

THE CORPORATION OF THE TOWN OF COCHRANE

BY-LAW NUMBER 045-2000

BEING A BY-LAW OF THE CORPORATION OF THE TOWN OF COCHRANE RESPECTING CONDITIONS UNDER WHICH FIRES MAY BE SET IN THE OPEN AIR

WHEREAS the Municipal Act, R.S.O. 1990, C.M.45, Section 210(35), authorizes the enactment of by-laws prescribing the times during which fires may be set and the precautions to be observed by persons setting fires in the open air;

AND WHEREAS the Council of the Corporation of the Town of Cochrane deems it necessary to protect persons and property within the Town of Cochrane from open air fires that may escape from control;

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

SECTION 1

DEFINITIONS

For the purpose of this by-law:

BUILDING shall mean any structure consisting of walls and a roof or any part or combination thereof, which is used for shelter, accommodation or enclosure of persons, animals, equipment, goods or materials, or a structural system serving a function thereof. Structure and building shall have a corresponding meaning.

CHIEF MUNICIPAL LAW ENFORCEMENT OFFICER shall mean the Chief Municipal Law Enforcement Officer for the Town of Cochrane.

CORPORATION shall mean the Corporation of the Town of Cochrane.

COUNCIL shall mean the Council for the Corporation of the Town of Cochrane.

FIRE shall mean any fire lit or maintained in the open air for the removal of dead grass/brush or other vegetation, the disposal of refuse, the clearing of land, the enjoyment of spectators or other like purposes, but shall not include;

- (a) fire in blowtorches, cutting torches, highway paving equipment or other fire incidental to the use of apparatus associated with a trade, service or occupation;
- (b) fire in smoking tobacco;
- (c) a small confined fire, supervised at all times by a competent person, and used to cook food on a grill or barbecue;

FIRE CHIEF shall mean the Fire Chief of the Fire Department of the Town of Cochrane.

MUNICIPAL LAW ENFORCEMENT OFFICER shall mean a Municipal Law Enforcement Officer for the Town of Cochrane.

OWNER shall mean any person, firm or corporation having control over any portion of the property under consideration and includes the persons occupying such property.

RURAL AREA for the purposes of this by-law shall mean any area of the municipality not within the former limits of the Town of Cochrane.

URBAN AREA shall for the purposes of this by-law mean any of the municipality within the former limits of the Town of Cochrane.

SECTION 2

GENERAL INTERPRETATION

1. For the purpose of this by-law:
 - (a) words importing the singular number or the masculine gender only, includes parties or things of the same kind and females as well as males and the converse;
 - (b) a word interpreted in the singular number has a corresponding meaning when used in the plural.

SECTION 3

REQUIREMENTS

1. No person shall light or maintain any open fire within the urban area.
2. No open fire shall be lit or maintained in the rural area between the hours of eight o'clock in the morning and eight o'clock in the evening during the months of April, May, June, July, August and September in each year unless authorized by permit.
3. No person shall set a fire in the open air to burn piled wood, brush or wood by-products if the pile is greater than two metres in diameter and two metres in height without first obtaining a fire permit from the Fire Department.
4. No person shall burn grass if the area to be burned is more than one (1.0) hectare in size and the flaming edge will exceed thirty (30) metres in length without first obtaining a fire permit from the Fire Department.
5. No person shall set any fire out of doors to burn kitchen garbage, construction materials or materials made of /or containing rubber, plastic, petroleum products or any other noxious substance.
6. Without in any way limiting the prohibition set out in number 5 above, only dry material shall be burned.
7. No person shall set any fire out of doors except in the presence of a competent adult person and this person shall be in constant attendance of any burning operation as to prevent same from spreading to or endangering other property.
8. No person shall light or maintain any open fire within 15 metres (49.2 ft.) of a building, structure, property line or other combustible.
9. No person who starts a fire shall do so unless he/she has all adequate tools and water as are necessary to contain the fire, and keep the fire under control and in compliance with this by-law.
10. No person shall set a fire in an area where it may spread due to grass or other vegetation or a strong wind.
11. No outside fire which causes inconvenience or irritation to others shall be permitted.
12. No permit shall be issued to any person other than the owner of the property where the fire is to occur, save an authorized agent acting on the owners behalf who produces written authorization signed and dated by the owner.

13. Where in the opinion of the Fire Chief a potentially dangerous situation exists, due to fire, smoke, weather or environmental health concerns, the Fire Chief may refuse, suspend or rescind any permit.
14. All permits must be obtained from the Cochrane Fire Department, 23 Fifth Street Cochrane. Permits are available only from 9:30 -12:00 A.M. and 1:30 - 4:30 P.M. Monday to Friday.

SECTION 4

FIRE DEPARTMENT RESPONSE

15. In the event that the Cochrane Fire Department responds to an alarm call and is required to extinguish any open fire, which has escaped from control, the owner of the property shall in addition to any fire and penalty upon be liable for the cost of the attendance of the Fire Department. Such costs are set out in Schedule "B" of this by-law.
16. All accounts rendered by the Corporation for services (including expenses by the Corporation) as referred to in paragraph 1 of this section, shall be paid within 30 days of the billing.
17. If payment is not made by the owner in accordance with the provisions of paragraph 2 of this section, the Corporation may recover the expenses incurred by action, or the same may be recovered in like manner as municipal taxes.

SECTION 5

ADMINISTRATION

18. The Fire Chief, Chief Municipal Law Enforcement Officer and anyone working under their authority shall have the authority to administer this by-law in its entirety.

SECTION 6

VIOLATIONS AND PENALTIES

19. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than \$5,000, as set out in The Provincial Offences Act, R.S.O. 1990, Chapter P.33.

SECTION 7

VALIDITY

20. If any section, clause or provision of this by-law, including anything contained in any schedule attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this by-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have to be declared invalid.

READ a first and second time this 23rd day of May, 2000.

MAYOR

CLERK

READ this third time and finally passed this 23rd day of May, 2000.

MAYOR

CLERK

SCHEDULE "B"

FORMING PART OF BY-LAW NUMBER 044-2000

RESPONSE FEE	First hour or part thereof per vehicle	\$300.00
	Each half hour or part thereof per vehicles	\$150.00

THE CORPORATION OF THE TOWN OF COCHRANE

BY-LAW NUMBER 044-2000

(Being a By-law to regulate open burning)

ITEM	COLUMN 1 (OFFENCE)	COLUMN 2 (APPLICABLE SECTION)	COLUMN 3 SET FINES (INCLUDING COSTS)
1	light fire in urban area	3(1)	150.00
2	light fire outside of specified time frames	3(2)	150.00
3	light wood, brush, leaves or wood product piles beyond specified size	3(3)	150.00
4	light and allow a grass fire to exceed specified size	3(4)	150.00
5	light and burn disallowed materials	3(5)	150.00
6	light and/or maintain fire without proper supervision	3(7)	150.00
7	failure to maintain proper separation	3(8)	150.00
8	light and/or maintain fire without sufficient resources to control fire	3(9)	150.00
9	light and/or maintain fire without sufficient boundaries	3(10)	150.00
10	light and/or maintain fire that causes irritation or inconvenience	3(11)	150.00

