

THE CORPORATION OF THE  
T O W N     O F     P E L H A M

BY-LAW NO. 1393

Being a by-law to prescribe the times during which fires may be set in the open air and precautions to be taken, and to further make regulations for the preventing of fires and the spread of fires as the Council considers necessary.

WHEREAS, the Municipal Act, R.S.O. 1980, Chapter 302, Section 210, Subsection 28 and Subsection 42 provide that by-laws may be passed by the Councils of local municipalities for prescribing for the whole or any part of the municipality the times during which fires may be set in the open air, and the precautions to be observed by persons setting out fires, and for making such regulations for preventing fires and the spread of fires as the Council considers necessary.

AND WHEREAS the Council for the Corporation of the Town of Pelham deems it expedient and necessary to pass a by-law to regulate open air fires;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

1. In this by-law,

(a) "agricultural areas" shall mean those portions of the Town of Pelham as shown on "Schedule A" attached hereto;

(b) "By-law Enforcement Officer" shall mean that person or persons appointed by the Council of the Corporation of the Town of Pelham for the purposes of enforcing Town by-laws, and shall include any Police Officer, the Fire Chief and Fire Prevention Officer employed by the Town of Pelham.

(c) "Farmer" shall mean a person or persons who operate an agricultural use in the agricultural area and, without limiting the generality of the foregoing, shall include the growing of vegetables, fruits, grains or flowers and the raising of livestock, poultry, horses, beekeeping, or dairying.

(d) "fire" includes bonfire, campfire and any other fire in a yard, field or any other open place but does not include:

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- (1) A charcoal or gas fire in a barbeque, hibachi or similar metal or masonry container while being used for the cooking of food for human consumption provided,
  - (i) such fire is not on a balcony of a building or in any other location that is contrary to the provision of this by-law, and
  - (ii) such fire is attended by a person over the age of sixteen years to supervise it;
- (2) An appliance being used for heating pitch or asphalt;
- (3) An appliance being used for construction or maintenance and which requires an open flame;
- (4) A campfire in a camping establishment in the Town of Pelham provided that such campfire is in an area of the camping establishment approved by the Fire Chief or the Fire Prevention Officer and is attended by a person over the age of sixteen years to supervise it;
- (5) A fire set with the approval of Town Council in a location approved by the Fire Chief or Fire Prevention Officer and with Fire Department personnel present;
- (6) A fire set by the Fire Department in training areas approved by Town Council for the purpose of training or testing equipment as authorized by the Fire Chief;
- (7) A fire for thawing or heating building materials, provided such fire is set in a location and in such manner approved by the Fire Chief or Fire Prevention officer;
- (8) The burning of brush or leaves by Town employees in locations approved by the Fire Chief or Fire Prevention Officer provided such burning is under the supervision of a Town Foreman and takes place between the hours of 0800 and 1800; or
- (9) A fire in a masonry fireplace in a Municipal or Provincial Park.

- (10) The burning of brush or leaves by farmers in the agricultural areas.

2. No person shall anywhere in the Town of Pelham set or maintain a fire in the open air or permit a fire in the open air to burn,

(a) at any time between 1900 hours and 0800 hours the following day;

(b) at a location where there is a danger of such a fire spreading to grass or other vegetation;

(c) during weather conditions with winds exceeding 15 miles per hour;

(d) on any road allowance or other municipal property;

(e) on or adjacent to any property where a building or structure is under construction or renovation;

(f) on or adjacent to any property where it is known or ought to be known that explosives or any other flammable material is stored; or

(g) on any front or side yard of a residential dwelling.

3. (1) No person shall burn debris or other materials:
- (a) in any building or structure which is being demolished;
  - (b) on the lot or site of any building or structure which is being demolished.

- (2) No person shall set fire to:
- (a) a building or structure for the purpose of demolishing the building or part thereof;
  - (b) a demolished building or part thereof.

4. Every person setting a fire in the open air anywhere in the Town of Pelham shall:

(a) Ensure that a competent person is present to supervise such fire and is prepared to extinguish said fire promptly in the event of danger of the spread of such fire and is in constant immediate attendance at the specific place where the fire is burning;

(b) Completely extinguish such fire before leaving the specific place where the fire is burning; and

(c) Maintain said fire by:

- (i) setting and confining the fire in a metal or masonry container with a metal screen on top having a mesh of not greater than one-half (1/2) inch;
- (ii) setting and keeping the said fire not less than twenty-five (25) feet from any building, structure, wooden fence or other combustible material or liquid; and
- (iii) keeping a water supply, or other material or device in close proximity to the said fire capable of extinguishing said fire.

5. Sections 4(a) and 7 of this by-law shall be applicable to all fires described in this by-law including those defined in Section 1(d).

6. The By-law Enforcement Officer, Fire Chief or Fire Prevention Officer is hereby authorized to order any person to extinguish any fire that is set contrary to the provisions of this by-law.

7. Where any set fire cannot be extinguished or is not extinguished by the person(s) supervising said fire and it is necessary for the Fire Department to respond to extinguish said fire, the person(s) supervising and/or the owner of the lands involved may, at the discretion of the Council of the Town of Pelham, be responsible for any and all costs involved in the said Fire Department's actions and, if not paid when invoiced, costs may be added to and collected in a like manner as taxes.


8. Wherever in this by-law any reference is made to time, such time shall, for any period of the year during which Daylight Saving Time is proclaimed to be in effect in the Town of Pelham, be construed according to Daylight Saving Time and not Standard Time.


9. Nothing in this by-law shall be deemed to authorize any fire, burning or other act which is in contravention of the Environmental Protection Act, 1971, or any regulation made thereunder and, in the event of any conflict between this by-law and the said Act or regulations, the provision of the said Act and regulations shall govern.

10. Every person who contravenes any provisions of this by-law is guilty of an offence and, upon conviction, is liable to a fine of not more than three hundred dollars (\$300.00) for the first offence and not more than two thousand dollars (\$2,000.00) for the second or subsequent offences.

11. That By-law #1215 (1988) is hereby repealed from and after the coming in force of this by-law.

READ A FIRST, SECOND AND THIRD TIME  
AND FINALLY PASSED BY COUNCIL THIS  
4th DAY OF FEBRUARY, 1991 A.D.

  
MAYOR

  
CLERK