

THE CORPORATION OF THE  
TOWNSHIP OF NAIRN & HYMAN



**BY-LAW # 2001-16**

**BEING A BY-LAW OF THE CORPORATION OF THE TOWNSHIP  
OF NAIRN & HYMAN TO PRESCRIBE THE TIMES AND  
PRECAUTIONS FOR OPEN AIR FIRES WITHIN THE TOWNSHIP  
OF NAIRN & HYMAN**

**WHEREAS** authority is granted to councils of all municipalities to prescribe times and precautions for open air fires within the Township of Nairn & Hyman;

**AND WHEREAS** by the provisions of Section 210 (31 & 35) of the Municipal Act, Chapter M45, R.S.O. 1990 and amendments thereto, a municipal council may enact by-laws relating to fire matters;

**AND WHEREAS** by the provisions of Section 220.1 (2), Chapter 1, Statutes of Ontario, 1996 and amendments thereto, a municipal council may enact by-laws imposing fees or charges on any class of persons;

**AND WHEREAS** the municipal council of the Corporation of the Township of Nairn & Hyman deems it expedient to pass a by-law prescribing the times and precautions for open air fires within the Township of Nairn & Hyman;

**NOW THEREFORE** the council of the Corporation of the Township of Nairn & Hyman **HEREBY ENACTS AS FOLLOWS:**

1. Definitions in this by-law;
  - a) **"precaution"** means a step or preparation taken to avoid a possible danger;
  - b) **"approved"** means a fire permit has been obtained from a municipal designate and is issued as a precautionary measure to allow the municipality to contact permit holders and advise of the cancellation of burning in the event of a restriction due to extremely dry conditions or other environmental or eminent danger in the municipality.
2.
  - a) No person shall set a fire out-of-doors within the municipality between the hours of seven o'clock in the forenoon and seven o'clock in the afternoon between April 1<sup>st</sup> and October 31<sup>st</sup> of any year.
  - b) No person shall set out a fire in the open air without first obtaining approval to do so in the form of a "Permit to Burn" during any time of the year.
3. Small confined fires are permitted without approval provided they are supervised at all times and are used to cook food, grill or barbecue. Permission for small confined fires may be cancelled at any time

4. In order to prevent the production of toxic airborne contaminants that could pose a potential health hazard or cause physical discomfort to residents, no materials other than dry wood, grass or brush shall be burned.
5.
  - a) No person shall set a fire out of doors unless the burning is in constant attendance by a competent person.
  - b) No person shall abandon a fire set out of doors without fully extinguishing the fire.
6. No person shall set a fire in windy conditions while it may spread to other combustible materials.
7. No person shall burn any material that could produce smoke in such concentration that it may endanger or interfere with the movement of vehicular traffic or impair the use and enjoyment of property.
8. **Penalty:**  
  
Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act of Ontario.
9. If the fire department deems that any fire has the potential to result in the loss of life or significant loss of private or public property or is in contravention with this by-law, the municipality may respond and extinguish the fire. The person(s) responsible may be invoiced for the costs incurred as per schedule "A" to this by-law. These costs will be levied against the responsible person(s) regardless if a "Permit to Burn" was obtained or not.
10. The chief fire official or designate may cancel fire permits at any time.
11. That By-law number 98-8 "Being a by-law of the Corporation of the Township of Nairn and Hyman to prescribe the times and precautions for open air fires within the Township of Nairn and Hyman" is hereby rescinded in its entirety.

**READ A FIRST, SECOND AND THIRD  
TIME AND FINALLY PASSED IN OPEN  
COUNCIL THIS 14<sup>th</sup> DAY OF May, 2001.**

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**REEVE**

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**CLERK**

THE CORPORATION OF THE  
TOWNSHIP OF NAIRN AND HYMAN



SCHEDULE "A"  
TO  
BY-LAW # 2001-16

FEE/RATE STRUCTURE:

Emergency Services Rendered:

- ✓ \$350.00 for the first hour or part thereof per piece of equipment.
- ✓ \$175.00 for each additional half hour or part thereof per piece of equipment.