

defeated

CORPORATION OF THE TOWNSHIP OF PRINCE

By-Law No. 2014- 38

Being a by-law to regulate the burning of certain materials

WHEREAS the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4, as amended, provides:

- in subsection 7.1(1)(a) that a council of a municipality may pass by-laws regulation fire prevention, including the prevention of spreading fires;
- in subsection 7.1(14) that a municipality may appoint the Fire Chief or Fire Prevention officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether by-laws enacted in accordance with this section are being complied with;

AND WHEREAS of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides:

- in section 125 that a municipality may regulate the use and installation of heating and cooking appliances, and the storage of fuel for use in heating and cooking appliances;
- in section 128 that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances, and the opinion of Council if arrived at in good faith is not subject to review by any court; AND Council is of the opinion that the setting of fires are or could become or cause public nuisances by creating negative health effects on neighbouring residents, increasing fire exposure hazards, infringing the enjoyment of the use of neighbouring properties, and generating false fire alarms;
- in section 129 that a municipality may prohibit and regulate with respect to odour, dust and outdoor illumination, and may prohibit those matters unless a permit is obtained from the municipality for those matters and may impose conditions for obtaining, continuing to hold and renewing the permit; in section 10 that a municipality may pass by-laws respecting: 5. Economic, social and environmental well-being of the municipality; 6. Health safety and well-being of persons; 8. Protection of persons and property; 10. Structures, including fences and signs;
- in section 10 and section 391 that a municipality is authorized to pass by-laws imposing fees or charges on persons for services or activities provided or done by it or on behalf of it, and for the use of its property including property under its control;
- in section 446 that if a municipality has authority under the Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

NOW THEREFORE, the Council of the Corporation of the Township of Prince enacts as follows:

1. Interpretation:

- a) **Adverse effect** means one or more of,
- (a) impairment of the quality of the natural environment for any use that can be made of it,
 - (b) injury or damage to property or to plant or animal life,
 - (c) harm or material discomfort to any person,
 - (d) an adverse effect on the health of any person,
 - (e) impairment of the safety of any person,
 - (f) rendering any property or plant or animal life unfit for human use,
 - (g) loss of enjoyment of normal use of property, and
 - (h) interference with the normal conduct of business.

- b) **By-Law Enforcement Officer** means the person appointed by the Township of Prince Council.
- c) **Contaminant** means any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from human activities that causes or may cause an adverse effect.
- d) **Fire Chief** means the member appointed by Council as head of the Prince Township Fire Department.
- e) **Nuisance** means an activity or behaviour that makes, continues or causes to be made or continued, any excessive, unnecessary or unusual emission of smoke, ash, soot, cinders, fumes, and other effluvia.
- f) **Officer** means the Township of Prince Fire Chief, Fire Prevention Officer, By-Law Enforcement Officer or appointed designates thereof, and Police Officers.
- g) **Owner** means any person, firm or corporation having control over any portion of the building or property under consideration and includes the persons in the building or property.
- h) **Pellet stove appliance** means a stove designed and used exclusively for the combustion of wood pellets having a maximum length of 2.5 cm in any dimension, and meeting the particulate emission requirements of the Canadian standard.
- i) **Permitted material** means domestic products including seasoned, untreated wood or manufactured products such as wood pellets or fuel logs retailed for use as fuel in a wood burning appliance.
- j) **Person** means an individual or a corporation.
- k) **Prohibited material** includes but is not limited to: foreign wood and wood products, unseasoned wood, garbage, treated wood, plastic products, rubber products, waste oil, paints, solvents, coal, glossy coloured papers, particle board and salted wood.
- l) **Smoke** means the gases, particulate matter and all other products of combustion emitted into the atmosphere when a substance or material is burned, including, without limitation, smoke, dust, gas, sparks, ash, soot, cinders, and fumes.
- m) **Wood burning appliance** means a solid fuel burning device including, without limitation, fireplace, woodstove, central furnace, or any similar device installed in any premises, in which wood is burned and which discharges combustion products to the air.

2. Fuels:

- 2.1 Only Permitted materials shall be used as fuel. At no time may Prohibited materials be used.

3. Restrictions

- 3.1 No person shall operate a wood burning appliance or pellet stove appliance in such a manner as: to discharge contaminants, cause a nuisance, cause an adverse effect or significantly contribute to the cause of injury or damage to human health, plant, or animal life or property; or that are likely to affect the quality of life of themselves and nearby residents.

4. Inspection and Orders:


- 4.1 An Officer may enter and inspect any land and/or premises on which burning is being conducted for the purposes of determining compliance with this By-Law.
- 4.2 No person shall interfere with or obstruct an Officer in carrying out their duties pursuant to this By-Law.
- 4.3 All persons shall comply with all orders of an Officer concerning compliance with the provisions of this By-Law.
- 4.4 An Officer may order the extinguishment of any fire that is in violation of this By-Law.
- 4.5 When a person does not comply with an Officer's order to extinguish a fire which is in violation of this By-Law, the Officer may cause the fire to be extinguished.

5. Offence:

- 5.1 Any person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine and penalty pursuant to the provisions of the Provincial Offenses Act, R.S.O. 1990, c.P.33., as amended.

This by-law shall come into force and take effect immediately upon the final passing thereof.

READ A THIRD TIME AND PASSED in Open Council this 14th day of October, 2014, as amended.


Reeve, Ken Lamming


CAO/Treasurer-Clerk, Peggy Greco