



BY-LAW NO. 98-017

**A By-law Respecting the Control of Fires within
the Town of Kirkland Lake Between
the Period April 1 and October 31**

WHEREAS the Municipal Act RSO 1990 Chapter M 45 Section 210 (35) authorizes the municipality to pass by-laws regulating the control of fires.

AND WHEREAS Section 2.6.3.4 of the Ontario Fire Code RSO 1990 states Open Air Burning shall not be permitted unless approved or unless such consists of small confined fire, supervised at all times and used to cook food on a grill or a B.B.Q..

AND WHEREAS the Council of the Corporation of the Town of Kirkland Lake deems it desirable and necessary for the protection of its citizens to enact a by-law respecting the control, and management of fires.

NOW THEREFORE the Council of the Corporation of the Town of Kirkland Lake enacts as follows:

1. For the purpose of this by-law the following definitions shall apply:
 - (a) Provincial Offences Officer: any member of the Kirkland Lake Fire Department designated as a Provincial Offences Officer to enforce this by-law.
 - (b) Special Constable: means a person appointed or employed by the Police Service Board of the Corporation of the Town of Kirkland Lake.
 - (c) Fire: igniting any substance to cause it to burn such as garbage grass, wood, or any combustible liquid or material.
 - (d) Owner: any person who owns a house, apartment or commercial business, farm, or a person temporarily in charge of such building and property.
 - (e) Corporation: means the Corporation of the Town of Kirkland Lake.
 - (f) Municipality: means the Corporation of the Town of Kirkland Lake.
 - (g) Police: means the Ontario Provincial Police
 - (h) Controlled Fire: a fire ignited for the purpose of burning wood waste resulting from clearing of lands.
 - (i) Permit: means the Document issued by the Chief of the Kirkland Lake Fire Department for which conditions for burning have been applied and a fee paid.
2. **Fires - Urban Areas**
 - (a) No owner or person shall have, or cause to have any fires within the urban areas of the Corporation of the Town of Kirkland Lake as identified on Schedule "B" between April 1st and October 31.
 - (b) Fires are permitted in the urban areas in approved containers generally referred to as "Back Yard

Fireplaces" having a fire pot containing a spark resister top or in an approved container complete with a spark resister top which shall be approved by the Fire Chief of the Kirkland Lake Fire Department or his or her designate prior to igniting any fire.

3. Fires - Rural Property

- (a) Subject to the provisions of Article 8

No owner or person shall have, or cause to have any fires within the rural areas of the Corporation of the Town of Kirkland Lake as identified on Schedule "B" between April 1st and October 31.

- (b) Fires other than between April 1 and October 31st, shall be in an approved container complete with a spark resister top and shall be approved by the Fire Chief of the Kirkland Lake Fire Department or his or her designate prior to igniting any fire.
- (c) No fire shall be within 10 metres of any other combustible material or buildings.

4. Fires - Commercial Property

- a) No owner or person representing a commercial property shall have, or cause to have any fire within the boundaries of the Corporation of the Town of Kirkland Lake between April 1st and October 31st.
- (b) Fires other than between April 1st and October 31st must first have the fire container and spark resister top approved by the Fire Chief of the Kirkland Lake Fire Department.
- (c) No fire shall be within 10 metres or any other building or combustible materials.

5. Fires - Safety

- (a) All fire scenes shall be equipped with safety equipment such as water and/or portable Fire Extinguisher (A,B,C), rakes or any tool necessary for safety.
- (b) No owner or person shall have a fire unless supervised at all times by a person who has reached the age of majority.

6. Enforcement

- a) Any Offence committed in contravention of this By-Law shall be enforced by a Provincial Offences Officer, a Special Constable and or a Police Officer.
- b) For the purposes of this By-Law all full-time members of the Kirkland Lake Fire Department are deemed to be Provincial Offences Officers.

7. Offences

- a) For the purposes of this By-Law the following shall be offences to which a set fine shall be assessed in accordance with Schedule "A" attached hereto:
- i) Have fire during prohibited time period (Section 2(a))
 - ii) Fire not in approved container (Section 2(b))
 - iii) Fire within 10 metres of combustible material or building (Section 2(c))
 - iv) Have fire during prohibited time period (Section 3(a))
 - v) Fire not in approved container (Section 3(b))

- vi) Fire within 10 metres of combustible material or building (Section 3(c))
 - vii) Have unsupervised Fire (Section 4)
 - viii) Unsafe Fire (Section 4 (a))
 - ix) Having a Fire Without an applicable Permit
- b) Notwithstanding Article 7 (a) any person upon prosecution and found contravening any provisions of this by-law is liable upon conviction to a fine not less than one Hundred Dollars \$100.00 and not greater than Two Thousand Dollars (\$2,000.00) exclusive of costs recoverable pursuant to the provisions of the Provincial Offences Act RSO 1990 Chap. P.53.
- c) In addition to any fine assessed pursuant to article 7(a) and 7 (b) where it is determined that a fire described in this By-Law has crossed to property owned by another person, corporation or public entity the costs assessed for extinguishing the fire shall be assessed to the property owner determined to have caused the fire. Said costs are recoverable from the person so named. Failure to provide payment will result in the amount assessed being added to the Property tax account of the offending property and shall be recovered in "Like Manner As Taxes".

8. Permits

- a) An owner or a person as identified in article 3 and 4 may obtain annually from the Kirkland Lake Fire Department a Fire Permit for the purpose of burning during the period April 1 to October 31.
- b) A permit shall identify:
- a) The Applicant
 - b) The Name of the Property Owner
 - c) A description of the property sufficient to identify the location of the property on which the burning will take place
 - d) The telephone number(s) where the applicant and/or owner may be contacted.
 - e) Conditions under which the permit is issued.
 - f) The permit shall contain original signatures of the Fire Chief or his/her designate and that of the applicant and/or owner
 - g) Penalties for non-compliance as identified in this By-Law
- c) An original signature to the application by an owner or a person as defined by this By-Law shall constitute acceptance of the Terms and Conditions of the permit issued and conditions and penalties as contained therein.
- d) It shall be the duty of the Fire Chief or his/her designate to inspect forthwith from the date of the permit the container and/or condition of the site to which the Permit applies.
- e) It shall be the duty of the Fire Chief or his/her designate to notify the holder of a Permit of any temporary suspension of the Permit as conditions necessitate. Telephone notification is clear and sufficient authority for suspension of the rights granted by the permit.
- f) Failure to comply with the provisions of this article is subject to the penalty(ies) as identified in this By-Law.
- g) The cost of a permit shall be \$50.00 per annum.

9. Controlled Fire Permit

- a) An owner or a person as identified in article 3 and 4 may obtain from the Kirkland Lake Fire Department a Controlled Fire Permit for the purpose of burning during the period April 1 to October 31.
- b) A permit shall identify:
 - a) The Applicant
 - b) The Name of the Property Owner
 - c) A description of the property sufficient to identify the location of the property on which the burning will take place
 - d) The telephone number(s) where the applicant and/or owner may be contacted.
 - e) Conditions under which the permit is issued.
 - f) The permit shall contain original signatures of the Fire Chief or his/her designate and that of the applicant and/or owner
 - g) Penalties for non-compliance as identified in this By-Law and in particular citing the provision of recovery of costs should the fire exceed the boundaries of the land identified in the Permit Application.
 - h) A statement indicating that any and all liability associated with compliance and non-compliance of this By-Law is the responsibility of the owner.
- c) An original signature to the application by an owner or a person as defined by this By-Law shall constitute acceptance of the Terms and Conditions of the permit issued and conditions and penalties as contained therein.
- d) Failure to comply with the provisions of this article is subject to the penalty(ies) as identified in this By-Law.
- e) The cost of a permit shall be \$15.00 per day.

10. Exemption to This By-Law

Any bona fide registered camper, camping at Culver Park in the Municipality of Kirkland Lake during the open camping season at Culver Park are exempt from this by-law providing all safety standards are in compliance with this By-Law.

11. Ministry of Natural Resources

Any fire restrictions set by the Ministry of Natural Resources shall where applicable supersede and/or be the basis for suspension of any and all permits in accordance with article 8 or other provisions of this bylaw.

READ a first, second and third time enacted and passed this 7th day of April 1998.

Richard Denton, Mayor Gary D. Shay, Clerk

SCHEDULE "A"
By-Law 98-017
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the Control of Fires within
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Set Fines

Have fire during prohibited time period (Section 2(a), 3(a), 4(a))	\$100.00
Fire not in approved container (Section 2(b), 3(b), 4(b))	\$100.00
Fire within 10 metres of combustible material or building (Section 3(c), 4(c))	\$100.00
Have fire during prohibited time period (Section 3(a), 4(a))	\$100.00
Fire not in approved container (Section 2(b), 3(b), 4(b))	\$100.00
Have unsupervised Fire (Section 5(a))	\$100.00
Unsafe Fire (Section 5 (b))	\$100.00
Having a Fire Without an applicable Permit (Section 8, 9) \$100.00 + all costs associated with suppressing the fire	

Schedule 'B'

By-Law 98-017

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Rural: Any lands outside the shaded area indicated on Map I, e.g. Goodfish, Morrisette Township and Bernhardt Township.

Urban: Any lands within the shaded area indicated on Map I, e.g. Kirkland Lake, Swastika, Chaput Hughes