or activities provided by or on behalf of it, pursuant to Section 392 of the *Municipal Act, 2001*;

AND WHEREAS, the Corporation of the Township of Alfred and Plantagenet deems it desirable to do so;

THEREFORE the Council of the Corporation of the Township of Alfred and Plantagenet enacts as follows:

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"Permit Holder" shall mean the person to whom a permit was issued and whom is responsible to comply with the Act and this by-law;

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"Open air fire base" shall mean the area or the surface on the ground which is used to contains the materials to burn. The open air fire base may be determined by a pit dug in the ground or may be defined by a metal, rock, stone or brick edge or any non-combustible material;

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- a) No person shall, unless otherwise authorized by the provisions of this by-law or any other by-law of the Corporation, set, or permit to be set, a fire in the open air without first obtaining an open air fire permit in compliance with this by-law;
- b) No open air fire shall be permitted when a smog alert or a drought notice has been issued for the forecast area which includes the Township;
- c) If the dimensions of the open air fire base is larger than one (1) square meter and the volume of the base combined with the height of the flames is bigger than one (1) cubic meter, the owner shall file an application for an open air fire permit by completing the prescribed form with the Municipal Law Enforcement Officer and pay the required fees;
- d) No person shall be deemed to have been issued an open air permit unless the Municipal Law Enforcement Officer has issued such a permit. Filing an application for an open air fire permit does not constitute a permit;
- e) No person shall give false information or make a false declaration for the purposes of obtaining an open air fire permit;
- f) Where a fire permit is required, no person shall set, or permit to be set, a fire in the open air during the period starting one half hour before sunset and ending one half hour after sunrise;
- g) No person shall be allowed to ignite more than one (1) open air fire on a property, except on a camping site in compliance with the Zoning By-Law No 2009-50;
- h) No person shall burn or permit to be burn petroleum products, plastics, rubber, pressure treated wood, domestic waste or garbage, brushes, grass, weeds, leaves, evergreen needles, organic material, or any other material that may create a dense or excessive smoke or produce noxious or toxic fumes;
- i) Open air fires which require the issuance of a permit may be permitted during the whole year at the discretion of the Municipal Law Enforcement Officer after obtaining a permit;
- j) At the discretion of the Municipal Law Enforcement Officer or the Director of the Fire Department, the application for an open air fire permit may be granted, issued with conditions or refused;
- k) No open air fire permit shall be issued for any period of time exceeding ninety (90) days. No open air permit shall be issued during a drought period as declared by the Director of the Fire Department or the Municipal Law Enforcement Officer;
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 - Upon demand produce the fire permit;
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The owner, a permit holder and any person igniting an open air fire shall indemnify and save harmless the Corporation from any and all claims, demands, causes of action, losses, costs or damages the Corporation may suffer, incur or be liable for resulting from the open air fire as set out in this by-law whether with or without negligence on the part of the owner, the permit holder or any person igniting an open air fire, their employees, directors, contractors or agents.

7. ADMINISTRATION

The requirements of this by-law are severable. If any requirements of this by-law are held invalid, the application of such requirements to other circumstances and the remainder of this by-law shall not be affected.

This by-law is not to be construed at any time in such a fashion as to hold the Corporation or its officers liable for failing to ensure that persons comply with the provisions of this by-law.

This by-law shall come into force and take effect on the date of its adoption by the Municipal Council.

That By-laws No. 2005-68 and No. 2006-34 are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 7th DAY OF SEPTEMBER, 2010.


Jean-Yves Lalonde, Mayor


Marc Daigneault, Clerk

SCHEDULE "A" TO BY-LAW NO. 2010-86

1. FIRE PERMIT FEES:

Permits	\$50.00
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2. FIRE DEPARTMENT FEE:

Call for service fee shall be the total of all costs incurred by the fire department in fighting the fire plus an administration fee of 10% of the total. Equipment shall be charged at an hourly rate of \$100.00.

THE CORPORATION OF THE TOWNSHIP OF ALFRED AND PLANTAGENET

By-Law Number 2010-86

BEING A FIRE PREVENTION AND FIRE SAFETY BY-LAW

**BEING A BY-LAW of the Corporation of the Township of Alfred and Plantagenet
respecting the setting of fires in the open air.**

WHEREAS section 7.1(1) of the *Fire Protection Act* provides that the council of a municipality may pass by-laws for regulating fire prevention, including the spreading of fires, for regulating the setting of open air fires, including establishing the times during which open air fires may be set and for designating private roads as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle left parked or left along any of the fire routes at the expense of the owner of the vehicle;

AND WHEREAS, a Municipality may pass by-laws imposing fees and charges for services or activities provided by or on behalf of it, pursuant to Section 392 of the *Municipal Act, 2001*;

AND WHEREAS, the Corporation of the Township of Alfred and Plantagenet deems it desirable to do so;

THEREFORE the Council of the Corporation of the Township of Alfred and Plantagenet enacts as follows:

1. SHORT TITLE

This by-law may be cited as the "Fire Prevention and Fire Safety By-Law".

2. DEFINITIONS

In this by-law:

"Owner" shall mean the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge whom occupies the property;

"Corporation" shall mean the Corporation of the Township of Alfred and Plantagenet;

"Municipal Law Enforcement Officer" shall mean the Municipal Law Enforcement Officer appointed by the Council of the Corporation of the Township of Alfred and Plantagenet responsible for the enforcement of the municipal by-laws;

"Permit Holder" shall mean the person to whom a permit was issued and whom is responsible to comply with the Act and this by-law;

"Director of the Fire Department" shall mean the Director of the Fire Department appointed by the Council of the Corporation of the Township of Alfred and Plantagenet, his or her representatives, assistants or authorized subordinates;

"Fire Department" shall mean the Fire Department of the Corporation of the Township of Alfred and Plantagenet;

"Open air fire base" shall mean the area or the surface on the ground which is used to contains the materials to burn. The open air fire base may be determined by a pit dug in the ground or may be defined by a metal, rock, stone or brick edge or any non-combustible material;

"Open air fire" shall mean a campfire, an incinerator, an outdoor fireplace, a burn drum and a construction site fire;

"Outdoor fireplace" shall mean a manufactured, non-burnable, enclosed container designed to hold a small fire for decorative purposes, which does not exceed one cubic meter in size and includes, but is not limited, to a chimney, and must be equipped with a spark arrester.

3. GENERAL REQUIREMENTS

- a) No person shall, unless otherwise authorized by the provisions of this by-law or any other by-law of the Corporation, set, or permit to be set, a fire in the open air without first obtaining an open air fire permit in compliance with this by-law;
- b) No open air fire shall be permitted when a smog alert or a drought notice has been issued for the forecast area which includes the Township;
- c) If the dimensions of the open air fire base is larger than one (1) square meter and the volume of the base combined with the height of the flames is bigger than one (1) cubic meter, the owner shall file an application for an open air fire permit by completing the prescribed form with the Municipal Law Enforcement Officer and pay the required fees;
- d) No person shall be deemed to have been issued an open air permit unless the Municipal Law Enforcement Officer has issued such a permit. Filing an application for an open air fire permit does not constitute a permit;
- e) No person shall give false information or make a false declaration for the purposes of obtaining an open air fire permit;
- f) Where a fire permit is required, no person shall set, or permit to be set, a fire in the open air during the period starting one half hour before sunset and ending one half hour after sunrise;
- g) No person shall be allowed to ignite more than one (1) open air fire on a property, except on a camping site in compliance with the Zoning By-Law No 2009-50;
- h) No person shall burn or permit to be burn petroleum products, plastics, rubber, pressure treated wood, domestic waste or garbage, brushes, grass, weeds, leaves, evergreen needles, organic material, or any other material that may create a dense or excessive smoke or produce noxious or toxic fumes;
- i) Open air fires which require the issuance of a permit may be permitted during the whole year at the discretion of the Municipal Law Enforcement Officer after obtaining a permit;
- j) At the discretion of the Municipal Law Enforcement Officer or the Director of the Fire Department, the application for an open air fire permit may be granted, issued with conditions or refused;
- k) No open air fire permit shall be issued for any period of time exceeding ninety (90) days. No open air permit shall be issued during a drought period as declared by the Director of the Fire Department or the Municipal Law Enforcement Officer;
- l) Notwithstanding any other provisions of this by-law, following the issuance of an open air fire permit, if upon an inspection the Municipal Law Enforcement Officer or the Director of the Fire Department deems that the open air fire poses a danger to the health or safety of any person or property, the Municipal Law Enforcement Officer or Director of the Fire Department may revoke or postpone the open air fire permit and order that the open air fire be extinguished;
- m) Notwithstanding any other provisions of this by-law, if the Municipal Law Enforcement Officer or the Director of the Fire Department deems that an open air fire poses a danger to the health or safety of any person or property because of its size, its location on the property or the materials used to feed the open air fire, the Municipal Law Enforcement Officer or Director of the Fire Department may order that the open air fire be extinguished;
- n) The dimensions of the open air fire for which a permit was issued must be contained at all time in order for the permit holder to extinguish the fire immediately if it is deemed necessary to do so due to a change in the weather conditions or following an order issued by the Municipal Law Enforcement Officer or the Director of the Fire Department;

- o) The permit holder shall:
- Upon demand produce the fire permit;
 - comply with any conditions on the fire permit and only burn material authorized on the fire permit;
 - supervise the fire continuously from ignition until completely extinguished;
 - agree to extinguish the fire when an order is issued to that effect by the Municipal Law Enforcement Officer or the Director of the Fire Department;
 - Keep at hand or in close proximity all the necessary equipment and tools required to extinguish the fire (shovel, rake, fire extinguisher, garden hose, backhoe, etc.);
- p) No permit for an open air fire is required if the dimensions of the open air fire base is less than one (1) square meter and the volume of the base combined with the height of the flames is less than one (1) cubic meter;
- q) An open air fire must be used to burn only dry firewood;
- r) An open air fire shall be authorized only in the rear yard of a property;
- s) No open air fire shall be permitted in the front yard or in the side yards of a property, as defined in the Township of Alfred and Plantagenet Zoning By-Law No. 2009-50, as amended from time to time;
- t) The base of the open air fire which contains the material to burn shall be located at a minimum distance of five (5) meters (16 feet) from any part of a main building, any part of an accessory building or structure, any rear or side lot line or property limit, any tree, any hedge, any fence, any overhead wiring, and any combustible material;
- u) If the open air fire base cannot be located in the rear yard of a property in compliance with the minimum distances prescribed in this by-law, then the open air fire shall be contained within an outdoor fireplace with a maximum dimension of one (1) cubic meter;
- v) The outdoor fireplace shall be located in the rear yard of the property at a minimum distance of two (2) meters (6 feet) from any part of a main building, any part of an accessory building or structure, any rear or side property lot line, any tree, any hedge, any fence, any overhead wiring, and any combustible material;
- w) The outdoor fireplace must be located on a non-burnable surface (e.g.: brick, stone, concrete, etc.) covering an area on the ground extending beyond the outdoor fireplace height and must be used to burn only dry firewood;
- x) The authorization granted to ignite an open air fire, as set out in this by-law, does not relieve an owner, a permit holder or any other person from their obligation to comply with the *Environmental Protection Act of Ontario*. While burning, it is the owner, the permit holder or any other person igniting an open air fire to ensure that smoke does not interfere with the ability of the neighbors to enjoy their properties or conduct their business without disruption. The owner, the permit holder or any other person igniting an open air fire are required to watch where the smoke travels and not to burn when there are foggy or windy conditions that would carry the smoke in a direction that will disrupt adjacent properties or roadways.

4. ADMINISTRATION AND ENFORCEMENT

- a) No person shall obstruct, hinder or interfere with the Municipal Law Enforcement Officer or the Director of the Fire Department in the lawful performance of their duties.
- b) The provisions of this By-Law shall be enforced by the Municipal Law Enforcement Officer.

- c) The Municipal Law Enforcement Officer is hereby authorized to:
- issue open air fire permits as provided in this by-law;
 - sign all open air fire permits on behalf of the Corporation;
 - limit the duration of the open air fire permit and the materials allowed to be burned;
 - impose any other conditions to the open air fire permit deemed required and necessary for safety reasons.
- d) The Municipal Law Enforcement Officer or the Director of the Fire Department may:
- demand the fire permit for inspection from any permit holder;
 - inspect any premises for which a fire permit has been issued;
 - enter at all reasonable times upon any property in order to ascertain whether the provisions of this by-law are obeyed and to enforce or carry into effect this by-law;
 - undertake any technical investigation or inspection for the purposes of administering this by-law.

5. INFRACTIONS

- a) If any person or permit holder contravenes any provisions of this by-law, the Fire Department may enter upon any lands to extinguish the open air fire;
- b) Where the Fire Department is called upon to intervene to extinguish an open air fire, the owner shall pay the costs for the intervention by the Fire Department, as set out in Schedule "A" of this By-Law;
- c) Where the owner fails or refuses to pay the call for the Fire Department intervention, such fee and all costs incurred by the Township shall be added to the collector's roll of taxes for the current year and shall be collected in like manner and with the same remedies as municipal taxes;
- d) Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction thereof shall forfeit, and pay a penalty for each such offence and every such penalty shall be recoverable under the Provincial Offences Act, R.S.O. 1990, chapter P.33 and amendments thereto;
- e) When a person has been convicted of an offence under this by-law 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 any act or thing by the person convicted directed toward the continuation or repetition of the offence.

6. INDEMNIFICATION

The owner, a permit holder and any person igniting an open air fire shall indemnify and save harmless the Corporation from any and all claims, demands, causes of action, losses, costs or damages the Corporation may suffer, incur or be liable for resulting from the open air fire as set out in this by-law whether with or without negligence on the part of the owner, the permit holder or any person igniting an open air fire, their employees, directors, contractors or agents.

7. ADMINISTRATION

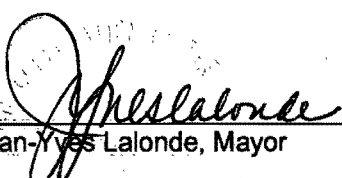
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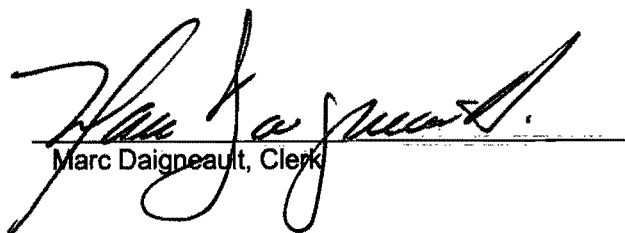
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Jean-Yves Lalonde, Mayor


Marc Daigneault, Clerk

SCHEDULE "A" TO BY-LAW NO. 2010-86

1. FIRE PERMIT FEES:

Permits	\$50.00
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2. FIRE DEPARTMENT FEE:

Call for service fee shall be the total of all costs incurred by the fire department in fighting the fire plus an administration fee of 10% of the total. Equipment shall be charged at an hourly rate of \$100.00.

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LA CORPORATION DU CANTON D'ALFRED ET PLANTAGENET

RÈGLEMENT 2010-86

RÈGLEMENT SUR LA PROTECTION ET LA PRÉVENTION DES INCENDIES

ÉTANT UN RÈGLEMENT de la Corporation du Canton d'Alfred et Plantagenet concernant les feux en plein air.

ATTENDU QUE le paragraphe 7.1(1), de la *Loi de 1997 sur la prévention et la protection contre l'incendie*, autorise le conseil à adopter des règlements pour établir le temps et les heures durant lesquelles la municipalité ou une partie de la municipalité peut allumer des feux en plein air, ainsi que les précautions qui doivent être observées par les personnes qui allument les feux; pour réglementer l'allumage de feux en plein air, y compris fixer les moments où ils peuvent être allumés et pour désigner des chemins privés comme voies réservées aux pompiers où le stationnement est interdit et prévoir le remorquage et la mise en fourrière, aux frais de leur propriétaire, des véhicules qui y sont stationnés ou laissés.

ATTENDU QUE la municipalité peut adopter des règlements pour établir les frais de service, selon l'article 392 de la *Loi de 2001 sur les municipalités*, et

ATTENDU QUE la Corporation du Canton d'Alfred et Plantagenet le juge désirable;

PAR CONSÉQUENT, le conseil de la Corporation du Canton d'Alfred et Plantagenet promulgue ce qui suit:

1. TITRE ABRÉGÉ

Ce règlement peut être appelé "Règlement sur la protection et la prévention des incendies".

2. DÉFINITIONS

Dans ce règlement:

"Propriétaire" signifie le propriétaire en titre, ce qui inclut un preneur à bail, un détenteur d'hypothèque en possession, et toute autre personne responsable qui occupe la propriété;

"Corporation" signifie la Corporation du Canton d'Alfred et Plantagenet;

"Officier municipal à la réglementation" signifie l'Officier municipal à la réglementation nommé par le Conseil de la Corporation du Canton d'Alfred et Plantagenet et chargé de l'application des règlements municipaux;

"détenteur de permis" signifie la personne à laquelle le permis a été émis et qui est responsable de se conformer à la Loi et au présent règlement;

"Directeur du Service des incendies" signifie le Directeur du Service des incendies nommé par le Conseil de la Corporation du Canton d'Alfred et Plantagenet ou ses représentants, ses assistants ou subordonnés autorisés;

"Service des incendies" signifie le Service des incendies de la Corporation du Canton d'Alfred et Plantagenet;

"base du feu en plein air" signifie l'aire ou la surface au sol utilisée pour contenir les matières à brûler. La base du feu en plein air peut être creusée à même le sol ou être délimitée par une enceinte en métal, en pierre, en roche, en brique ou tout autre matériau incombustible;

"feu en plein air" signifie un feu de camp, un incinérateur, un foyer extérieur, un baril de feu et un feu de chantier de construction;

"foyer extérieur" signifie un conteneur manufacturé, incombustible et fermé conçu pour contenir un petit feu à des fins décoratives dont les dimensions ne dépassent pas un (1) mètre cube et qui peut être équipé, entre autre, d'une cheminée et doit être muni d'un pare-étincelles.

3. DISPOSITIONS GÉNÉRALES

- a) Nul ne doit, à moins d'obtenir une autorisation selon les dispositions du présent règlement ou de tout autre règlement de la Corporation, allumer ou permettre qu'un feu en plein air soit allumé sans, au préalable, avoir obtenu un permis de feu en plein air conformément aux dispositions du présent règlement;
- b) Aucun feu en plein air ne sera autorisé lorsqu'une alerte au smog ou un avis de sécheresse aura été déclaré pour la région qui englobe le Canton;
- c) Si la dimension de la base du feu en plein air est supérieure à un (1) mètre carré et que le volume de la base combiné à la hauteur des flammes est supérieure à un (1) mètre cube, le propriétaire doit soumettre une demande de permis de feu en plein air en utilisant le formulaire prescrit à cette fin auprès de l'Officier municipal à la réglementation et acquitter les frais requis;
- d) À moins que l'Officier municipal à la réglementation ait émis un permis de feu en plein air, aucune personne ne peut prétendre détenir un tel permis. La soumission d'une demande de permis de feu en plein air ne constitue pas un permis;
- e) Aucune personne ne doit fournir des informations erronées ou faire de fausses déclarations dans le but d'obtenir un permis de feu en plein air;
- f) Lorsqu'un permis est requis, personne ne doit allumer un feu en plein air ou permettre qu'un feu en plein air soit allumé durant la période qui débute une demi-heure avant le coucher du soleil et qui se termine une demi-heure après le levée du soleil;
- g) Aucune personne n'est autorisée à allumer plus d'un (1) feu en plein air sur une propriété à l'exception d'un terrain de camping conformément au Règlement de zonage No. 2009-50;
- h) Aucune personne ne doit brûler ou permettre que soient brûlés des produits pétroliers, du plastique, du caoutchouc, du bois traité sous pression, des ordures ou des déchets domestiques, des broussailles, de l'herbe, du gazon, des feuilles, des épines de conifère, des matières végétales ou toute autre matière qui pourraient occasionner une fumée dense, un excès de fumée ou des émanations nocives ou toxiques;
- i) Les feux en plein air qui requièrent l'émission d'un permis peuvent être autorisés durant toute l'année à la discrétion de l'Officier municipal à la réglementation suite à l'obtention d'un permis;
- j) À la discrétion de l'Officier municipal à la réglementation ou du Directeur du Service des incendies, une demande de permis de feu en plein air peut être approuvée, assortie de conditions ou refusée;
- k) Aucun permis de feu en plein air ne sera émis pour une période de plus de quatre-vingt-dix (90) jours. Aucun permis de feu en plein air ne sera émis durant une période de sécheresse, telle que déclarée par le Directeur du Service des incendies ou par l'Officier municipal à la réglementation;
- l) Nonobstant toute autre disposition du présent règlement, suite à l'émission d'un permis de feu en plein air, si à l'occasion d'une inspection l'Officier municipal à la réglementation ou le Directeur du Service des incendies juge que le feu en plein air présente un danger envers la sécurité ou la santé de toute personne ou propriété, l'Officier municipal à la réglementation ou le Directeur du Service des incendies peut annuler ou suspendre le permis de feu en plein air et ordonner que le feu soit éteint;
- m) Nonobstant toute autre disposition du présent règlement, si l'Officier municipal à la réglementation ou le Directeur du Service des incendies juge qu'un feu en plein air présente un danger envers la sécurité ou la santé de toute personne ou propriété en raison de ses dimensions, sa localisation sur la propriété ou des matières utilisées pour alimenter le feu, l'Officier municipal à la réglementation ou le Directeur du Service des incendies peut ordonner que le feu en plein air soit éteint;
- n) Les dimensions du feu de plein air pour lequel un permis a été émis doivent être contrôlées en tout temps afin de permettre au détenteur du permis d'éteindre le feu immédiatement s'il s'avère nécessaire de le faire en raison des conditions atmosphériques ou suite à une ordonnance émise par l'Officier municipal à la réglementation ou le Directeur du Service des incendies;
- o) Le détenteur du permis doit:
 - sur demande, être en mesure de présenter le permis de feu;
 - se conformer aux conditions indiquées sur le permis de feu et brûler uniquement les matières autorisées sur le permis;
 - superviser le feu continuellement, à compter du moment où il est allumé jusqu'à ce qu'il soit complètement éteint;
 - accepter d'éteindre le feu lors d'une ordonnance émise à cette fin par l'Officier municipal à la réglementation ou le Directeur du Service des incendies;

- garder à la main ou à proximité tous les équipements ou les outils nécessaires pour éteindre le feu (pelle, râteau, extincteur, boyau d'arrosage, excavatrice, etc);
- p) Aucun permis pour un feu en plein air n'est requis si la dimension de la base du feu en plein air est inférieure à un (1) mètre carré et que le volume de la base combiné à la hauteur des flammes est inférieure à un (1) mètre cube;
- q) Un feu en plein air doit servir à faire brûler uniquement du bois de chauffage sec;
- r) Un feu en plein air est autorisé uniquement dans la cour arrière d'une propriété;
- s) Aucun feu en plein air n'est autorisé dans la cour avant ou dans les cours latérales d'une propriété, telles que définies au Règlement de zonage No. 2009-50 du Canton d'Alfred et Plantagenet, tel qu'amendé;
- t) La base du feu en plein air qui contient les matières à brûler doit être située à une distance minimum de cinq (5) mètres (16 pieds) de toute partie d'un bâtiment principal, de toute partie d'un bâtiment ou d'une structure accessoire, de toute limite ou ligne arrière ou latérale d'une propriété, d'un arbre, d'une haie, d'une clôture, de câbles aériens et de toute autre matière combustible;
- u) Si la base du feu en plein air ne peut être localisée dans la cour arrière d'une propriété conformément aux distances minimum prescrites au présent règlement, alors le feu en plein air doit être contenu à l'intérieur d'un foyer extérieur d'une dimension maximum d'un (1) mètre cube;
- v) Le foyer extérieur doit être situé dans la cour arrière de la propriété à une distance minimum de deux (2) mètres (6 pieds) de toute partie d'un bâtiment principal, de toute partie d'un bâtiment ou d'une structure accessoire, de toute limite arrière ou latérale d'une propriété, d'un arbre, d'une haie, d'une clôture, de câbles aériens et de toute autre matière combustible;
- w) Le foyer extérieur doit être placé sur une surface non combustible (exemple: briques, pierres, béton, etc.) dont la superficie au sol dépasse la hauteur du foyer extérieur et doit servir à faire brûler uniquement du bois de chauffage sec;
- x) L'autorisation consentie pour allumer un feu en plein air, conformément aux dispositions du présent règlement, ne libère pas le propriétaire, le détenteur d'un permis ou toute autre personne de son obligation de se conformer à la *Loi sur la protection de l'environnement de l'Ontario*. Pendant le feu, il incombe au propriétaire, au détenteur du permis ou à toute autre personne qui allume le feu en plein air de s'assurer que la fumée ne perturbe pas les activités, les usages et les droits des voisins. Le propriétaire, le détenteur d'un permis et toute autre personne qui allume un feu en plein air est requis de surveiller la direction de la fumée et de s'abstenir d'allumer un feu lorsque les conditions sont venteuses ou brumeuses et que la fumée pourrait être dirigée vers des propriétés adjacentes ou des voies publiques.

4. ADMINISTRATION ET APPLICATION

- a) Aucune personne ne doit obstruer, entraver, ou interférer avec l'Officier municipal à la réglementation ou le Directeur du Service des incendies dans l'exercice de leurs fonctions;
- b) L'Officier municipal à la réglementation est chargé de l'application des dispositions du présent règlement;
- c) L'Officier municipal à la réglementation est, par la présente, autorisé à:
 - émettre des permis de feu en plein air selon les dispositions du présent règlement;
 - signer tous les permis de feu en plein air au nom de la Corporation;
 - limiter la durée du permis de feu en plein air et les matériaux autorisés à brûler;
 - imposer toute autre condition au permis de feu en plein air jugée requise et nécessaire à des fins de sécurité.
- d) L'Officier municipal à la réglementation ou le Directeur du Service des incendies peut:
 - demander de vérifier le permis de feu de n'importe quel détenteur de permis;
 - inspecter les lieux pour lesquels un permis de feu a été émis;
 - entrer, en tout temps raisonnable, sur toute propriété afin de s'assurer que les dispositions du présent règlement sont respectées ou pour faire respecter les dispositions du présent règlement;
 - entamer toute enquête ou inspection pour fins de faire respecter le présent règlement.

5. INFRACTIONS

- a) Si une personne ou un détenteur de permis enfreint les dispositions de ce règlement, le Service des incendies peut entrer sur toute propriété pour y éteindre un feu en plein air;
- b) Lorsque le Service des incendies est appelé à intervenir pour éteindre un feu en plein air, le propriétaire devra acquitter les coûts pour l'intervention du Service des incendies, tels que prescrits à l'annexe "A" de ce règlement;
- c) Si le propriétaire omet ou refuse de payer les frais pour une intervention par le Service des incendies, ces coûts ainsi que toute autre dépense encourus par le Canton seront ajoutés au rôle d'imposition pour l'année courante et seront recouvrés de la même manière que les taxes foncières;
- d) Toute personne qui est trouvée coupable d'une infraction aux dispositions de ce règlement est passible d'une amende pour chaque contravention, et chaque pénalité peut être récupérée selon les dispositions de la *Loi sur les infractions provinciales*, L.R.O. 1990, chapitre P. 33, et modifications;
- e) En plus d'imposer une amende, tout tribunal de juridiction compétente peut, après avoir trouvé une personne coupable d'une infraction aux dispositions de ce règlement, émettre une ordonnance prohibant la continuation ou la répétition de cette infraction par cette personne ou toute action ou chose dirigée à la continuation ou la répétition de cette infraction.

6. INDEMNISATION

Le propriétaire, le détenteur d'un permis ou toute personne qui allume un feu en plein air doit indemniser et exonérer la Corporation contre toute réclamation, requête, action, perte, coût ou dommage subit, encouru ou imputable à la Corporation suite à un feu en plein air tel que décrit au présent règlement, en raison de la négligence ou non de la part du propriétaire, du détenteur de permis ou toute autre personne, leurs employés, leurs directeurs, leurs entrepreneurs ou leurs représentants.

7. ADMINISTRATION

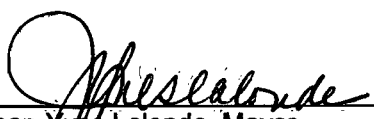
Les dispositions de ce règlement peuvent être dissociées. Si une ou certaines des exigences de ce règlement est/sont jugée(s) invalide(s), l'application de cette exigence à d'autres circonstances et au reste de ce règlement n'en sera pas affectée.

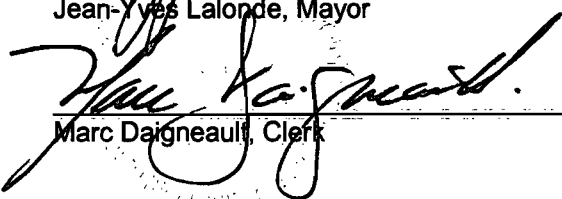
Ce règlement ne doit, en aucun temps, être interprété de façon à ce que la Corporation ou ses agents ne soient tenus responsables du non respect des dispositions du présent règlement.

Ce règlement entre en vigueur à la date de son adoption par le Conseil municipal.

Les Règlements No.2005-68 et No.2006-34 sont, par la présente, abrogés.

LU EN PREMIÈRE, DEUXIÈME ET TROISIÈME LECTURE ET FINALEMENT ADOPTÉ CE 7^{ième} JOUR DE SEPTEMBRE 2010.


Jean-Yves Lalonde, Mayor


Marc Daigneault, Clerk

ANNEXE "A" AU RÈGLEMENT NUMÉRO 2010-86

1. FRAIS DE PERMIS DE FEU:

Permis	50,00 \$
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2. FRAIS POUR DÉPARTEMENT DE SERVICE DE POMPIER:

Les frais d'appel de service seront le total des coûts encourus par le département d'incendies pour combattre le feu, plus un frais d'administration de 10% du total. L'équipement sera chargé à un taux horaire de 100 \$.

RESOLUTION NO.	2010-439
Acceptée	07-09-2010
Reçue	
En action	

CORPORATION DU CANTON D'ALFRED ET PLANTAGENET

RAPPORT DE LA DIRECTION GÉNÉRALE

**Règlement 2010-86
Feux en plein air et foyers extérieurs
Abrogation du Règlement 2005-68**

RAPPORT NO.: DG-45-2010

DATE: 7 septembre / September 7th, 2010

INTRODUCTION

Le présent rapport concerne la révision des dispositions concernant les feux en plein air ou à ciel ouvert et l'adoption d'un nouveau règlement (Règlement 2010-86) qui remplace le Règlement No. 2005-68 tel que modifié par le Règlement 2006-34.

Le Règlement 2005-68 incorpore des dispositions qui permettent aux agriculteurs de brûler des broussailles à certains moments de l'année à la condition d'obtenir un permis à cette fin et des dispositions qui interdisent les feux à ciel ouvert à l'intérieur des limites des anciens villages de Plantagenet et d'Alfred.

Par défaut, les feux en plein air (feux de camp) sont permis ailleurs sur le territoire du Canton et le Conseil a mandaté la Direction générale de soumettre des recommandations afin d'uniformiser l'application de ce règlement, c'est-à-dire de permettre ou d'interdire les feux en plein air et, s'ils sont autorisés partout sur le territoire du Canton, quelles devraient être les normes applicables.

LES DISPOSITIONS DU RÈGLEMENT 2005-68

Le Règlement 2005-68 prescrit ce qui suit :

- Aucune personne n'est autorisée à allumer un feu en plein air à moins d'avoir obtenu un permis à cette fin;
- Lorsqu'un permis est requis, le feu ne peut pas être allumé pendant la période qui s'étend entre une demi-heure avant le couché du soleil et une demi-heure après la levée du soleil;
- Aucune personne n'est autorisée à brûler du gazon;
- Les feux de broussailles ou similaires sont autorisés à la discrétion de l'Officier à la réglementation durant la période du 1^{er} septembre au 30 avril;
- Afin d'obtenir un permis, le propriétaire doit soumettre une demande par écrit (formulaire prescrit) auprès de l'Officier à la réglementation et acquitter les frais applicables (\$25.00);
- À la discrétion de l'Officier ou du Chef du service des incendies, le permis peut être assorti de conditions;
- L'Officier peut, à sa discrétion, refuser d'émettre un permis de feu;
- À l'exception des propriétés situées à l'intérieur des limites des villages de Plantagenet et Alfred, les dispositions du règlement ne s'appliquent pas aux personnes qui allument un feu : a) pour la cuisson, b) dont la base est inférieure à 1 mètre carré; ou c) dans un conteneur de métal de 204 litres ou moins recouvert d'un grillage;
- Aucun permis de feu ne sera émis pour une période qui excède 30 jours;
- Aucun permis de feu ne sera émis pour une propriété située à l'intérieur des limites des villages de Plantagenet et d'Alfred;
- Aucun permis de feu ne sera émis durant les périodes de sécheresse telles que déterminées par le Chef du service des incendies;
- Lors d'une inspection, si l'Officier ou le Chef du service des incendies juge que le feu pose un danger, le permis de feu peut être annulé ou suspendu et ordonné que le feu soit éteint;

- Aucune personne n'est autorisée à brûler des produits pétroliers, des matières plastiques ou de caoutchouc ou tout autre matière qui pourrait occasionner de la fumée excessive ou nocive;
- Le feu doit être contrôlé dans un espace retreint afin que le détenteur de permis puisse l'éteindre rapidement si les conditions atmosphériques changent ou si l'Officier ou le Chef du service des incendies l'ordonne;
- Aucune personne ne peut prétendre avoir obtenu un permis avant que l'Officier ait émis le permis. Une demande pour l'obtention d'un permis ne constitue pas un permis;
- Aucune personne ne doit soumettre de l'information fausse ou incorrecte afin d'obtenir un permis;
- Aucune personne ne doit entraver, gêner ou interférer avec le travail de l'Officier ou du Chef du service des incendies;
- Un détenteur de permis doit : être ne mesure de présenter le permis, brûler uniquement les matériaux spécifiés sur le permis, superviser le feu de façon continue, éteindre le feu à la demande de l'Officier ou du Chef du service des incendies et se conformer aux conditions apparaissant au permis.

COMMENTAIRES DES AUTRES SERVICES

L'administratrice du zonage est d'avis qu'un feu de petite taille pourrait être permis dans les limites de chaque village en raison du fait que les feux à ciel ouvert sont permis sur les terrains de camping là où les lots sont minuscules.

Le règlement devrait établir des marges de recul (distances) minimums entre l'emplacement du feu à ciel ouvert et les lignes de propriété (arrière et latérales) et aucun feu ne devrait être autorisé dans les cours avant. Si des plaintes de fumée ou autres sont transmises à la municipalité, le Service de la réglementation pourrait agir à l'endroit de ceux qui abusent de la situation.

Le Directeur du Service des incendies est d'opinion que les feux devraient être permis dans les villages de Plantagenet et d'Alfred si l'emplacement du feu sur la propriété est inspecté et approuvé et qu'un permis est émis pour un frais de \$25.00. Les frais serviraient à acquitter les dépenses générées pour les inspections du site par les pompiers volontaires.

L'Officier à la réglementation a reçu plusieurs commentaires des agriculteurs qui soumettent des demandes de permis de feu. Ces derniers suggèrent que la période d'application du permis soit étendue à trois (3) mois plutôt que 30 jours afin de leur accorder plus de flexibilité pour effectuer ces travaux. Le coût du permis pourrait être accru à \$50.00 mais applicable pour trois mois (actuellement \$25.00 pour 30 jours).

L'Officier à la réglementation propose d'étendre la période où les feux sont permis sous sa discrétion à toute l'année plutôt qu'uniquement entre le 1^{er} septembre et le 30 avril et de prévoir au règlement une exigence par laquelle des équipements et des outils de base doivent être disponibles à portée de la main pour contrôler, éviter la propagation ou éteindre le feu (râteau, extincteur, boyau d'arrosage, pelle, tracteur, etc.).

À l'intérieur des limites des villages, les feux à ciel ouvert peuvent être une source de plaintes en raison de la fumée et une source de danger en raison de la proximité des résidences ou de la dimension du feu.

Le règlement prévoit déjà qu'il est interdit de brûler certains matériaux et que la dimension de la base du feu est fixée à un (1) mètre carré.

L'Officier à la réglementation propose d'ajouter les feuilles, le gazon, les épines et toutes les matières organiques qui produisent une fumée dense à la liste des matières interdites et de limiter la base du feu à un (1) mètre cube de façon à établir une hauteur maximum de la flamme du feu extérieur.

L'Officier à la réglementation suggère d'établir une distance minimum à respecter, par exemple 3 à 6 mètres (10 à 20 pieds), entre l'endroit où serait situé la base du feu à ciel ouvert et les limites d'une propriété, le bâtiment principal, les bâtiments et les structures accessoires et tout arbre, arbuste, etc. et de fixer la dimension maximum de la base du feu à un (1) mètre cube. Si la base du feu excède un (1) mètre cube, un permis serait requis.

Si ces distances minimums ne peuvent pas être respectées, les feux extérieurs seraient autorisés uniquement dans un foyer extérieur en métal ou en maçonnerie (brique, pierre, béton, etc.) et une distance minimum de deux (2) mètres serait applicable entre le foyer extérieur et une ligne de propriété, un bâtiment, une structure et un arbre présents sur le terrain.

De plus, il est suggéré d'abroger les dispositions du règlement qui stipulent que les normes ne s'appliquent pas si le feu à ciel ouvert est utilisé pour des fins de cuisson et celles qui réfèrent au conteneur de métal de 204 litres recouvert d'une grille métallique. Il n'y a pas lieu de créer des vides à l'application des normes du règlement. Un feu extérieur demeure un feu extérieur que la base du feu soit recouverte d'une grille métallique ou qu'il soit utilisé pour la cuisson ou non.

COMMENTAIRES DE LA DIRECTION GÉNÉRALE

Il faut garder en mémoire que le Canton ne compte que sur un seul Officier à la réglementation pour assurer l'application des règlements sur un territoire qui s'étend sur 380 kilomètres carrés avec sept (7) collectivités, près de 9,000 habitants et près de 300 kilomètres de route.

La Direction générale est d'avis qu'un règlement sur les feux en plein air qui prévoit l'émission d'un permis, le paiement d'un frais et des inspections, que ce soit par les pompiers volontaires ou par l'Officier à la réglementation, ne sera pas efficace et nécessitera beaucoup trop de temps/personnes au niveau administratif.

La Direction générale est d'avis que la municipalité devrait concentrer ses efforts à contrôler les aspects suivants: 1. la fumée dégagée par le feu; 2. la liste des matières interdites; 3. les dimensions de la base du feu incluant la hauteur de la flamme; 4. la localisation de la base du feu sur une propriété (distance par rapport aux propriétés voisines et par rapport au bâtiment principal, aux structures accessoires, aux arbres,

aux clôtures, etc.; 5. les alternatives au feu en plein air (foyer extérieur); et 6. les normes applicables aux foyers extérieurs.

Les permis de feu sont accordés aux agriculteurs pour brûler des broussailles, la dimension de la base du feu est habituellement supérieure à un (1) mètre cube et l'Officier de la réglementation peut dicter d'autres conditions sur le permis.

Partout ailleurs, les feux extérieurs devraient être autorisés sans permis et limités à une dimension maximum d'un (1) mètre cube, qu'ils soient utilisés ou non à des fins de cuisson.

Un feu extérieur qui excède les dimensions prescrites au règlement ne devient pas soudainement acceptable parce qu'il est recouvert d'une grille et qu'il est utilisé à des fins de cuisson ou qu'il est situé dans un conteneur de métal de 204 litres ou moins et recouvert d'une grille de métal.

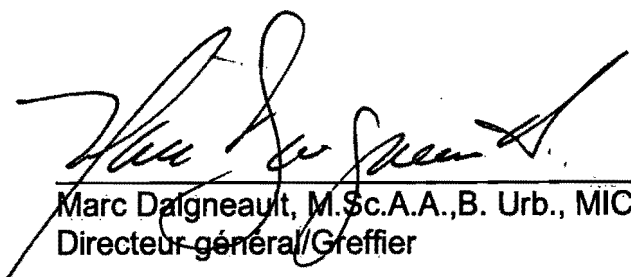
Les intentions derrière ce projet de règlement consistent à permettre les feux en plein air d'une dimension raisonnable partout sur le territoire du Canton et d'offrir une alternative (les foyers extérieurs) lorsque les normes de localisation d'un feu en plein air ne peuvent pas être respectées parce que le terrain s'avère trop petit.

Les normes d'implantation pour un feu en plein air ont été établies afin d'assurer le maximum de protection contre la propagation des feux et dans le but volontaire d'encourager les propriétaires à se pourvoir d'un foyer extérieur muni d'une grille anti-étincelles.

RECOMMANDATION DE LA DIRECTION GÉNÉRALE

La Direction générale a préparé un projet de règlement, Règlement 2010-86 qui remplace le Règlement 2005-68, tel que modifié par le Règlement 2006-34, dans le but de déterminer les normes applicables aux feux en plein air ou les foyers extérieurs sur l'ensemble du territoire du Canton pour adoption par le Conseil.

La Direction générale recommande au Conseil d'adopter le Règlement 2010-86 et d'abroger les Règlements 2005-68 et 2006-34.



Marc Daigneault, M.Sc.A.A., B. Urb., MICU
Directeur général/Greffier

THE CORPORATION OF THE TOWNSHIP OF ALFRED AND PLANTAGENET

By-Law Number 2010-86

BEING A FIRE PREVENTION AND FIRE SAFETY BY-LAW

**BEING A BY-LAW of the Corporation of the Township of Alfred and Plantagenet
respecting the setting of fires in the open air.**

WHEREAS section 7.1(1) of the *Fire Protection Act* provides that the council of a municipality may pass by-laws for regulating fire prevention, including the spreading of fires, for regulating the setting of open air fires, including establishing the times during which open air fires may be set and for designating private roads as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle left parked or left along any of the fire routes at the expense of the owner of the vehicle;

AND WHEREAS, a Municipality may pass by-laws imposing fees and charges for services or activities provided by or on behalf of it, pursuant to Section 392 of the *Municipal Act, 2001*;

AND WHEREAS, the Corporation of the Township of Alfred and Plantagenet deems it desirable to do so;

THEREFORE the Council of the Corporation of the Township of Alfred and Plantagenet enacts as follows:

1. SHORT TITLE

This by-law may be cited as the "Fire Prevention and Fire Safety By-Law".

2. DEFINITIONS

In this by-law:

"Owner" shall mean the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge whom occupies the property;

"Corporation" shall mean the Corporation of the Township of Alfred and Plantagenet;

"Municipal Law Enforcement Officer" shall mean the Municipal Law Enforcement Officer appointed by the Council of the Corporation of the Township of Alfred and Plantagenet responsible for the enforcement of the municipal by-laws;

"Permit Holder" shall mean the person to whom a permit was issued and whom is responsible to comply with the Act and this by-law;

"Director of the Fire Department" shall mean the Director of the Fire Department appointed by the Council of the Corporation of the Township of Alfred and Plantagenet, his or her representatives, assistants or authorized subordinates;

"Fire Department" shall mean the Fire Department of the Corporation of the Township of Alfred and Plantagenet;

"Open air fire base" shall mean the area or the surface on the ground which is used to contains the materials to burn. The open air fire base may be determined by a pit dug in the ground or may be defined by a metal, rock, stone or brick edge or any non-combustible material;

"Open air fire" shall mean a campfire, an incinerator, an outdoor fireplace, a burn drum and a construction site fire;

"Outdoor fireplace" shall mean a manufactured, non-burnable, enclosed container designed to hold a small fire for decorative purposes, which does not exceed one cubic meter in size and includes, but is not limited, to a chimney, and must be equipped with a spark arrester.

3. GENERAL REQUIREMENTS

- a) No person shall, unless otherwise authorized by the provisions of this by-law or any other by-law of the Corporation, set, or permit to be set, a fire in the open air without first obtaining an open air fire permit in compliance with this by-law;
- b) No open air fire shall be permitted when a smog alert or a drought notice has been issued for the forecast area which includes the Township;
- c) If the dimensions of the open air fire base is larger than one (1) square meter and the volume of the base combined with the height of the flames is bigger than one (1) cubic meter, the owner shall file an application for an open air fire permit by completing the prescribed form with the Municipal Law Enforcement Officer and pay the required fees;
- d) No person shall be deemed to have been issued an open air permit unless the Municipal Law Enforcement Officer has issued such a permit. Filing an application for an open air fire permit does not constitute a permit;
- e) No person shall give false information or make a false declaration for the purposes of obtaining an open air fire permit;
- f) Where a fire permit is required, no person shall set, or permit to be set, a fire in the open air during the period starting one half hour before sunset and ending one half hour after sunrise;
- g) No person shall be allowed to ignite more than one (1) open air fire on a property, except on a camping site in compliance with the Zoning By-Law No 2009-50;
- h) No person shall burn or permit to be burn petroleum products, plastics, rubber, pressure treated wood, domestic waste or garbage, brushes, grass, weeds, leaves, evergreen needles, organic material, or any other material that may create a dense or excessive smoke or produce noxious or toxic fumes;
- i) Open air fires which require the issuance of a permit may be permitted during the whole year at the discretion of the Municipal Law Enforcement Officer after obtaining a permit;
- j) At the discretion of the Municipal Law Enforcement Officer or the Director of the Fire Department, the application for an open air fire permit may be granted, issued with conditions or refused;
- k) No open air fire permit shall be issued for any period of time exceeding ninety (90) days. No open air permit shall be issued during a drought period as declared by the Director of the Fire Department or the Municipal Law Enforcement Officer;
- l) Notwithstanding any other provisions of this by-law, following the issuance of an open air fire permit, if upon an inspection the Municipal Law Enforcement Officer or the Director of the Fire Department deems that the open air fire poses a danger to the health or safety of any person or property, the Municipal Law Enforcement Officer or Director of the Fire Department may revoke or postpone the open air fire permit and order that the open air fire be extinguished;
- m) Notwithstanding any other provisions of this by-law, if the Municipal Law Enforcement Officer or the Director of the Fire Department deems that an open air fire poses a danger to the health or safety of any person or property because of its size, its location on the property or the materials used to feed the open air fire, the Municipal Law Enforcement Officer or Director of the Fire Department may order that the open air fire be extinguished;
- n) The dimensions of the open air fire for which a permit was issued must be contained at all time in order for the permit holder to extinguish the fire immediately if it is deemed necessary to do so due to a change in the weather conditions or following an order issued by the Municipal Law Enforcement Officer or the Director of the Fire Department;

- o) The permit holder shall:
 - Upon demand produce the fire permit;
 - comply with any conditions on the fire permit and only burn material authorized on the fire permit;
 - supervise the fire continuously from ignition until completely extinguished;
 - agree to extinguish the fire when an order is issued to that effect by the Municipal Law Enforcement Officer or the Director of the Fire Department;
 - Keep at hand or in close proximity all the necessary equipment and tools required to extinguish the fire (shovel, rake, fire extinguisher, garden hose, backhoe, etc.);
- p) No permit for an open air fire is required if the dimensions of the open air fire base is less than one (1) square meter and the volume of the base combined with the height of the flames is less than one (1) cubic meter;
- q) An open air fire must be used to burn only dry firewood;
- r) An open air fire shall be authorized only in the rear yard of a property;
- s) No open air fire shall be permitted in the front yard or in the side yards of a property, as defined in the Township of Alfred and Plantagenet Zoning By-Law No. 2009-50, as amended from time to time;
- t) The base of the open air fire which contains the material to burn shall be located at a minimum distance of five (5) meters (16 feet) from any part of a main building, any part of an accessory building or structure, any rear or side lot line or property limit, any tree, any hedge, any fence, any overhead wiring, and any combustible material;
- u) If the open air fire base cannot be located in the rear yard of a property in compliance with the minimum distances prescribed in this by-law, then the open air fire shall be contained within an outdoor fireplace with a maximum dimension of one (1) cubic meter;
- v) The outdoor fireplace shall be located in the rear yard of the property at a minimum distance of two (2) meters (6 feet) from any part of a main building, any part of an accessory building or structure, any rear or side property lot line, any tree, any hedge, any fence, any overhead wiring, and any combustible material;
- w) The outdoor fireplace must be located on a non-burnable surface (e.g.: brick, stone, concrete, etc.) covering an area on the ground extending beyond the outdoor fireplace height and must be used to burn only dry firewood;
- x) The authorization granted to ignite an open air fire, as set out in this by-law, does not relieve an owner, a permit holder or any other person from their obligation to comply with the *Environmental Protection Act of Ontario*. While burning, it is the owner, the permit holder or any other person igniting an open air fire to ensure that smoke does not interfere with the ability of the neighbors to enjoy their properties or conduct their business without disruption. The owner, the permit holder or any other person igniting an open air fire are required to watch where the smoke travels and not to burn when there are foggy or windy conditions that would carry the smoke in a direction that will disrupt adjacent properties or roadways.

4. ADMINISTRATION AND ENFORCEMENT

- a) No person shall obstruct, hinder or interfere with the Municipal Law Enforcement Officer or the Director of the Fire Department in the lawful performance of their duties.
- b) The provisions of this By-Law shall be enforced by the Municipal Law Enforcement Officer.

- c) The Municipal Law Enforcement Officer is hereby authorized to:
- issue open air fire permits as provided in this by-law;
 - sign all open air fire permits on behalf of the Corporation;
 - limit the duration of the open air fire permit and the materials allowed to be burned;
 - impose any other conditions to the open air fire permit deemed required and necessary for safety reasons.
- d) The Municipal Law Enforcement Officer or the Director of the Fire Department may:
- demand the fire permit for inspection from any permit holder;
 - inspect any premises for which a fire permit has been issued;
 - enter at all reasonable times upon any property in order to ascertain whether the provisions of this by-law are obeyed and to enforce or carry into effect this by-law;
 - undertake any technical investigation or inspection for the purposes of administering this by-law.

5. INFRACTIONS

- a) If any person or permit holder contravenes any provisions of this by-law, the Fire Department may enter upon any lands to extinguish the open air fire;
- b) Where the Fire Department is called upon to intervene to extinguish an open air fire, the owner shall pay the costs for the intervention by the Fire Department, as set out in Schedule "A" of this By-Law;
- c) Where the owner fails or refuses to pay the call for the Fire Department intervention, such fee and all costs incurred by the Township shall be added to the collector's roll of taxes for the current year and shall be collected in like manner and with the same remedies as municipal taxes;
- d) Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction thereof shall forfeit, and pay a penalty for each such offence and every such penalty shall be recoverable under the Provincial Offences Act, R.S.O. 1990, chapter P.33 and amendments thereto;
- e) When a person has been convicted of an offence under this by-law 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 any act or thing by the person convicted directed toward the continuation or repetition of the offence.

6. INDEMNIFICATION

The owner, a permit holder and any person igniting an open air fire shall indemnify and save harmless the Corporation from any and all claims, demands, causes of action, losses, costs or damages the Corporation may suffer, incur or be liable for resulting from the open air fire as set out in this by-law whether with or without negligence on the part of the owner, the permit holder or any person igniting an open air fire, their employees, directors, contractors or agents.

7. ADMINISTRATION

The requirements of this by-law are severable. If any requirements of this by-law are held invalid, the application of such requirements to other circumstances and the remainder of this by-law shall not be affected.

This by-law is not to be construed at any time in such a fashion as to hold the Corporation or its officers liable for failing to ensure that persons comply with the provisions of this by-law.

This by-law shall come into force and take effect on the date of its adoption by the Municipal Council.

That By-laws No. 2005-68 and No. 2006-34 are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 7th DAY OF SEPTEMBER, 2010.

Jean-Yves Lalonde, Mayor

Marc Daigneault, Clerk



**CITY OF CORNWALL PROTECTIVE SERVICES - FIRE DIVISION
OPEN AIR BURN PERMIT
BY-LAW 2009-150**

Name of Applicant _____ Phone # _____

Address _____ Postal Code _____

Owner of Property: Yes ☐ No ☐ Applicant is 18 years of age or older ☐

Signature of owner if granting permission _____

Location of open burn if different from above _____

Type of Extinguishments on location: Class "A" Extinguisher ☐ Garden Hose ☐

Appliance Information: Type of Appliance: Chimenea ☐ Fire Bowl ☐

Outdoor Fireplace ☐ Other (please specify): _____

Installed by _____

The applicant agrees to comply with the provisions of By-Law 2009-150 and agrees to assume all responsibility for any damages occurring from the fire for which this permit is issued.

**Permit valid for three (3) years from date of issue.
Payment of \$100 due upon issue of permit.**

Date of issue _____

Signature of Applicant

Fire Prevention Officer

THE CORPORATION OF THE CITY OF CORNWALL

By-law # 2009-150

A By-law to regulate Open Air Burning permits for residential approved solid fuel burning appliances and to repeal By-law 179-204 and By-law 086-2007

WHEREAS the Municipal Act, 2001, c.25, Part III, Section 130 authorizes the municipality to regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety and well-being of the inhabitants of the municipality; and

WHEREAS Section 7.1(1) of the Fire Protection and Prevention Act, R. S.O.1997, c.4, as amended provides that a council of a municipality may pass by-laws regulating fire prevention, including the prevention of spreading fire; and

WHEREAS Section 2.6.3.4. of the Ontario Fire Code states "Open air burning shall not be permitted unless approved, or unless such burning consists of a small, confined 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 CITY OF CORNWALL ENACTS AS FOLLOWS:

DEFINITIONS

For the purpose of this By-law:

"Appliance" means a device which contains wood for an open air burn

"Approved" means approved by the Chief Fire Official or his designate.

"Chief Fire Official" means the person having jurisdiction with the application of this by-law.

"Designate" person acting on behalf of the Chief Fire Official.

"Garden Hose" means a type of flexible tube used to carry water under pressure from a source of supply to a point where it is discharged.

"Open air burning" is any fire set outside, other than on a small confined grill, while being used to cook food.

"Residential" means single family dwelling.

1. ADMINISTRATION

The Chief Fire Official or his designate shall be responsible for the administration and enforcement of this By-law.

2. PROHIBITION-OPEN AIR BURNING

Campfires, incinerators, outdoor fireplaces, burn drums and construction site fires are examples of open air burning and are not permitted.

No person shall conduct, or permit to be conducted, an open air burning within the boundaries of the city of Cornwall unless:

- (a) permission has been given by the Chief Fire Official or his designate hereunder; and
- (b) that person complies with all applicable regulations specified in this By-law;

3. ENVIRONMENT

(a) No Open Air Burning shall be permitted when a Smog Alert has been issued for the forecast region of Stormont, which includes the City of Cornwall.

(b) At certain times of the year and as conditions warrant, the Chief Fire Official may issue a complete ban on open air burning. When a ban is issued, all open air burning is prohibited.

4. RESTRICTIONS

(a) Only clean cured wood is to be used for burning. The following are examples of items that should not be burned in an appliance: green wood, painted wood, construction material, garbage, cardboard or recyclable material.

(b) Open air burning shall meet a number of conditions. Regulations for open air burning shall meet all of the following. The fire must be:

- 1. small; the dimensions of the wood being burned shall not be greater than the size of the open burning approved appliance and shall be totally confined;
- 2. supervised at all times by persons eighteen (18) years of age or older; and
- 3. fire to be extinguished when there is no supervision.

Fire extinguishment equipment readily available and accessible: garden hose

5. EXEMPTIONS

Ontario Fire Code

Open-air burning

2.6.3.4. (1) Open-air burning shall not be permitted unless approved, or unless such burning consists of a small, confined fire, supervised at all times, and used to cook food on a grill or a barbecue

(2) Sentence (1) does not apply to an appliance that is in conformance with the *Technical Standards and Safety Act 2000*, is for outdoor use and is installed in accordance with the manufacturer's instructions.

6. APPLICATION FOR AN OPEN AIR FIRE PERMIT

(a) Any person eighteen (18) years of age or older may make a written application for an open air burn permit to the Chief Fire Official or his designate prior to the proposed date of the first scheduled open air burn.

(b) The application shall include:

1. the name, address and phone number of the applicant;
2. the owner's written consent to the open air burn, if the applicant is not the owner of the property;
3. the municipal address of the location of the proposed open air burn if it differs from the address of the applicant;
4. type of appliance: chiminea, fire bowl, outdoor fireplace or other (please specify);
5. type of extinguishment on location: garden hose;
6. The permit holder must notify the Chief Fire Official or his designate should his appliance be replaced, altered for any reason or relocated from approved location.
7. such other information as may be required by the Chief Fire Official or his designate.

(c) Fee

The fee for open air burn permit is for three (3) years valid from the date of Issue. The cost will be determined as outlined with the Corporation of the City of Cornwall's "Services Subject to Fees and Charges".

7. CONDITIONS FOR PERMIT ISSUANCE

(a) No permit holder shall undertake to set or maintain any open air burn except in accordance with the conditions of the permit.

(b) The permit holder shall comply at all times with the Fire Protection and Prevention Act, and with all other applicable municipal by-laws and provincial and federal laws.

(c) Keep your fire on a non-combustible surface a minimum twenty (20) feet (6 meters) from structures and or property line. The minimum distance can also be at the discretion of the Chief Fire Official or his designate.

(d) A permit issued under this section is valid on the date of issue and for the balance of the calendar year in which the permit is issued.

(e) No holder of a permit issued under this By-law shall set or maintain an open air burn unless the permit holder,

1. ensures that a person eighteen (18) 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;

2. produces his or her permit upon being so directed by the Chief Fire Official or his designate;

3. immediately extinguishes the fire upon being so ordered by the Chief Fire Official or his designate;

4. has equipment capable of extinguishing the fire such as rakes, shovels, or garden hose immediately available for use at the site of the open air burn.

(f) A permit for an open air burn issued under this By-law is not transferable.

8. REGULATIONS FOR THE SETTING OF OPEN AIR BURN

The following are the dates and times during which open air burns shall be set:

- from April 1 to October 31
- from sunset to midnight

9. SAFETY PRECAUTIONS TO OPEN AIR BURNING

Keep it Safe

Regardless of the type of open air fire you are having, always use caution.

- **NEVER** use flammable liquids, such as gasoline, to start your fire.

- Remove all vegetation and other material that could spread the fire.
- Maintain close supervision of children and pets.
- Be familiar with equipment to extinguish the fire such as rakes, shovels or garden hose immediately available for use at the site of the open air burn.
- Pay attention to wind conditions and potential spark hazards.

Be a Good Neighbour

Obtaining authorization to have an open air burn does not relieve an owner from their obligation to comply with the Environmental Protection Act of Ontario. While burning, it is your obligation to ensure that smoke does not interfere with the ability of your neighbours to enjoy their properties or conduct their business without disruption. Watch where your smoke travels and do not burn when there are, foggy conditions or wind that will carry your smoke in a direction that will disrupt adjacent roadways or properties.

10. INDEMNIFICATION

The applicant shall indemnify and save harmless the City of Cornwall from any and all claims, demands, causes of action, losses, costs or damages that the City of Cornwall may suffer, incur or be liable for resulting from the open air burn 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.

11. COMPLAINTS

A fire will be extinguished if a permit holder is found not to be in compliance with this By-law, including the provisions for being a good neighbour, following a complaint received by the Cornwall Fire Service. In addition, the permit will be suspended until such time as a follow up inspection has been completed and all issues have been addressed.

12. SHORT TITLE

This By-law shall be known as the Open Air Burning By-law.

13. OFFENCE AND ENFORCEMENT

- (1) A person is guilty of an offence if the person:
 - (a) furnishes false information in the application for a permit under this By-law;
 - (b) contravenes any provision of the By-law; or
 - (c) contravenes an order issued by the Chief Fire Official or his designate

(2) A permit issued under this By-law may be revoked by the Chief Fire Official or his designate as follows:

(a) a dangerous conditions exists in or near the site of the open air burn;

(b) if the permit holder fails to comply with the requirements of the permit and any other provisions of this By-law

(3) Persons violating the Ontario Fire Code may be prosecuted under the Fire Protection and Prevention Act. Conviction may result in a fine up to \$50,000 or imprisonment for a term of not more than one year, or both.

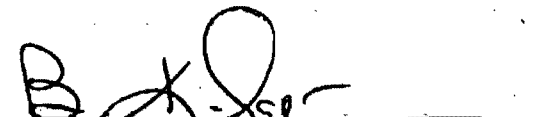
(4) In addition, persons who conduct or permit open air burning in contravention of this By-law may be subject to full cost recovery measures including the cost of Fire department vehicles, equipment and staff.

This By-law to take effect on January 1, 2010. All open air burn permits issued in 2007, 2008 and 2009 will be grandfathered until their expiry date.

That By-law 134-1966 amended By-law 086-2007 be hereby repealed and any other By-law inconsistent with this By-law.

Read a First, Second and Third Time, Signed and Sealed in Open Council this 14th day of September 2009.


DENISE LABELLE-GELINAS
CITY CLERK


BOB KILGER
MAYOR



OPEN AIR SOLID FUEL BURNING APPLIANCE PERMIT

INFORMATION

BY-LAW – 2009-150

1. Any citizen eighteen (18) years of age or older in the City of Cornwall may apply for a permit to conduct open burning in an open air solid fuel burning appliance.
2. A copy of by-law 2009-150 and the application form can be picked up at the Cornwall Protective Services Administration Office during normal business hours (08:30 am - 12:00 pm, 1:00 pm - 4:30 pm, Monday to Friday) or on-line at the City of Cornwall's website.
3. Applicants must first carefully read and understand by-law 2009-150 before submitting an application.
4. The application form must be fully completed and legible.
5. The open air solid fuel burning appliance must be installed in accordance with by-law 2009-150.
6. The completed application form must be submitted to the Cornwall Protective Services Administration Office during normal business hours as stated in number 2.
7. A Fire Prevention Officer will then conduct an inspection of the open air solid fuel burning appliance installation to ensure compliance with by-law 2009-150.
8. If the property is inaccessible and the applicant's presence is required, notification must be made on the application.
9. The application will be processed once the inspection is completed and the Fire Prevention Officer has determined the appliance is in compliance.
10. If the applicant is present at the time of the inspection, he or she will be advised in person whether the installation has been approved. Otherwise the applicant will be contacted by telephone following the inspection.

11. Permits may be picked up on the next business day at the Cornwall Protective Services Administration Office during normal business hours stated in number 2.
12. The cost of the open air solid fuel burning appliance permit is \$100.00 dollars, payable at the time of issue. Payment may be made by either cash or cheque, (cheque made payable to Cornwall Fire Service).
13. Permits are valid for three (3) years from the date of issue.

CORPORATION DU CANTON D'ALFRED ET PLANTAGENET

NOTE DE SERVICE

DESTINATAIRES : Martin Guindon, Officier à la réglementation
Guylaine Poirier, Administratrice du zonage
Dominic Côté, Directeur du Service des incendies
Roch Hébert, Surintendant au Service des Travaux publics

EXPÉDITEUR : Marc Daigneault, Directeur général / Greffier

DATE : 3 août, 2010

OBJET : **Projet de règlement sur les feux en plein air**

Veillez trouver ci-joint le projet de règlement sur les feux en plein air.

J'apprécierais obtenir vos commentaires avant le vendredi 13 août prochain.

Si vous souhaitez obtenir des précisions, n'hésitez pas à communiquer avec moi.

Sincèrement,

Marc Daigneault

A handwritten signature in black ink, consisting of a large, loopy 'D' followed by a stylized 'A' and a horizontal stroke, all enclosed within a large, irregular oval shape.

RÈGLEMENT 2010-

RÈGLEMENT SUR LA PROTECTION ET LA PRÉVENTION DES INCENDIES

ÉTANT UN RÈGLEMENT de la Corporation du Canton d'Alfred et Plantagenet concernant les feux en plein air.

ATTENDU QUE le paragraphe 7.1(1), de la *Loi de 1997 sur la prévention et la protection contre l'incendie*, autorise le conseil à adopter des règlements pour établir le temps et les heures durant lesquelles la municipalité ou une partie de la municipalité peut allumer des feux en plein air, ainsi que les précautions qui doivent être observées par les personnes qui allument les feux; pour réglementer l'allumage de feux en plein air, y compris fixer les moments où ils peuvent être allumés et pour désigner des chemins privés comme voies réservées aux pompiers où le stationnement est interdit et prévoir le remorquage et la mise en fourrière, aux frais de leur propriétaire, des véhicules qui y sont stationnés ou laissés.

ATTENDU QUE la municipalité peut adopter des règlements pour établir les frais de service, selon l'article 392 de la *Loi de 2001 sur les municipalités*, et

ATTENDU QUE la Corporation du Canton d'Alfred et Plantagenet le juge désirable;

PAR CONSÉQUENT, le conseil de la Corporation du Canton d'Alfred et Plantagenet promulgue ce qui suit:

1. TITRE ABRÉGÉ

Ce règlement peut être appelé "Règlement sur la protection et la prévention des incendies".

2. DÉFINITIONS

Dans ce règlement:

"Propriétaire" signifie le propriétaire en titre, ce qui inclut un preneur à bail, un détenteur d'hypothèque en possession, et toute autre personne responsable qui occupe la propriété;

"Corporation" signifie la Corporation du Canton d'Alfred et Plantagenet;

BY-LAW 2010-

BEING A FIRE PREVENTION AND FIRE SAFETY BY-LAW

BEING A BY-LAW of the Corporation of the Township of Alfred and Plantagenet respecting the setting of fires in the open air.

WHEREAS section 7.1(1) of the *Fire Protection Act* provides that the council of a municipality may pass by-laws for regulating fire prevention, including the spreading of fires, for regulating the setting of open air fires, including establishing the times during which open air fires may be set and for designating private roads as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle left parked or left along any of the fire routes at the expense of the owner of the vehicle;

AND WHEREAS, a Municipality may pass by-laws imposing fees and charges for services or activities provided by or on behalf of it, pursuant to Section 392 of the *Municipal Act, 2001*;

AND WHEREAS, the Corporation of the Township of Alfred and Plantagenet deems it desirable to do so;

THEREFORE the Council of the Corporation of the Township of Alfred and Plantagenet enacts as follows:

1. SHORT TITLE

This by-law may be cited as the "Fire Prevention and Fire Safety By-Law".

2. DEFINITIONS

In this by-law:

"Owner" shall mean the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge whom occupies the property;

"Corporation" shall mean the Corporation of the Township of Alfred and Plantagenet;

"Officier municipal à la réglementation" signifie l'Officier municipal à la réglementation nommé par le Conseil de la Corporation du Canton d'Alfred et Plantagenet et chargé de l'application des règlements municipaux; "détenteur de permis" signifie la personne à laquelle le permis a été émis et qui est responsable de se conformer à la Loi et au présent règlement; "Directeur du Service des incendies" signifie le Directeur du Service des incendies nommé par le Conseil de la Corporation du Canton d'Alfred et Plantagenet ou ses représentants, ses assistants ou subordonnés autorisés; "Service des incendies" signifie le Service des incendies de la Corporation du Canton d'Alfred et Plantagenet; "base du feu en plein air" signifie l'aire ou la surface au sol utilisée pour contenir les matières à brûler. La base du feu en plein air peut être creusée à même le sol ou être délimitée par une enceinte en métal, en pierre, en roche, en brique ou tout autre matériau incombustible; "foyer extérieur" signifie un conteneur manufacturé, incombustible et fermé conçu pour contenir un petit feu à des fins décoratives dont les dimensions ne dépassent pas un (1) mètre cube et qui peut être équipé, entre autre, d'une cheminée et doit être muni d'un pare-étincelles.	"Municipal Law Enforcement Officer" shall mean the Municipal Law Enforcement Officer appointed by the Council of the Corporation of the Township of Alfred and Plantagenet responsible for the enforcement of the municipal by-laws; "Permit Holder" shall mean the person to whom a permit was issued and whom is responsible to comply with the Act and this by-law; "Director of the Fire Department" shall mean the Director of the Fire Department appointed by the Council of the Corporation of the Township of Alfred and Plantagenet, his or her representatives, assistants or authorized subordinates; "Fire Department" shall mean the Fire Department of the Corporation of the Township of Alfred and Plantagenet; "Open air fire base" shall mean the area or the surface on the ground which is used to contains the materials to burn. The open air fire base may be determined by a pit dug in the ground or may be defined by a metal, rock, stone or brick edge or any non-combustible material; "Outdoor fireplace" shall mean a manufactured, non-burnable, enclosed container designed to hold a small fire for decorative purposes, which does not exceed one cubic meter in size and includes, but is not limited, to a chimney, and must be equipped with a spark arrester.
3. DISPOSITIONS GÉNÉRALES a) Nul ne doit, à moins d'obtenir une autorisation selon les dispositions du présent règlement ou de tout autre règlement de la Corporation, allumer ou permettre qu'un feu en plein air soit allumé sans, au préalable, avoir obtenu un permis de feu en plein air conformément aux dispositions du présent règlement. b) Si la dimension de la base du feu en plein air est supérieure à un (1) mètre carré et que le volume de la base combiné à la hauteur des flammes est supérieure à un (1) mètre cube, le propriétaire doit soumettre une demande de permis de feu en plein air en utilisant le formulaire prescrit à cette fin auprès de l'Officier municipal à la réglementation et acquitter les frais requis. c) À moins que l'Officier municipal à la réglementation ait émis un permis de feu en	3. GENERAL REQUIREMENTS a) No person shall, unless otherwise authorized by the provisions of this by-law or any other by-law of the Corporation, set, or permit to be set, a fire in the open air without first obtaining an open air fire permit in compliance with this by-law. b) If the dimensions of the open air fire base is larger than one (1) square meter and the volume of the base combined with the height of the flames is bigger than one (1) cubic meter, the owner shall file an application for an open air fire permit by completing the prescribed form with the Municipal Law Enforcement Officer and pay the required fees. c) No person shall be deemed to have been issued an open air permit unless the Municipal Law

plein air, aucune personne ne peut prétendre détenir un tel permis. La soumission d'une demande de permis de feu en plein air ne constitue pas un permis.	Enforcement Officer has issued such a permit. Filing an application for an open air fire permit does not constitute a permit.
d) Aucune personne ne doit fournir des informations erronées ou faire de fausses déclarations dans le but d'obtenir un permis de feu en plein air.	d) No person shall give false information or make a false declaration for the purposes of obtaining an open air fire permit.
e) Lorsqu'un permis est requis, personne ne doit allumer un feu en plein air ou permettre qu'un feu en plein air soit allumé durant la période qui débute une demi-heure avant le coucher du soleil et qui se termine une demi-heure après le levée du soleil.	e) Where a fire permit is required, no person shall set, or permit to be set, a fire in the open air during the period starting one half hour before sunset and ending one half hour after sunrise.
f) Aucune personne ne doit brûler ou permettre que soient brûlés des produits pétroliers, du plastique, du caoutchouc, du bois traité sous pression, des ordures ou des déchets domestiques, des broussailles, de l'herbe, du gazon, des feuilles, des épines de conifère, des matières végétales ou toute autre matière qui pourraient occasionner une fumée dense, un excès de fumée ou des émanations nocives ou toxiques.	f) No person shall burn or permit to be burn petroleum products, plastics, rubber, pressure treated wood, domestic waste or garbage, brushes, grass, weeds, leaves, evergreen needles, organic material, or any other material that may create a dense or excessive smoke or produce noxious or toxic fumes.
g) Les feux en plein air qui requièrent l'émission d'un permis peuvent être autorisés durant toute l'année à la discrétion de l'Officier municipal à la réglementation suite à l'obtention d'un permis.	g) Open air fires which require the issuance of a permit may be permitted during the whole year at the discretion of the Municipal Law Enforcement Officer after obtaining a permit.
h) À la discrétion de l'Officier municipal à la réglementation ou du Directeur du Service des incendies, une demande de permis de feu en plein air peut être approuvée, assortie de conditions ou refusée.	h) At the discretion of the Municipal Law Enforcement Officer or the Director of the Fire Department, the application for an open air fire permit may be granted, issued with conditions or refused.
i) Aucun permis de feu en plein air ne sera émis pour une période de plus de quatre-vingt-dix (90) jours. Aucun permis de feu en plein air ne sera émis durant une période de sécheresse, telle que déclarée par le Directeur du Service des incendies ou par l'Officier municipal à la réglementation.	i) No open air fire permit shall be issued for any period of time exceeding ninety (90) days. No open air permit shall be issued during a drought period as declared by the Director of the Fire Department or the Municipal Law Enforcement Officer.
j) Nonobstant toute autre disposition du présent règlement, suite à l'émission d'un permis de feu en plein air, si à l'occasion d'une inspection l'Officier municipal à la réglementation ou le Directeur du Service des incendies juge que le feu en plein air présente un danger envers la sécurité ou la santé de toute personne ou propriété, l'Officier municipal à la réglementation ou le Directeur du Service des incendies peut	j) Notwithstanding any other provisions of this by-law, following the issuance of an open air fire permit, if upon an inspection the Municipal Law Enforcement Officer or the Director of the Fire Department deems that the open air fire poses a danger to the health or safety of any person or property, the Municipal Law Enforcement Officer or Director of the Fire Department may revoke or postpone the open air fire permit and order that the open air fire

annuler ou suspendre le permis de feu en plein air et ordonner que le feu soit éteint. k) Nonobstant toute autre disposition du présent règlement, si l'Officier municipal à la réglementation ou le Directeur du Service des incendies juge qu'un feu en plein air présente un danger envers la sécurité ou la santé de toute personne ou propriété en raison de ses dimensions, sa localisation sur la propriété ou des matières utilisées pour alimenter le feu, l'Officier municipal à la réglementation ou le Directeur du Service des incendies peut ordonner que le feu en plein air soit éteint. l) Les dimensions du feu de plein air pour lequel un permis a été émis doivent être contrôlées en tout temps afin de permettre au détenteur du permis d'éteindre le feu immédiatement s'il s'avère nécessaire de le faire en raison des conditions atmosphériques ou suite à une ordonnance émise par l'Officier municipal à la réglementation ou le Directeur du Service des incendies. m) Le détenteur du permis doit: - sur demande, être en mesure de présenter le permis de feu; - se conformer aux conditions indiquées sur le permis de feu et brûler uniquement les matières autorisées sur le permis; - superviser le feu continuellement, à compter du moment où il est allumé jusqu'à ce qu'il soit complètement éteint; - accepter d'éteindre le feu lors d'une ordonnance émise à cette fin par l'Officier municipal à la réglementation ou le Directeur du Service des incendies; - garder à la main ou à proximité tous les équipements ou les outils nécessaires pour éteindre le feu (pelle, râteau, extincteur, boyau d'arrosage, excavatrice, etc). n) Aucun permis pour un feu en plein air n'est requis si la dimension de la base du feu en plein air est inférieure à un (1) mètre carré et que le volume de la base combiné à la hauteur des flammes est inférieure à un (1) mètre cube. o) Un feu en plein air doit servir à faire brûler uniquement du bois de chauffage sec; p) Un feu en plein air est autorisé uniquement dans la cour arrière d'une propriété.	be extinguished. k) Notwithstanding any other provisions of this by-law, if the Municipal Law Enforcement Officer or the Director of the Fire Department deems that an open air fire poses a danger to the health or safety of any person or property because of its size, its location on the property or the materials used to feed the open air fire, the Municipal Law Enforcement Officer or Director of the Fire Department may order that the open air fire be extinguished. l) The dimensions of the open air fire for which a permit was issued must be contained at all time in order for the permit holder to extinguish the fire immediately if it is deemed necessary to do so due to a change in the weather conditions or following an order issued by the Municipal Law Enforcement Officer or the Director of the Fire Department. m) The permit holder shall: - Upon demand produce the fire permit; - comply with any conditions on the fire permit and only burn material authorized on the fire permit; - supervise the fire continuously from ignition until completely extinguished; - agree to extinguish the fire when an order is issued to that effect by the Municipal Law Enforcement Officer or the Director of the Fire Department; - Keep at hand or in close proximity all the necessary equipment and tools required to extinguish the fire (shovel, rake, fire extinguisher, garden hose, backhoe, etc.). n) No permit for an open air fire is required if the dimensions of the open air fire base is less than one (1) square meter and the volume of the base combined with the height of the flames is less than one (1) cubic meter. o) An open air fire must be used to burn only dry firewood; p) An open air fire shall be authorized only in the rear yard of a property.
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q) Aucun feu en plein air n'est autorisé dans la cour avant ou dans les cours latérales d'une propriété, telles que définies au Règlement de zonage N0. 2009-50. r) La base du feu en plein air qui contient les matières à brûler doit être située à une distance minimum de cinq (5) mètres (16 pieds) de toute partie d'un bâtiment principal, de toute partie d'un bâtiment ou d'une structure accessoire, de toute limite ou ligne arrière ou latérale d'une propriété, d'un arbre, d'une haie, d'une clôture, de câbles aériens et de toute autre matière incombustible. s) Si la base du feu en plein air ne peut être localisée dans la cour arrière d'une propriété conformément aux distances minimum prescrites au présent règlement, alors le feu en plein air doit être contenu à l'intérieur d'un foyer extérieur d'une dimension maximum d'un (1) mètre cube. t) Le foyer extérieur doit être situé dans la cour arrière de la propriété à une distance minimum de deux (2) mètres (6 pieds) de toute partie d'un bâtiment principal, de toute partie d'un bâtiment ou d'une structure accessoire, de toute limite arrière ou latérale d'une propriété, d'un arbre, d'une haie, d'une clôture, de câbles aériens et de toute autre matière incombustible. u) Le foyer extérieur doit être placé sur une surface non combustible (exemple: briques, pierres, béton, etc.) dont la superficie au sol dépasse la hauteur du foyer extérieur et doit servir à faire brûler uniquement du bois de chauffage sec.	q) No open air fire shall be permitted in the front yard or in the side yards of a property, as defined in the Zoning By-Law No. 2009-50. r) The base of the open air fire which contains the material to burn shall be located at a minimum distance of five (5) meters (16 feet) from any part of a main building, any part of an accessory building or structure, any rear or side lot line or property limit, any tree, any hedge, any fence, any overhead wiring, and any combustible material. s) If the open air fire base cannot be located in the rear yard of a property in compliance with the minimum distances prescribed in this by-law, then the open air fire shall be contained within an outdoor fireplace with a maximum dimension of one (1) cubic meter. t) The outdoor fireplace shall be located in the rear yard of the property at a minimum distance of two (2) meters (6 feet) from any part of a main building, any part of an accessory building or structure, any rear or side property lot line, any tree, any hedge, any fence, any overhead wiring, and any combustible material. u) The outdoor fireplace must be located on a non-burnable surface (e.g.: brick, stone, concrete, etc.) covering an area on the ground extending beyond the outdoor fireplace height and must be used to burn only dry firewood.
4. ADMINISTRATION ET APPLICATION a) Aucune personne ne doit obstruer, entraver, ou interférer avec l'Officier municipal à la réglementation ou le Directeur du Service des incendies dans l'exercice de leurs fonctions. b) L'Officier municipal à la réglementation est chargé de l'application des dispositions du présent règlement. c) L'Officier municipal à la réglementation est, par la présente, autorisé à: - émettre des permis de feu en plein air selon les dispositions du présent règlement; - signer tous les permis de feu en plein air au nom de la Corporation;	4. ADMINISTRATION AND ENFORCEMENT a) No person shall obstruct, hinder or interfere with the Municipal Law Enforcement Officer or the Director of the Fire Department in the lawful performance of their duties. b) The provisions of this By-Law shall be enforced by the Municipal Law Enforcement Officer. c) The Municipal Law Enforcement Officer is hereby authorized to: - issue open air fire permits as provided in this by-law; - sign all open air fire permits on behalf of the Corporation;

- limiter la durée du permis de feu en plein air et les matériaux autorisés à brûler; - imposer toute autre condition au permis de feu en plein air jugée requise et nécessaire à des fins de sécurité. d) L'Officier municipal à la réglementation ou le Directeur du Service des incendies peut: - demander de vérifier le permis de feu de n'importe quel détenteur de permis; - inspecter les lieux pour lesquels un permis de feu a été émis; - entrer, en tout temps raisonnable, sur toute propriété afin de s'assurer que les dispositions du présent règlement sont respectées ou pour faire respecter les dispositions du présent règlement; - entamer toute enquête ou inspection pour fins de faire respecter le présent règlement.	- limit the duration of the open air fire permit and the materials allowed to be burned; - impose any other conditions to the open air fire permit deemed required and necessary for safety reasons. d) The Municipal Law Enforcement Officer or the Director of the Fire Department may: - demand the fire permit for inspection from any permit holder; - inspect any premises for which a fire permit has been issued; - enter at all reasonable times upon any property in order to ascertain whether the provisions of this by-law are obeyed and to enforce or carry into effect this by-law; - undertake any technical investigation or inspection for the purposes of administering this by-law.
5. INFRACTIONS	5. INFRACTIONS
a) Si une personne ou un détenteur de permis enfreint les dispositions de ce règlement, le Service des incendies peut entrer sur toute propriété pour y éteindre un feu en plein air. b) Lorsque le Service des incendies est appelé à intervenir pour éteindre un feu en plein air, le propriétaire devra acquitter les coûts pour l'intervention du Service des incendies, tels que prescrits à l'annexe "A" de ce règlement. c) Si le propriétaire omet ou refuse de payer les frais pour une intervention par le Service des incendies, ces coûts ainsi que toute autre dépense encourus par le Canton seront ajoutés au rôle d'imposition pour l'année courante et seront recouvrés de la même manière que les taxes foncières. d) Toute personne qui est trouvée coupable d'une infraction aux dispositions de ce règlement est passible d'une amende pour chaque contravention, et chaque pénalité peut être récupérée selon les dispositions de la <i>Loi sur les infractions provinciales</i>, L.R.O. 1990, chapitre P. 33, et modifications. e) En plus d'imposer une amende, tout tribunal de juridiction compétente peut, après avoir trouvé une personne coupable d'une infraction aux dispositions de ce règlement, émettre une ordonnance prohibant la continuation ou la répétition de cette infraction par cette personne	a) If any person or permit holder contravenes any provisions of this by-law, the Fire Department may enter upon any lands to extinguish the open air fire. b) Where the Fire Department is called upon to intervene to extinguish an open air fire, the owner shall pay the costs for the intervention by the Fire Department, as set out in Schedule "A" of this By-Law. c) Where the owner fails or refuses to pay the call for the Fire Department intervention, such fee and all costs incurred by the Township shall be added to the collector's roll of taxes for the current year and shall be collected in like manner and with the same remedies as municipal taxes. d) Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction thereof shall forfeit, and pay a penalty for each such offence and every such penalty shall be recoverable under the Provincial Offences Act, R.S.O. 1990, chapter P.33 and amendments thereto. e) When a person has been convicted of an offence under this by-law 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 any act or thing by the

ou toute action ou chose dirigée à la continuation ou la répétition de cette infraction.

6. ADMINISTRATION

Les dispositions de ce règlement peuvent être dissociées. Si une ou certaines des exigences de ce règlement est/sont jugée(s) invalide(s), l'application de cette exigence à d'autres circonstances et au reste de ce règlement n'en sera pas affectée.

Ce règlement ne doit, en aucun temps, être interprété de façon à ce que la Corporation ou ses agents ne soient tenus responsables du non respect des dispositions du présent règlement.

Ce règlement entre en vigueur à la date de son adoption par le Conseil municipal.

Les Règlements No.2005-68 et No.2006-34 sont, par la présente, abrogés.

LU EN PREMIÈRE, DEUXIÈME ET TROISIÈME LECTURE ET FINALEMENT ADOPTÉ CE -^{ième} JOUR DE ----- 2010.

Jean-Yves Lalonde
Maire

Marc Daigneault
Greffier

person convicted directed toward the continuation or repetition of the offence.

6. ADMINISTRATION

The requirements of this by-law are severable. If any requirements of this by-law are held invalid, the application of such requirements to other circumstances and the remainder of this by-law shall not be affected.

This by-law is not to be construed at any time in such a fashion as to hold the Corporation or its officers liable for failing to ensure that persons comply with the provisions of this by-law.

This by-law shall come into force and take effect on the date of its adoption by the Municipal Council.

That By-laws No. 2005-68 and No. 2006-34 are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS ____th DAY OF _____, 2010.

Jean-Yves Lalonde
Mayor

Marc Daigneault
Clerk

CORPORATION DU CANTON D'ALFRED ET PLANTAGENET

NOTE DE SERVICE

DESTINATAIRES : Martin Guindon, Officier à la réglementation
Guyline Poirier, Administratrice du zonage
Dominic Côté, Directeur du Service des incendies
Roch Hébert, Surintendant au Service des Travaux publics

EXPÉDITEUR : Marc Daigneault, Directeur général / Greffier

DATE : 3 août, 2010

OBJET : **Projet de règlement sur les feux en plein air**

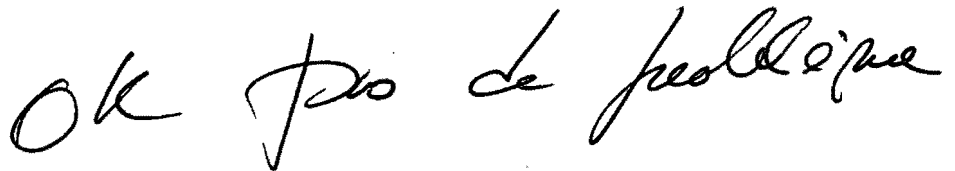
Veuillez trouver ci-joint le projet de règlement sur les feux en plein air.

J'apprécierais obtenir vos commentaires avant le vendredi 13 août prochain.

Si vous souhaitez obtenir des précisions, n'hésitez pas à communiquer avec moi.

Sincèrement,

Marc Daigneault

A handwritten signature in black ink, appearing to read 'OK pro de feu d'origine'.

RÈGLEMENT 2010-

RÈGLEMENT SUR LA PROTECTION ET LA PRÉVENTION DES INCENDIES

ÉTANT UN RÈGLEMENT de la Corporation du Canton d'Alfred et Plantagenet concernant les feux en plein air.

ATTENDU QUE le paragraphe 7.1(1), de la *Loi de 1997 sur la prévention et la protection contre l'incendie*, autorise le conseil à adopter des règlements pour établir le temps et les heures durant lesquelles la municipalité ou une partie de la municipalité peut allumer des feux en plein air, ainsi que les précautions qui doivent être observées par les personnes qui allument les feux; pour réglementer l'allumage de feux en plein air, y compris fixer les moments où ils peuvent être allumés et pour désigner des chemins privés comme voies réservées aux pompiers où le stationnement est interdit et prévoir le remorquage et la mise en fourrière, aux frais de leur propriétaire, des véhicules qui y sont stationnés ou laissés.

ATTENDU QUE la municipalité peut adopter des règlements pour établir les frais de service, selon l'article 392 de la *Loi de 2001 sur les municipalités*, et

ATTENDU QUE la Corporation du Canton d'Alfred et Plantagenet le juge désirable;

PAR CONSÉQUENT, le conseil de la Corporation du Canton d'Alfred et Plantagenet promulgue ce qui suit:

1. TITRE ABRÉGÉ

Ce règlement peut être appelé "Règlement sur la protection et la prévention des incendies".

2. DÉFINITIONS

Dans ce règlement:

"Propriétaire" signifie le propriétaire en titre, ce qui inclut un preneur à bail, un détenteur d'hypothèque en possession, et toute autre personne responsable qui occupe la propriété;

"Corporation" signifie la Corporation du Canton d'Alfred et Plantagenet;

BY-LAW 2010-

BEING A FIRE PREVENTION AND FIRE SAFETY BY-LAW

BEING A BY-LAW of the Corporation of the Township of Alfred and Plantagenet respecting the setting of fires in the open air.

WHEREAS section 7.1(1) of the *Fire Protection Act* provides that the council of a municipality may pass by-laws for regulating fire prevention, including the spreading of fires, for regulating the setting of open air fires, including establishing the times during which open air fires may be set and for designating private roads as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle left parked or left along any of the fire routes at the expense of the owner of the vehicle;

AND WHEREAS, a Municipality may pass by-laws imposing fees and charges for services or activities provided by or on behalf of it, pursuant to Section 392 of the *Municipal Act, 2001*;

AND WHEREAS, the Corporation of the Township of Alfred and Plantagenet deems it desirable to do so;

THEREFORE the Council of the Corporation of the Township of Alfred and Plantagenet enacts as follows:

1. SHORT TITLE

This by-law may be cited as the "Fire Prevention and Fire Safety By-Law".

2. DEFINITIONS

In this by-law:

"Owner" shall mean the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge whom occupies the property;

"Corporation" shall mean the Corporation of the Township of Alfred and Plantagenet;

"Officier municipal à la réglementation" signifie l'Officier municipal à la réglementation nommé par le Conseil de la Corporation du Canton d'Alfred et Plantagenet et chargé de l'application des règlements municipaux;

"détenteur de permis" signifie la personne à laquelle le permis a été émis et qui est responsable de se conformer à la Loi et au présent règlement;

"Directeur du Service des incendies" signifie le Directeur du Service des incendies nommé par le Conseil de la Corporation du Canton d'Alfred et Plantagenet ou ses représentants, ses assistants ou subordonnés autorisés;

"Service des incendies" signifie le Service des incendies de la Corporation du Canton d'Alfred et Plantagenet;

"base du feu en plein air" signifie l'aire ou la surface au sol utilisée pour contenir les matières à brûler. La base du feu en plein air peut être creusée à même le sol ou être délimitée par une enceinte en métal, en pierre, en roche, en brique ou tout autre matériau incombustible;

"foyer extérieur" signifie un conteneur manufacturé, incombustible et fermé conçu pour contenir un petit feu à des fins décoratives dont les dimensions ne dépassent pas un (1) mètre cube et qui peut être équipé, entre autre, d'une cheminée et doit être muni d'un pare-étincelles.

3. DISPOSITIONS GÉNÉRALES

a) Nul ne doit, à moins d'obtenir une autorisation selon les dispositions du présent règlement ou de tout autre règlement de la Corporation, allumer ou permettre qu'un feu en plein air soit allumé sans, au préalable, avoir obtenu un permis de feu en plein air conformément aux dispositions du présent règlement.

b) Si la dimension de la base du feu en plein air est supérieure à un (1) mètre carré et que le volume de la base combiné à la hauteur des flammes est supérieure à un (1) mètre cubé, le propriétaire doit soumettre une demande de permis de feu en plein air en utilisant le formulaire prescrit à cette fin auprès de l'Officier municipal à la réglementation et acquitter les frais requis.

c) À moins que l'Officier municipal à la réglementation ait émis un permis de feu en

"Municipal Law Enforcement Officer" shall mean the Municipal Law Enforcement Officer appointed by the Council of the Corporation of the Township of Alfred and Plantagenet responsible for the enforcement of the municipal by-laws;

"Permit Holder" shall mean the person to whom a permit was issued and whom is responsible to comply with the Act and this by-law;

"Director of the Fire Department" shall mean the Director of the Fire Department appointed by the Council of the Corporation of the Township of Alfred and Plantagenet, his or her representatives, assistants or authorized subordinates;

"Fire Department" shall mean the Fire Department of the Corporation of the Township of Alfred and Plantagenet;

"Open air fire base" shall mean the area or the surface on the ground which is used to contain the materials to burn. The open air fire base may be determined by a pit dug in the ground or may be defined by a metal, rock, stone or brick edge or any non-combustible material;

"Outdoor fireplace" shall mean a manufactured, non-burnable, enclosed container designed to hold a small fire for decorative purposes, which does not exceed one cubic meter in size and includes, but is not limited, to a chimney, and must be equipped with a spark arrester.

3. GENERAL REQUIREMENTS

a) No person shall, unless otherwise authorized by the provisions of this by-law or any other by-law of the Corporation, set, or permit to be set, a fire in the open air without first obtaining an open air fire permit in compliance with this by-law.

b) If the dimensions of the open air fire base is larger than one (1) square meter and the volume of the base combined with the height of the flames is bigger than one (1) cubic meter, the owner shall file an application for an open air fire permit by completing the prescribed form with the Municipal Law Enforcement Officer and pay the required fees.

c) No person shall be deemed to have been issued an open air permit unless the Municipal Law

plein air, aucune personne ne peut prétendre détenir un tel permis. La soumission d'une demande de permis de feu en plein air ne constitue pas un permis. d) Aucune personne ne doit fournir des informations erronées ou faire de fausses déclarations dans le but d'obtenir un permis de feu en plein air. e) Lorsqu'un permis est requis, personne ne doit allumer un feu en plein air ou permettre qu'un feu en plein air soit allumé durant la période qui débute une demi-heure avant le coucher du soleil et qui se termine une demi-heure après le levée du soleil. f) Aucune personne ne doit brûler ou permettre que soient brûlés des produits pétroliers, du plastique, du caoutchouc, du bois traité sous pression, des ordures ou des déchets domestiques, des broussailles, de l'herbe, du gazon, des feuilles, des épines de conifère, des matières végétales ou toute autre matière qui pourraient occasionner une fumée dense, un excès de fumée ou des émanations nocives ou toxiques. g) Les feux en plein air qui requièrent l'émission d'un permis peuvent être autorisés durant toute l'année à la discrétion de l'Officier municipal à la réglementation suite à l'obtention d'un permis. h) À la discrétion de l'Officier municipal à la réglementation ou du Directeur du Service des incendies, une demande de permis de feu en plein air peut être approuvée, assortie de conditions ou refusée. i) Aucun permis de feu en plein air ne sera émis pour une période de plus de quatre-vingt-dix (90) jours. Aucun permis de feu en plein air ne sera émis durant une période de sécheresse, telle que déclarée par le Directeur du Service des incendies ou par l'Officier municipal à la réglementation. j) Nonobstant toute autre disposition du présent règlement, suite à l'émission d'un permis de feu en plein air, si à l'occasion d'une inspection l'Officier municipal à la réglementation ou le Directeur du Service des incendies juge que le feu en plein air présente un danger envers la sécurité ou la santé de toute personne ou propriété, l'Officier municipal à la réglementation ou le Directeur du Service des incendies peut	Enforcement Officer has issued such a permit. Filing an application for an open air fire permit does not constitute a permit. d) No person shall give false information or make a false declaration for the purposes of obtaining an open air fire permit. e) Where a fire permit is required, no person shall set, or permit to be set, a fire in the open air during the period starting one half hour before sunset and ending one half hour after sunrise. f) No person shall burn or permit to be burn petroleum products, plastics, rubber, pressure treated wood, domestic waste or garbage, brushes, grass, weeds, leaves, evergreen needles, organic material, or any other material that may create a dense or excessive smoke or produce noxious or toxic fumes. g) Open air fires which require the issuance of a permit may be permitted during the whole year at the discretion of the Municipal Law Enforcement Officer after obtaining a permit. h) At the discretion of the Municipal Law Enforcement Officer or the Director of the Fire Department, the application for an open air fire permit may be granted, issued with conditions or refused. i) No open air fire permit shall be issued for any period of time exceeding ninety (90) days. No open air permit shall be issued during a drought period as declared by the Director of the Fire Department or the Municipal Law Enforcement Officer. j) Notwithstanding any other provisions of this by-law, following the issuance of an open air fire permit, if upon an inspection the Municipal Law Enforcement Officer or the Director of the Fire Department deems that the open air fire poses a danger to the health or safety of any person or property, the Municipal Law Enforcement Officer or Director of the Fire Department may revoke or postpone the open air fire permit and order that the open air fire
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annuler ou suspendre le permis de feu en plein air et ordonner que le feu soit éteint. k) Nonobstant toute autre disposition du présent règlement, si l'Officier municipal à la réglementation ou le Directeur du Service des incendies juge qu'un feu en plein air présente un danger envers la sécurité ou la santé de toute personne ou propriété en raison de ses dimensions, sa localisation sur la propriété ou des matières utilisées pour alimenter le feu, l'Officier municipal à la réglementation ou le Directeur du Service des incendies peut ordonner que le feu en plein air soit éteint. l) Les dimensions du feu de plein air pour lequel un permis a été émis doivent être contrôlées en tout temps afin de permettre au détenteur du permis d'éteindre le feu immédiatement s'il s'avère nécessaire de le faire en raison des conditions atmosphériques ou suite à une ordonnance émise par l'Officier municipal à la réglementation ou le Directeur du Service des incendies. m) Le détenteur du permis doit: - sur demande, être en mesure de présenter le permis de feu; - se conformer aux conditions indiquées sur le permis de feu et brûler uniquement les matières autorisées sur le permis; - superviser le feu continuellement, à compter du moment où il est allumé jusqu'à ce qu'il soit complètement éteint; - accepter d'éteindre le feu lors d'une ordonnance émise à cette fin par l'Officier municipal à la réglementation ou le Directeur du Service des incendies; - garder à la main ou à proximité tous les équipements ou les outils nécessaires pour éteindre le feu (pelle, râteau, extincteur, boyau d'arrosage, excavatrice, etc). n) Aucun permis pour un feu en plein air n'est requis si la dimension de la base du feu en plein air est inférieure à un (1) mètre carré et que le volume de la base combiné à la hauteur des flammes est inférieure à un (1) mètre cube. o) Un feu en plein air doit servir à faire brûler uniquement du bois de chauffage sec; p) Un feu en plein air est autorisé uniquement dans la cour arrière d'une propriété.	be extinguished. k) Notwithstanding any other provisions of this by-law, if the Municipal Law Enforcement Officer or the Director of the Fire Department deems that an open air fire poses a danger to the health or safety of any person or property because of its size, its location on the property or the materials used to feed the open air fire, the Municipal Law Enforcement Officer or Director of the Fire Department may order that the open air fire be extinguished. l) The dimensions of the open air fire for which a permit was issued must be contained at all time in order for the permit holder to extinguish the fire immediately if it is deemed necessary to do so due to a change in the weather conditions or following an order issued by the Municipal Law Enforcement Officer or the Director of the Fire Department. m) The permit holder shall: - Upon demand produce the fire permit; - comply with any conditions on the fire permit and only burn material authorized on the fire permit; - supervise the fire continuously from ignition until completely extinguished; - agree to extinguish the fire when an order is issued to that effect by the Municipal Law Enforcement Officer or the Director of the Fire Department; - Keep at hand or in close proximity all the necessary equipment and tools required to extinguish the fire (shovel, rake, fire extinguisher, garden hose, backhoe, etc.). n) No permit for an open air fire is required if the dimensions of the open air fire base is less than one (1) square meter and the volume of the base combined with the height of the flames is less than one (1) cubic meter. o) An open air fire must be used to burn only dry firewood; p) An open air fire shall be authorized only in the rear yard of a property.
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q) Aucun feu en plein air n'est autorisé dans la cour avant ou dans les cours latérales d'une propriété, telles que définies au Règlement de zonage N0. 2009-50.

r) La base du feu en plein air qui contient les matières à brûler doit être située à une distance minimum de cinq (5) mètres (16 pieds) de toute partie d'un bâtiment principal, de toute partie d'un bâtiment ou d'une structure accessoire, de toute limite ou ligne arrière ou latérale d'une propriété, d'un arbre, d'une haie, d'une clôture, de câbles aériens et de toute autre matière incombustible.

s) Si la base du feu en plein air ne peut être localisée dans la cour arrière d'une propriété conformément aux distances minimum prescrites au présent règlement, alors le feu en plein air doit être contenu à l'intérieur d'un foyer extérieur d'une dimension maximum d'un (1) mètre cube.

t) Le foyer extérieur doit être situé dans la cour arrière de la propriété à une distance minimum de deux (2) mètres (6 pieds) de toute partie d'un bâtiment principal, de toute partie d'un bâtiment ou d'une structure accessoire, de toute limite arrière ou latérale d'une propriété, d'un arbre, d'une haie, d'une clôture, de câbles aériens et de toute autre matière incombustible.

u) Le foyer extérieur doit être placé sur une surface non combustible (exemple: briques, pierres, béton, etc.) dont la superficie au sol dépasse la hauteur du foyer extérieur et doit servir à faire brûler uniquement du bois de chauffage sec.

4. ADMINISTRATION ET APPLICATION

a) Aucune personne ne doit obstruer, entraver, ou interférer avec l'Officier municipal à la réglementation ou le Directeur du Service des incendies dans l'exercice de leurs fonctions.

b) L'Officier municipal à la réglementation est chargé de l'application des dispositions du présent règlement.

c) L'Officier municipal à la réglementation est, par la présente, autorisé à:

- émettre des permis de feu en plein air selon les dispositions du présent règlement;
- signer tous les permis de feu en plein air au nom de la Corporation;

q) No open air fire shall be permitted in the front yard or in the side yards of a property, as defined in the Zoning By-Law No. 2009-50.

r) The base of the open air fire which contains the material to burn shall be located at a minimum distance of five (5) meters (16 feet) from any part of a main building, any part of an accessory building or structure, any rear or side lot line or property limit, any tree, any hedge, any fence, any overhead wiring, and any combustible material.

s) If the open air fire base cannot be located in the rear yard of a property in compliance with the minimum distances prescribed in this by-law, then the open air fire shall be contained within an outdoor fireplace with a maximum dimension of one (1) cubic meter.

t) The outdoor fireplace shall be located in the rear yard of the property at a minimum distance of two (2) meters (6 feet) from any part of a main building, any part of an accessory building or structure, any rear or side property lot line, any tree, any hedge, any fence, any overhead wiring, and any combustible material.

u) The outdoor fireplace must be located on a non-burnable surface (e.g.: brick, stone, concrete, etc.) covering an area on the ground extending beyond the outdoor fireplace height and must be used to burn only dry firewood.

4. ADMINISTRATION AND ENFORCEMENT

a) No person shall obstruct, hinder or interfere with the Municipal Law Enforcement Officer or the Director of the Fire Department in the lawful performance of their duties.

b) The provisions of this By-Law shall be enforced by the Municipal Law Enforcement Officer.

c) The Municipal Law Enforcement Officer is hereby authorized to:

- issue open air fire permits as provided in this by-law;
- sign all open air fire permits on behalf of the Corporation;

- limiter la durée du permis de feu en plein air et les matériaux autorisés à brûler; - imposer toute autre condition au permis de feu en plein air jugée requise et nécessaire à des fins de sécurité. d) L'Officier municipal à la réglementation ou le Directeur du Service des incendies peut: - demander de vérifier le permis de feu de n'importe quel détenteur de permis; - inspecter les lieux pour lesquels un permis de feu a été émis; - entrer, en tout temps raisonnable, sur toute propriété afin de s'assurer que les dispositions du présent règlement sont respectées ou pour faire respecter les dispositions du présent règlement; - entamer toute enquête ou inspection pour fins de faire respecter le présent règlement.	- limit the duration of the open air fire permit and the materials allowed to be burned; - impose any other conditions to the open air fire permit deemed required and necessary for safety reasons. d) The Municipal Law Enforcement Officer or the Director of the Fire Department may: - demand the fire permit for inspection from any permit holder; - inspect any premises for which a fire permit has been issued; - enter at all reasonable times upon any property in order to ascertain whether the provisions of this by-law are obeyed and to enforce or carry into effect this by-law; - undertake any technical investigation or inspection for the purposes of administering this by-law.
5. INFRACTIONS a) Si une personne ou un détenteur de permis enfreint les dispositions de ce règlement, le Service des incendies peut entrer sur toute propriété pour y éteindre un feu en plein air. b) Lorsque le Service des incendies est appelé à intervenir pour éteindre un feu en plein air, le propriétaire devra acquitter les coûts pour l'intervention du Service des incendies, tels que prescrits à l'annexe "A" de ce règlement. c) Si le propriétaire omet ou refuse de payer les frais pour une intervention par le Service des incendies, ces coûts ainsi que toute autre dépense encourus par le Canton seront ajoutés au rôle d'imposition pour l'année courante et seront recouverts de la même manière que les taxes foncières. d) Toute personne qui est trouvée coupable d'une infraction aux dispositions de ce règlement est passible d'une amende pour chaque contravention, et chaque pénalité peut être récupérée selon les dispositions de la <i>Loi sur les infractions provinciales</i>, L.R.O. 1990, chapitre P. 33, et modifications. e) En plus d'imposer une amende, tout tribunal de juridiction compétente peut, après avoir trouvé une personne coupable d'une infraction aux dispositions de ce règlement, émettre une ordonnance prohibant la continuation ou la répétition de cette infraction par cette personne	5. INFRACTIONS a) If any person or permit holder contravenes any provisions of this by-law, the Fire Department may enter upon any lands to extinguish the open air fire. b) Where the Fire Department is called upon to intervene to extinguish an open air fire, the owner shall pay the costs for the intervention by the Fire Department, as set out in Schedule "A" of this By-Law. c) Where the owner fails or refuses to pay the call for the Fire Department intervention, such fee and all costs incurred by the Township shall be added to the collector's roll of taxes for the current year and shall be collected in like manner and with the same remedies as municipal taxes. d) Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction thereof shall forfeit, and pay a penalty for each such offence and every such penalty shall be recoverable under the Provincial Offences Act, R.S.O. 1990, chapter P.33 and amendments thereto. e) When a person has been convicted of an offence under this by-law 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 any act or thing by the

ou toute action ou chose dirigée à la continuation ou la répétition de cette infraction.

6. ADMINISTRATION

Les dispositions de ce règlement peuvent être dissociées. Si une ou certaines des exigences de ce règlement est/sont jugée(s) invalide(s), l'application de cette exigence à d'autres circonstances et au reste de ce règlement n'en sera pas affectée.

Ce règlement ne doit, en aucun temps, être interprété de façon à ce que la Corporation ou ses agents ne soient tenus responsables du non respect des dispositions du présent règlement.

Ce règlement entre en vigueur à la date de son adoption par le Conseil municipal.

Les Règlements No.2005-68 et No.2006-34 sont, par la présente, abrogés.

LU EN PREMIÈRE, DEUXIÈME ET TROISIÈME LECTURE ET FINALEMENT ADOPTÉ CE -^{ième} JOUR DE _____ 2010.

Jean-Yves Lalonde
Maire

Marc Daigneault
Greffier

person convicted directed toward the continuation or repetition of the offence.

6. ADMINISTRATION

The requirements of this by-law are severable. If any requirements of this by-law are held invalid, the application of such requirements to other circumstances and the remainder of this by-law shall not be affected.

This by-law is not to be construed at any time in such a fashion as to hold the Corporation or its officers liable for failing to ensure that persons comply with the provisions of this by-law.

This by-law shall come into force and take effect on the date of its adoption by the Municipal Council.

That By-laws No. 2005-68 and No. 2006-34 are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS ____th DAY OF _____, 2010.

Jean-Yves Lalonde
Mayor

Marc Daigneault
Clerk



CANTON D'ALFRED ET PLANTAGENET
TOWNSHIP OF ALFRED AND PLANTAGENET

207 Vieille Route 17 / Old Highway 17, C.P./P.O. Box 350
Plantagenet, ON K0B 1L0 Tel.: (613) 673-4797 Fax: (613) 673-4812

Service des incendies / Fire Department

MEMORANDUM

Aux : Membres du conseil

De : Dominic Côté
Directeur des services d'incendie

Date : 20 novembre 2009

Sujet : Feu de camp

Après vérification de la section du service des incendies dans le bulletin municipal 2009, j'aimerais suggérer une modification aux règlements pour les feux de camp. Dans Curran, Lefaivre et Wendover, les feux de camp sont tolérés mais pas dans Alfred et Plantagenet. Je ne vois pas de problème d'allouer des feux de camp dans Alfred et Plantagenet si le site du feu est premièrement inspecté et approuvé. Aucun permis n'est requis si les critères déjà existants sont respectés sinon un permis de 25\$ serait exigé.

Les avantages sont: 1) Ce changement permettrait aux contribuables d'Alfred et Plantagenet d'exercer les mêmes privilèges que leurs voisins.
2) Plus de revenus avec les permis de feu supplémentaires
3) Moins de plaintes désagréables au chef du service

Le désavantage serait plus de travail pour celui qui inspecte présentement les sites de feux.

Si vous avez des questions à ce sujet, n'hésitez pas à communiquer avec moi.

jc

p.j.

SERVICE D'INCENDIES D'ALFRED ET PLANTAGENET

207, vieille route 17, Plantagenet ON K0B 1L0

Directeur

Dominic Côté

613-673-4797 ext. 301

Chefs de districts

Lefavre

Normand Chartrand

Alfred

Richard Cadieux

Plantagenet

Sylvain Fredette

CHAQUE RÉSIDENCE DANS LA PROVINCE DE L'ONTARIO DOIT AVOIR
UN DÉTECTEUR DE FUMÉE FONCTIONNEL À CHAQUE ÉTAGE.

Qui n'est pas conforme à cette loi est passible d'amende selon la Loi sur les infractions provinciales.

Pour votre sécurité, veuillez vérifier votre détecteur de fumée régulièrement.

Nous vous encourageons à établir un plan d'évacuation en cas d'incendie et à effectuer une pratique
avec tous les membres de votre famille annuellement.

VOUS POUVEZ CONSULTER LE SITE WEB POUR LE
RÈGLEMENT SUR LA PROTECTION ET LA PRÉVENTION DES INCENDIES.

**AVANT D'ALLUMER UN FEU EN PLEIN AIR,
VOUS DEVEZ OBTENIR UN PERMIS
AUPRÈS DU PRÉPOSÉ À L'APPLICATION DES RÈGLEMENTS AU BUREAU D'ALFRED
(téléphone: 613-679-2292, poste 23)**

Les formulaires de demande de permis sont disponibles aux bureaux municipaux situés au 205, vieille route 17, Plantagenet, et au 265, rue St-Philippe, Alfred. Le coût du permis est de 25 \$.

AVIS: Les personnes allumant un feu en plein air ou un feu de broussailles dans un champ sans permis (ou si le feu brûle hors de contrôle) seront facturées des frais de service si les pompiers doivent s'y rendre, et/ou sont passibles d'une amende selon la Loi sur les infractions provinciales.

DANS LES QUARTIERS 1 ET 2 SEULEMENT UN PERMIS N'EST PAS REQUIS dans les cas suivants: les feux dans un baril de métal AVEC GRILLE, les feux de cuisson ou les feux ayant une flamme d'un mètre carré ou moins.

**IL EST STRICTEMENT INTERDIT D'ALLUMER UN FEU EN PLEIN AIR
DANS LES VILLAGES D'ALFRED ET DE PLANTAGENET.**

Il est interdit de faire des feux d'herbe et de brûler du plastique, du caoutchouc et des pneus en tout temps, partout dans la municipalité.

LES CASERNES DE PLANTAGENET ET DE LEFAIVRE
ONT MAINTENANT REÇU L'ÉQUIPEMENT ET LA FORMATION POUR
LE SAUVETAGE SUR GLACE



Agriculteurs: permis pour labour

Période 3 mois \$50.00 VS \$25.00

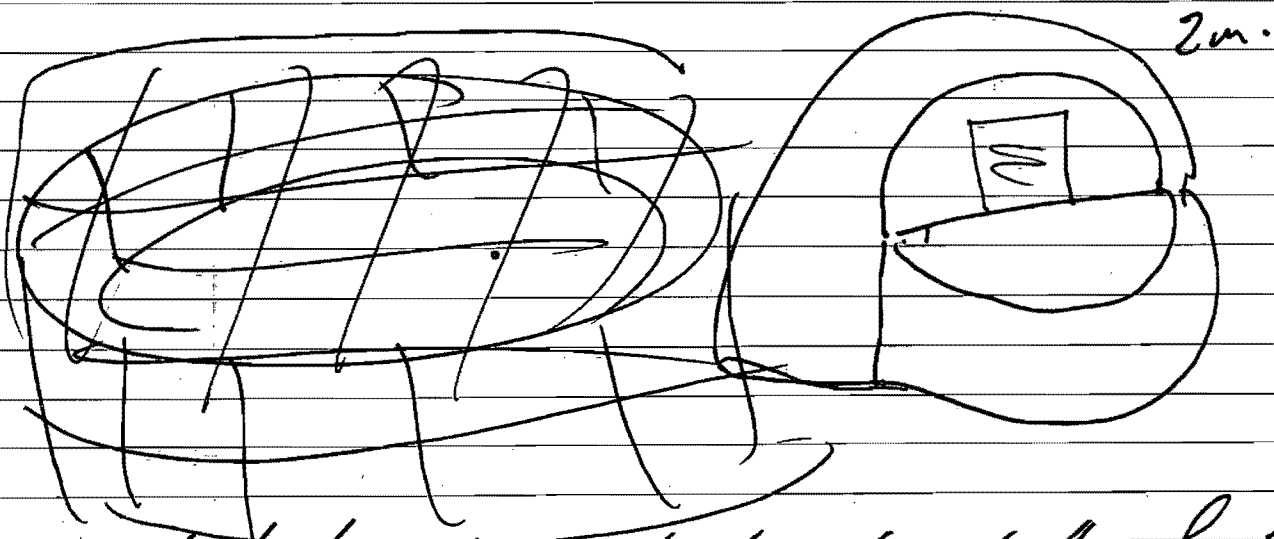
Surveillance - irrigateurs - conditions
- creuser un trou

Anticiper à l'opacité & la discrétion
du MLED

Village: Feu de camp ^{permis} interdit

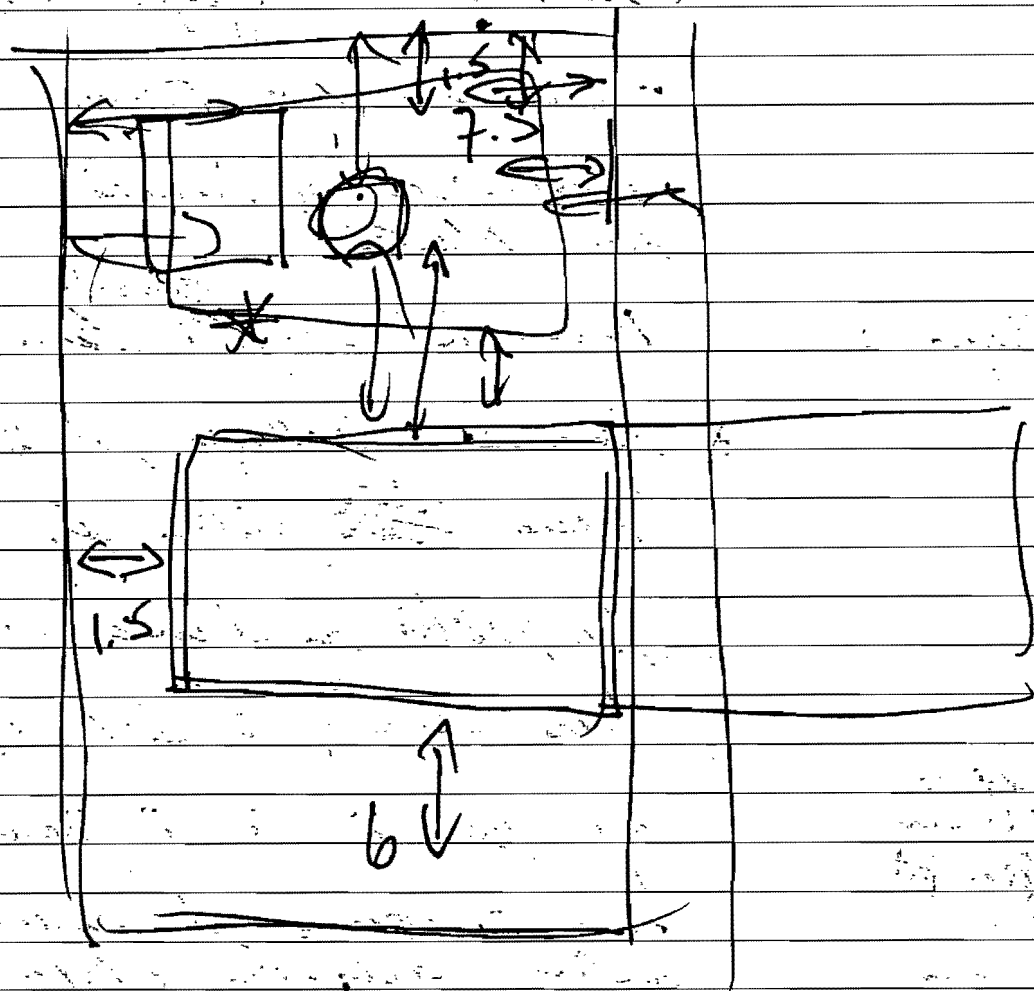
* Dans les villages si le feu est
interdit ~~2~~ mètres des lignes de
propriétés ou d'une structure ou
d'un arbre, à défaut, un feu extérieur
est permis à 2 mètres des lignes
des structures, des bâtiments ou sur
autre clôture adéquate.

Foyer: dimensions maximales.



Équipement de base pour l'entretien et la construction du terrain
nécessaire pour: pelle, brouette, etc.

2m



10k.

TOWNSHIP OF ALFRED AND PLANTAGENET

BY-LAW NUMBER 2005-68

FIRE PREVENTION AND FIRE SAFETY BY-LAW

BEING A BY-LAW of the Corporation of the Township of Alfred and Plantagenet respecting the setting of fires in the open air.

WHEREAS section 7.1(1) of the *Fire Protection Act* provides that the council of a municipality may pass by-laws for regulating fire prevention, including the spreading of fires, for regulating the setting of open air fires, including establishing the times during which open air fires may be set and for designating private roads as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle left parked or left along any of the fire routes at the expense of the owner of the vehicle;

AND WHEREAS, a Municipality may pass by-laws imposing fees and charges for services or activities provided by or on behalf of it, pursuant to Section 392 of the *Municipal Act, 2001*;

AND WHEREAS, the Corporation of the Township of Alfred and Plantagenet deems it desirable to do so;

THEREFORE the Council of the Township of Alfred and Plantagenet enacts as follows:

SHORT TITLE

1. This by-law may be cited as the "Fire Prevention and Fire Safety By-Law".

DEFINITIONS

2. In this by-law:

- (a) **"Township"** shall mean The Township of Alfred and Plantagenet;
- (b) **"Owner"** shall mean the registered owner of the land and includes a lessee, mortgagee in possession, and the person in charge of the property;
- (c) **"Corporation"** shall mean the Corporation of the Township of Alfred and Plantagenet;
- (d) **"Municipal Law Enforcement Officer"** shall mean a Municipal Law Enforcement Officer appointed by the Council of the Corporation of the Township of Alfred and Plantagenet;
- (e) **"Permit Holder"** shall mean the person to whom a permit was issued;
- (f) **"Fire Chief"** shall mean the Chief of the Fire Department providing service to the Corporation of the Township of Alfred and Plantagenet, or his or her authorized subordinates or assistants;
- (g) **"Fire Department"** shall mean the Fire Department providing service for the Corporation of the Township of Alfred and Plantagenet;

- (h) **"Prohibited burning area"** shall mean all lands within Ward 3 (formerly the Village of Alfred), Ward 4 (formerly the Village of Plantagenet) of the Township of Alfred and Plantagenet, and any other lands as indicated on Schedule "B" of this by-law.

GENERAL REQUIREMENTS

3. No person shall, unless otherwise authorized by the provisions of this or any other by-law of the Corporation, set, or permit to be set, a fire in the open air without first obtaining a fire permit as provided in this by-law.

4. Where a fire permit is required, no person shall set, or permit to be set, a fire in the open air between one half hour before sunset and one half hour after sunrise.

5. No person shall set, or permit to be set, a fire in the open air for the purpose of burning grass.

- a) *Brush or similar fires are permitted, at the discretion of the Municipal Law Enforcement Officer, during the period from September 1 to (March 15 was AMENDED with by-law 2006-34 to read APRIL 30TH) (logging operations only), after obtaining a permit.*

6. To obtain a fire permit the owner shall file an application in writing by completing a prescribed form available in the office of the Municipal Law Enforcement Officer with the fee as indicated on Schedule "A" of this By-Law.

7. The permit may, at the discretion of the Municipal Law Enforcement Officer or Fire Chief, designate any further terms or conditions of permit deemed necessary.

8. The Municipal Law Enforcement Officer may, at his or her discretion, refuse to issue a fire permit for which an application has been received.

9. With the exception of properties within the prohibited burning area as defined in Section 2.(h) of this by-law, Section 3 of this by-law shall not apply to the following persons setting fires:

- a) for the purpose of cooking;
b) having a flame base of less than 1 square metre; or
c) in a 204 litre or less metal container covered by a wire mesh.

10. No fire permit shall be issued for any period of time exceeding 30 days.

11. No fire permit shall be issued for properties within the prohibited burning area.

12. No permit shall be issued during dry periods as designated by the Fire Chief.

13. Despite any other provisions of this by-law, if upon inspection of a fire the Municipal Law Enforcement Officer or the Fire Chief is satisfied the fire poses a danger to the health or safety of any person or property the Officer or Chief shall cancel or suspend the fire permit and order the fire extinguished.

14. No person shall burn petroleum products, plastics, rubber or any other material that will cause excessive smoke or noxious fumes.

15. The area of burning must be restricted in order to enable the permit holder to extinguish the fire immediately if necessary due to a change in weather or other conditions or if so ordered by the Municipal Law Enforcement Officer or Fire Chief.

16. No person shall be deemed to have been issued a permit until the Municipal Law Enforcement Officer has issued the permit. An application for a permit does not

Pls see p 2

*Section 2
Foggy extension
CSA approved*

constitute a permit.

17. No person shall give false or incorrect information for the purposes of obtaining a fire permit.
18. No person shall obstruct, hinder or interfere with the Municipal Law Enforcement Officer or Fire Chief in the lawful performance of his or her duties.
19. No permit holder shall:
 - (a) fail or refuse to produce the permit upon demand;
 - (b) burn any material other than those for which the permit was issued;
 - (c) fail to supervise the fire continuously from ignition until completely extinguished;
 - (d) refuse to extinguish the fire when ordered to do so by the Fire Chief or Municipal Law Enforcement Officer;
 - (e) fail to comply with any conditions on the Fire Permit.

ADMINISTRATION AND ENFORCEMENT

20. The provisions of this By-Law shall be enforced by the Municipal Law Enforcement Officer.
21. The Municipal Law Enforcement Officer is hereby authorized to:
 - (a) issue permits as provided in this by-law;
 - (b) sign all permits on behalf of the Corporation;
 - (c) limit the time for which a permit is issued.
22. The Municipal Law Enforcement Officer or Fire Chief may:
 - (a) demand the fire permit for inspection from any permit holder;
 - (b) inspect any premises for which a fire permit has been issued;
 - (c) enter at all reasonable times upon any property in order to ascertain whether the provisions of this by-law are obeyed and to enforce or carry into effect this by-law;
 - (d) undertake any technical investigation or inspection for the purposes of administering this by-law.

PENALTIES

23. If any person or permit holder contravenes any provisions of this by-law, the Fire Department may enter upon any lands to extinguish the fire.
 - (1) Where the Fire Department responds under section 21. the owner shall pay a call for service fee as set out in Schedule "A" of this By-Law.
 - (2) Where the owner fails or refuses to pay the call for service fee, such fee and all costs incurred by the Township shall be added to the collector's roll of taxes for the current year and shall be collected in like manner and with the same remedies as municipal taxes.
24. Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction thereof shall forfeit, and pay a penalty for each such offence and every such penalty shall be recoverable under the Provincial Offences Act, R.S.O. 1990, chapter P.33 and amendments thereto.
25. When a person has been convicted of an offence under this by-law 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 any act or thing by the person convicted directed toward the continuation or repetition of the offence.

26. The requirements of this by-law are severable. If any requirements of this by-law are held invalid, the application of such requirements to other circumstances and the remainder of this by-law shall not be affected.
27. This by-law is not to be construed at any time in such a fashion as to hold the corporation or its officers liable for failing to ensure that persons comply with the provisions of this by-law.
28. This by-law shall come into force and take effect on the date of its adoption.
29. That By-law Number 37-97 and all other By-Laws or parts of By-Laws of this municipality or of the former municipalities now forming this municipality pertaining to fire prevention and fire safety are hereby repealed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
19th DAY OF DECEMBER, 2005.**

Jean-Yves Lalonde, Mayor

Diane Thauvette, Clerk-Treasurer

SCHEDULE "A" TO BY-LAW NO. 2005-68

1. FIRE PERMIT FEES:

a) Permits \$25.00

2. FIRE DEPARTMENT FEE:

a) Call for service fee shall be the total of all costs incurred by the fire department in fighting the fire plus an administration fee of 10% of the total. Equipment shall be charged at an hourly rate of \$100.00.

SCHEDULE "B" TO BY-LAW NO. 2005-68

Prohibited burning area

- a) All lands within Ward 3 (formerly the Village of Alfred)
- b) All lands within Ward 4 (formerly the Village of Plantagenet)



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COMPANY INFORMATION

CREDIT CARDS

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MARK'S WORK WEARHOUSE

GAS BAR

GIFT CARDS

BACKYARD

HOUSE & HOME

AUTO

SPORTS & REC

TOOLS

ELECTRONICS

KITCHEN & BATH

SEARCH

STORE LOCATOR

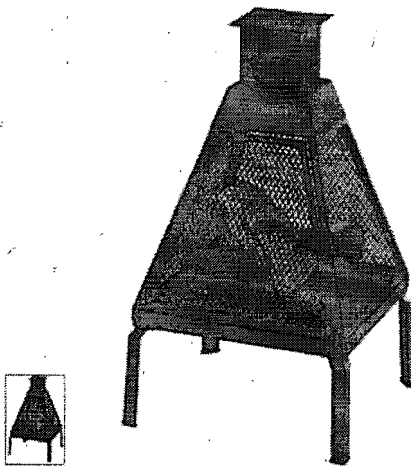
EMAIL SIGN-UP

WEEKLY FLYER

DIY CENTRE

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Photos



ZOOM

Outdoor Fireplace

Product #85-1029-6

[See more Outdoor Fireplaces or compare](#)

Reg. \$129.99

Overall
Rating

★★★★★

3.7 out of 5

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FEATURES

PRODUCT REVIEWS

PRODUCT Q & A

PRODUCT STORIES

BUYING GUIDE

- Warm up the back patio
- 1 opening door for filling and cleaning
- Check local fire regulations regarding use
- Easy to assemble
- Dimensions: 25.23 L x 21.5 W x 39.5" H (64 x 54.6 x 100.3 cm)

Canadian Tire Warranty:

This product carries a 1 year exchange warranty redeemable at any Canadian Tire store.



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WEEKLY FLYER

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Photos



Scroll Firebowl, 30-in

Product #85-1005-2

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Reg. \$149.99

Overall

Rating

★★★★★

4 out of 5

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3 Questions | 1 Answer

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FEATURES

- Round fire bowl with black finish
- Durable steel construction
- Decorative scroll design on bowl
- Grate and heat-resistant poker included
- Measures: 30" (76 cm)

Canadian Tire Warranty:

This product carries a 1 year exchange warranty redeemable at any Canadian Tire store.



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Weber

Wood Burning Fireplace

Model: 2726 | Internet/Cat #: 918141 | Store SKU #: 1000402722

Overview

Gather' round - Perfect for creating lasting memories, this 29.5 inch-diameter-base fireplace is as tough as they come. A porcelain-enameled lid and bowl beautifully contain your crackling fire while a no-rust aluminum heat shield keeps you and your loved ones safe and warm.

- Porcelain enameled bowl and lid
- 29.5 inch diameter base
- Heavy-gauge steel construction
- No rust aluminum heat shield
- Two wooden handles. Four steel support legs
- Available in store by Special Order Only. See associate for details

Warranty

Limited Warranty - For more information please call our Customer Service Department at 1-800-265-2150

\$169.99

Price and availability may vary by store.

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