

# THE CORPORATION OF THE VILLAGE OF WESTPORT

## BY-LAW 09-01

### A By-law to Prescribe the Precautions and Conditions Under Which Fires May Be Set in Open Air

**WHEREAS** Section 8(1) of the Municipal Act, S.O. 2001, c. 25, confers authority to municipalities to govern their affairs as they consider appropriate;

**AND WHEREAS** Section 8(3) of the Municipal Act, S.O. 2001, c.25, permits a municipality to pass by-laws to regulate or prohibit and to provide for a system of licenses, permits, approvals or registrations and impose conditions;

**AND WHEREAS** Section 128 of the Municipal Act, S.O. 2001, c. 25, authorizes a local municipality to prohibit and regulate with respect to public nuisances;

**AND WHEREAS** Section 129 of the Municipal Act, S.O. 2001, c. 25, authorizes a local municipality to prohibit and regulate with respect to odours;

**AND WHEREAS** Section 391(1) of the Municipal Act, S.O. 2001, c. 25, authorizes Council to pass by-laws for the imposition and collection of fees or charges for services or activities provided by the municipality;

**AND WHEREAS** Section 425 of the Municipal Act, S.O. 2001, c. 25, authorizes the municipality to create offences and Section 429 of the Municipal Act, S.O. 2001, c. 25, authorizes the municipality to establish fines;

**AND WHEREAS** Section 425 of the Municipal Act, S.O. 2001, c. 25, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under this act;

**AND WHEREAS** Section 446 of the Municipal Act, S.O. 2001, c. 25, permits the municipality to cause remedial action and recover the costs of so doing;

**AND WHEREAS** Section 2.6.3.4 of the Ontario Fire Code (O.Reg.213/07) reaffirms that open-air burning shall not be permitted unless approved, or unless such burning consists of a small, confined fire, supervised at all times, and used to cook food on a grill or a barbeque;

**AND WHEREAS** Section 7.1(1)(b) of the Fire Protection and Prevention Act as amended, provides that councils of municipalities may pass by-laws for prescribing the times that fires may be set and the precautions to be observed by persons setting out fires;

**NOW THEREFORE** the Council of the Corporation of the Village of Westport hereby enacts as follows:

#### 1. DEFINITIONS

For the purpose of this by-law,

a) "Adverse Effect" means one or more of:

- i) impairment of the quality of the natural environment for any use that can be made of it,
- ii) injury or damage to property or to plant or animal life,
- iii) harm or material discomfort to any person,
- iv) an adverse effect on the health of any person,
- v) impairment of the safety of any person,
- vi) rendering any property or plant or animal life unfit for human use,
- vii) loss of enjoyment of normal use of property, and
- viii) interference with the normal conduct of business;

b) "Approved Brush Pile Fire" shall mean an "Open Air Burn", having a maximum fuel size of 1.5 metres x 1.5 metres x 1 metre in height (5 feet x 5 feet x 3.3 feet), that is set and maintained for the sole purpose of burning piled wood or brush;

c) "Approved Incinerator Fire" shall mean an "Open Air Burn" set in a container designed for incineration purposes and constructed completely of non-combustible material that is placed atop not less than 5 cm. (2 inches) of sand or mineral soil extending not less than 30cm (12 inches) beyond its perimeter, and having a maximum volume of 500 litres and an outlet or exhaust opening covered by a screen having a mesh of not more than 7 mm (1/4 inch) opening;

d) "Approved Campfire" shall mean an "Open Air Burn", having a maximum fuel volume of .6metres x .6 metres x .6 metres height. (2 feet x 2 feet x 2 feet), that is set and maintained solely for the purposes of cooking food, providing warmth or for recreational enjoyment and where;

i) The site of the fire is bare rock or other non-combustible material.

ii) The fire is at least 5 metres (16.4 feet) from any flammable material.

iii) The space above the fire is at least 5 metres (16.4 feet) from vegetation.

iv) The flame length does not exceed 1 metre (3.3 feet) in height and .6 metre (2 feet) in diameter.

v) Is placed atop not less than 5 cm. (2 inches) of sand or mineral soil extending not less than 30 cm. (12 inches) beyond its perimeter of the fuel or the fuel surrounded by non-combustible material.

e) "By-law Enforcement Officer" shall mean an individual designated by Council to enforce the by-laws of the Corporation of the Village of Westport;

f) "Cooking Fire" shall mean a fire used for cooking food and contained within an approved containment area or approved outdoor barbeque or grill;

g) "Council" shall mean the elected Council of the Corporation of the Village of Westport;

h) "Dangerous Condition" means:

i) a lack of precipitation which, in the opinion of the Fire Chief increases the risk of the spread of fire;

ii) winds which in the opinion of the Fire Chief increases the risk of spread of fire; or

iii) any other condition declared by the Fire Chief to be a dangerous condition from time to time, which increases the risk of the spread of fire;

i) "Household Waste" means combustible material such as plastics, polyethylene terephthalate (PET), paints, oils, solvents, rubber, insulation, batteries, acids, polystyrenes (styrofoam), pressure treated or painted lumber, tires, upholstered furniture, synthetic fabrics, diapers and hazardous wastes as defined in the Environmental Protection Act and all other similar and like materials but shall not include untreated wood and wood fibre products such as unlaminated paper and cardboard and boxboard, brush and leaves;

j) "Fire Ban" shall mean prohibiting or restricting "Open Air Burning" and may be a Level One (1) Fire Ban or a Total Fire Ban as described in section Five (5);

k) "Fire Chief" means the Fire Chief of the Westport Fire Department or his/her designate;

l) "Fire Department" shall mean the Westport Fire Department, Westport-Rideau Lakes Station # 4 or any other fire department under contract or agreement to provide service to the Village of Westport;

m) "Fire Season" means that period from the 1<sup>st</sup> day of April to the 30<sup>th</sup> day of September in each year.

n) "Municipality" shall mean the Corporation of the Village of Westport;

o) "Open Air Burn(ing)" shall mean the ignition and incineration by fire of combustibles for the purpose burning branches, brush, clean wood and clean wood by-products and includes fires in barrels, drums, a chiminea, a campfire, a cooking fire and that related to barbeque cooking and cooking and heating appliances;

p) "Permit" shall mean a permit, for the calendar year only, issued by the Westport Village Office or selected agencies, the Fire Chief or his/her designates signifying permission to set or maintain or allow to set or maintaining an "Open Air Burn" and establishing the conditions under which the permission is granted. Permits are in the form attached as Schedule "A" and Schedule "B" hereof;

q) "Person" means any individual, association, firm, partnership, corporation, agent or trustee and their heirs, executors, or other legal representatives thereof;

r) "Prohibited Materials" includes "Household Waste", rubber or rubber products, plastic or plastic products, and waste petroleum products and any material or materials which are prohibited by the Environmental Protection Act, R.S.O. 1990, Chapter E.19, as amended.

s) "Ontario Fire Code" shall mean O. Reg. 388/97 under the Fire Protection and Prevention Act, S. O. 1997, C. 4, as amended;

## **2. GENERAL PROVISIONS**

2.1 That this by-law shall apply to the whole of the lands within the municipal boundaries of the "Municipality" of the Village of Westport;

2.2 No "Person" being the owner or tenant in possession of lands within the "Municipality" shall conduct "Open Air Burning" on such lands unless a "Permit" has been issued in respect of such "Open Air Burning";

2.3 Notwithstanding any provisions herein, no "Person" shall set or maintain a fire;

a) In contravention of the "Ontario Fire Code", the Environmental Protection Act, or any other statutory requirements of the Province of Ontario or the Government of Canada;

b) Containing "Prohibited Materials" or "Household Waste";

c) On any property owned or operated by the "Municipality" without the written permission of the "Municipality";

d) In the front or side yard of any Commercially or Industrially Zoned property within the "Municipality";

e) At a distance less than ten (10) metres (30.0 feet) from any building, structure, vehicular roadway of any kind or nature, or overhead wiring;

f) At a distance of less than three (3) metres (10.0 feet) from any hedge, fence, property line or any other object or material which has the potential to ignite;

g) Unless the "Person" to whom the "Permit" has been issued or such other "Person" as may be designated in the "Permit", has possession of tools and equipment necessary to extinguish the fire, if required and is in attendance at the fire in a responsible and supervisory capacity at all times until such fire has been completely extinguished;

h) In any outdoor fireplace or any other burning appliance or container unless same complies with the requirements that are described in the definition of an "Approved Incinerator Fire";

i) Burn any allowed material without obtaining and having on their person a valid "Open Air Burn Permit" for the type of "Open Air Burning" that is taking place, that requires one;

j) Which does not meet the definition of a "Cooking Fire" without having obtained an "Open Air Burn Permit";

k) When a "Fire Ban" has been declared and put in place by the "Fire Chief" or his/her designate;

2.4 No "Open Air Burning" shall be commenced or maintained when the wind is in such a direction or intensity to cause any or all of the following:

a) The possible spread of the fire beyond the approved burn site;

- b) A decrease in the visibility on any highway or roadway;
  - c) Any smoke or odour to such an extent or degree so as to cause discomfort to the persons in the immediate areas;
  - d) Excessive smoke or any other “Adverse Effect”;
  - e) Any “Dangerous Condition”;
- 2.5 No “Open Air Burning” shall be commenced or maintained when fog is present or any other weather condition that may prevent the ready dispersion of smoke;
- 2.6 No “Permit” shall be required for domestic barbeques or permanent outdoor fireplaces used for the purpose of cooking of food on a grill and extinguished immediately upon completion of its’ use to cook;
- 2.7 No “Person” shall set fire to, ignite, or otherwise burn any materials in an “Approved Brush Pile Fire” with a combined size of greater than 1.5 metres x 1.5 metres x 1 metre (5’ wide x 5’ long x 3.3’ high) without written approval of the “Fire Chief” or his/her designate. This written permission shall only be applied to Agricultural Zoned Properties;
- 2.8 No “Person” shall cause to be burned more than one “Open Air Burn” at any one time, without the written approval of the “Fire Chief” or his/her designate;
- 2.9 No “Person” shall burn any grass, hay, straw or standing material, without the written approval of the “Fire Chief” or his/her designate. This type of “Open Air Burn” must not have a leading edge greater than 15 metres (49.5 feet) and sufficient persons and other resources must be available to contain the said fire. This written approval shall only be applied to Agricultural Zoned Properties;

### **3. ISSUANCE OF PERMIT**

- 3.1 The issuance of a “Permit” may require the prior inspection of the proposed burn site by the “Fire Chief” or his/her designate;
- 3.2 In applying for a “Permit”, no “Person” shall furnish false or misleading information;
- 3.3 “Permit(s)” may be obtained from the “Municipality” at the Village of Westport’s Office or designated locations or if pre-inspection or written approval is required from the “Fire Chief”.
- 3.4 During the “Fire Season” no “Approved Brush Pile Fire” “Permit” shall be considered valid until the “Person” granted the “Permit” has validated the “Permit” by contacting the Village of Westport Office during regular business hours, a minimum of 48 hours prior to commencing burning;
- 3.5 The “Permit” for “Open Air Burning” of an “Approved Camp Fire” and an “Approved Incinerator Fire” will be valid when the “Permit” is granted;
- 3.6 No “Permit” is required for “Open Air Burning” consisting of a “Cooking Fire” as defined and maintained by definition;
- 3.7 It is the responsibility of the “Person” granted a “Permit” to check and monitor burning conditions to ensure that any burning restrictions are not in place; this can be done in part by contacting the Village of Westport office during regular business hours or *by checking the burning status on the Village of Westport’s web site*. The “Municipality” may also place announcements with the local press to advise the public of any restrictions regarding “Open Air Burning”;
- 3.8 It is the responsibility of the person who is burning to have immediately available to them the “Permit” which they were issued for inspection by the “Fire Chief” or his/her designate, “By-law Enforcement Officer” or the Police.
- 3.9 In any prosecution under a provision of this by-law that requires a “Permit”, the onus is on the “Person” charged to prove that the “Person” had a “Permit” at the time the offense is alleged to have been committed.
- 3.10 If a “Person” applying for a “Permit” is renting the property where “Open Air Burning” is to take place or if a “Person” is not the legal owner of the property, the property’s legal owner’s signature is required on the “Permit”;

#### **4. FIRE SEASON**

- 4.1 During the “Fire Season” no “Open Air Burning” shall be allowed between the time of 10:00 hours until 17:00 hours each day, seven (7) days a week;
- 4.2 The time indicated for no burning does not apply to a “Cooking Fire” as defined, if a “Burn Ban” is not in place and all precautions have been taken as defined and outlined;

#### **5. LEVELS OF FIRE BAN**

- 5.1 Level One (1) Ban, shall mean a “Fire Ban”, which prohibits an “Open Air Burn”, of an “Approved Brush Pile Fire”, but does not include “Approved Incinerator Fire”, Approved Campfire” and “Cooking Fires” as defined in this by-law;
- 5.2 Total Fire Ban, shall mean a “Fire Ban”, which prohibits absolutely any “Open Air Burning” including “Approved Brush Pile Fire”, “Approved Incinerator Fire”, “Cooking Fires”, but does not include the use of propane or naphtha gas cooking equipment which is equipped with a shutoff mechanism;
- 5.3 “Fire Ban” status, the need for a “Fire Ban”, will be assessed on a regular basis by the “Fire Chief” or his/her designate using MNR indices from two of the closest MNR facilities;
- 5.4 When the “Fire Chief” or his/her designate orders a “Fire Ban” be put in place, he/she will notify the Clerk/Treasurer or his/her designate who will then notify Council, staff and the press;

#### **6. ADMINISTRATION AND ENFORCEMENT**

- 6.1 This by-law shall be administered and enforced by the “By-Law Enforcement Officer” of the Corporation of the Village of Westport;
- 6.2 The “Fire Chief” or his/her designate, may at any time, and in the exercise of his/ her sole discretion, issue a “Fire Ban”, effective for a specified period of time, prohibiting the setting of any and all “Open Air Burning” within any area of the “Municipality”;
- 6.3 Notwithstanding section 2 of this by-law, the “Fire Chief” or his/her designate may revoke any or all “Permits”, or refuse to issue “Permits” where, in the opinion of the “Fire Chief” or his/her designate, that the ability to control the fire is hampered by the existence of a “Dangerous Condition”, which exists on or in the proximity of the proposed “Open Air Burning” site;
- 6.4 Notwithstanding section 2 of this by-law, the “Fire Chief” or his/her designate may deny any request for permission or revoke permission for open burning if the property owner or occupant has violated this by-law in the past and/or if the Fire Chief has reasonable cause to believe the conditions of this by-law will not be respected;
- 6.5 Any “Person” who fails to comply with the provisions of this By-law, or who fails to properly supervise and maintain a fire, or who fails to extinguish a fire once notification to do so has been given to him/her by the “Fire Chief” or his/her designate shall, in addition to any penalty provided for herein, be liable to the “Municipality” for all expenses incurred for the purposes of controlling and extinguishing of any fire so set or left to burn and such expenses may be recovered by court action or in a like manner as municipal taxes. The expenses for which the “Person” may be liable cover the cost of sufficient personnel and equipment required to control a fire, as set out within Schedule "C" hereof. Such expenses shall be equally chargeable in the event that a deliberately set fire burns out of control, such that the services of the “Fire Department” are necessary;
- 6.6 Any costs chargeable to any “Person” pursuant to section 6.5 hereof shall be invoiced to the “Person” and paid to the “Municipality” within sixty (60) days of the date of such invoice, failing which the costs may be deemed to be municipal taxes and added by the Clerk/Treasurer of the “Municipality” to the collector's roll and collected in the same manner and with the same priority as municipal taxes;

**7. OFFENCES**

7.1 In addition to any other penalty prescribed by this by-law, any "Person" who contravenes any provision of this by-law is guilty of an offence and is liable to a fine or penalty for each offence established pursuant to the Provincial Offences Act and included within Schedule "D" forming part of this by-law.

**8. SCHEDULES AND SEVERABILITY**

8.1 Schedules "A", "B", "C", "D" and "E" attached to this by-law shall also be read with and form part of this by-law.

8.2 The provisions of this by-law are severable. If any provision, section or word is held to be invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, sections or words.

8.3 Any "Person" invoiced for services as a result of violation of the provisions of this by-law may make submissions to "Council" with respect to having the costs invoiced reduced or rescinded.

8.4 This by-law may be cited as the "Open Air Burning By-Law".

8.5 This By-Law will come into force and effect upon receipt of approval from the Ontario Court of Justice for the Set Fines as set out in Schedule "D" attached hereto.

8.6 The Council of The Corporation of the Village of Westport hereby repeals By-Law 1994-6 upon receipt of the approval of Set Fines.

**9. EXEMPTIONS**

9.1 The provisions of this by-law shall not apply to, The Westport Fire Department, Westport Rideau Lakes Station # 4 or any other fire department, and its members under contract or agreement to provide service to the Village of Westport, for the purposes of education and training individuals.

Read a first and second time this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
William Thake  
Mayor

\_\_\_\_\_  
Scott Bryce  
Clerk

Read a third time and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
William Thake  
Mayor

\_\_\_\_\_  
Scott Bryce  
Clerk

**THE CORPORATION OF THE VILLAGE OF WESTPORT**  
**Schedule "A" to By-Law 2009-01**  
**CONDITIONAL PERMIT FOR "OPEN AIR BURNING" OF AN**  
**"APPROVED INCINERATOR FIRE" AND AN "APPROVED CAMPFIRE"**

(PLEASE PRINT)

APPLICANT: \_\_\_\_\_ PHONE: \_\_\_\_\_ CELLPHONE: \_\_\_\_\_

PROPERTY OWNER: \_\_\_\_\_ PHONE: \_\_\_\_\_ CELLPHONE: \_\_\_\_\_

CIVIC ADDRESS \_\_\_\_\_

DATE: \_\_\_\_\_ THIS PERMIT IS VALID FOR CALENDER YEAR ONLY

**: YEARLY FEE - \$7.50**

**CONDITIONS**

1. An "Incinerator Fire" shall mean an "Open Air Burn" set in a container designed for incineration purposes and constructed completely of non-combustible material that is placed atop not less than 5 cm. (2 inches) of sand or mineral soil extending not less than 30cm (12 inches) beyond its perimeter, and having a maximum volume of 500 litres and an outlet or exhaust opening covered by a screen having a mesh of not more than 7 mm (1/4 inch) opening;
2. An "Approved Campfire" shall mean an "Open Air Burn", having a maximum fuel volume of .6metres x .6 metres x .6 metres height. (2 feet x 2 feet x 2 feet), that is set and maintained solely for the purposes of cooking food, providing warmth or for recreational enjoyment and where;
  - i) The site of the fire is bare rock or other non-combustible material.
  - ii) The fire is at least 5 metres (16.4 feet) from any flammable material.
  - iii) The space above the fire is at least 5 metres (16.4 feet) from vegetation.
  - iv) The flame length does not exceed 1 metre (3.3 feet) in height and .6 metre (2 feet) in diameter.
  - v) Is placed atop not less than 5 cm. (2 inches) of sand or mineral soil extending not less than 30 cm. (12 inches) beyond its perimeter of the fuel or the fuel surrounded by non-combustible material.
3. The undersigned assumes full responsibility when conducting "Open Air Burning".
4. The undersigned agrees to all the rules and regulations in the "Open Air Burning By-law" and which are not limited to only those which appear on this permit.
5. No person shall cause to be burned more than one "Open Air Burn", at any one time.
6. "Open Air Burning" must be supervised by a competent person at all times.
7. Before starting a fire, wind conditions shall be taken into account, burning shall not be done when a wind exists.
8. No fires shall be started or maintained when the weather conditions prevent the ready dispersion of smoke.
9. Materials to be burned must NOT include those, which cause excessive smoke, "Household Waste", "Prohibited Materials" e.g. rubber, plastics or other materials prohibited by the Environmental Protection Act, R.S.O. 1990, Chapter E.19, as amended.
10. The undersigned, when setting an authorized "Open Air Burn", not only acknowledges responsibility for controlling it, but also for Fire Department service costs, if the fire gets out of control.
11. Section 446 of the Municipal Act, S.O. 2001, c.25 as amended, authorizes the recovery of costs related to the violation of these provisions.
12. No "person" shall burn at a distance less than 10 metres (30.0 feet) from any building, structure, vehicular roadway of any kind or nature, or any over head wires.
13. No "person" shall burn at a distance less than 3 metres ( 10.0 feet) from any hedge, fence, property line or any other object or material which has the potential to ignite.

Signature of Applicant: \_\_\_\_\_ Signature of Registered Owner: \_\_\_\_\_

Issued by: \_\_\_\_\_ Signature of Issuer: \_\_\_\_\_

**Permit may be revoked at any time by the Fire Chief or his/her designate for failure  
to comply with the regulations of the By-Law or any unsafe practices  
NOTIFY YOUR NEIGHBOURS PRIOR TO ANY OPEN BURNING**

**YEARLY FEE \$7.50**

**PAYMENT MADE BY: CASH\_\_\_\_\_ : CHEQUE\_\_\_\_\_ : DEBIT\_\_\_\_\_**

**Received Copy of By-Law # 2009-01: \_\_\_\_\_**

**THE CORPORATION OF THE VILLAGE OF WESTPORT**  
**Schedule "B" to By-Law 2009-01**  
**CONDITIONAL PERMIT FOR "OPEN AIR BURNING" OF AN**  
**"APPROVED BRUSH PILE FIRE"**

(PLEASE PRINT)

APPLICANT \_\_\_\_\_ PHONE: \_\_\_\_\_ CELLPHONE: \_\_\_\_\_

PROPERTY OWNER: \_\_\_\_\_ PHONE: \_\_\_\_\_ CELLPHONE: \_\_\_\_\_

CIVIC ADDRESS \_\_\_\_\_

DATE: \_\_\_\_\_ THIS PERMIT IS VALID FOR CALENDER YEAR ONLY

**: YEARLY FEE - \$10.00**

**DURING THE "FIRE SEASON", APRIL 1 TO SEPTEMBER 30 IN EACH YEAR THIS PERMIT MUST BE VALIDATED FOR NO CHARGE EACH TIME A FIRE IS SET OUT BY CONTACTING THE WESTPORT VILLAGE OFFICE A MINIMUM OF 48 HOURS BEFORE COMMENCING BURNING. THIS IS TO ENSURE NO BURNING RESTRICTIONS ARE IN PLACE.**

**CONDITIONS**

1. An "Approved Brush Pile Fire" shall mean an "Open Air Burn", having a maximum fuel size of 1.5 metres x 1.5 metres x 1 metre in height (5 feet x 5 feet x 3.3 feet), that is set and maintained for the sole purpose of burning piled wood or brush.
2. The undersigned assumes full responsibility when conducting "Open Air Burning".
4. The undersigned agrees to all the rules and regulations in the "Open Air Burning By-law" and which are not limited to only those which appear on this permit.
5. No person shall cause to be burned more than one "Open Air Burn", at any one time.
6. "Open Air Burning" must be supervised by a competent person at all times.
7. Before starting a fire, wind conditions shall be taken into account, burning shall not be done when a wind exists.
8. No fires shall be started or maintained when the weather conditions prevent the ready dispersion of smoke.
9. Materials to be burned must NOT include those, which cause excessive smoke, "Household Waste", "Prohibited Materials" e.g. rubber, plastics or other materials prohibited by the Environmental Protection Act, R.S.O. 1990, Chapter E.19, as amended.
10. The undersigned, when setting an authorized "Open Air Burn", not only acknowledges responsibility for controlling it, but also for Fire Department service costs, if the fire gets out of control.
11. Section 446 of the Municipal Act, S.O. 2001, c.25 as amended, authorizes the recovery of costs related to the violation of these provisions.
12. No "person" shall burn at a distance less than 10 metres (30.0 feet) from any building, structure, vehicular roadway of any kind or nature, or any over head wires.
13. No "person" shall burn at a distance less than 3 metres ( 10.0 feet) from any hedge, fence, property line or any other object or material which has the potential to ignite.

Signature of Applicant: \_\_\_\_\_ Signature of Registered Owner: \_\_\_\_\_

Issued by: \_\_\_\_\_ Signature of Issuer: \_\_\_\_\_

**Permit may be revoked at any time by the Fire Chief or his/her designate for failure to comply with the regulations of the By-Law or any unsafe practices**  
**NOTIFY YOUR NEIGHBOURS PRIOR TO ANY OPEN BURNING**

**YEARLY FEE \$10.00**

**PAYMENT MADE BY: CASH \_\_\_\_\_ : CHEQUE \_\_\_\_\_ : DEBIT \_\_\_\_\_**

**Received Copy of By-Law # 2009-01: \_\_\_\_\_**

**THE CORPORATION OF THE VILLAGE OF WESTPORT**  
**Schedule "C" to By-Law 2009-01**

**COST OF FIRE DEPARTMENT SERVICES**

The expenses, for which the "Person" may be liable, cover the cost of sufficient personnel and equipment required to control a fire, as referred to in section six (6) of By-Law 2009-01, and such costs have been deemed as being:

\$350.00 per vehicle for first hour or part thereof.

\$175.00 per vehicle for each subsequent half hour or part thereof.

This shall be calculated from initial dispatch of the fire department or any fire department under contract or agreement, until such time as each vehicle is back in service (defined as when the vehicle is back at the hall and has been replenished with the requirements for the unit to respond to the next activation).

These fees are in addition to any fines or penalties established elsewhere, in accordance with this by-law.

Costs will be invoiced by the "Municipality" of the Corporation of the Village of Westport and will be due sixty (60) days from the date of invoice.

## LIST OF SET FINES

Item #	Short Form Wording	Provision Creating Offence	Set Fines
1.	Set or maintain an "Open Air Burn" when a "Fire Ban" is in place.	2.3(k)	\$500.00
2.	Burn "Prohibited Materials" or "Household Waste."	2.3(b)	\$250.00
3.	Burn on "Municipality" owned property without written permission.	2.3(c)	\$250.00
4.	Burn without proper or valid "Permit"	2.2 2.3(i)	\$250.00
5.	Set or maintain a "Cooking Fire" that does not meet the definition, without a proper "Permit."	2.3(j)	\$250.00
6.	Burn at a distance of less than 10 metres (30.0 feet) from any building, structure, roadway, or overhead wires.	2.3(e)	\$125.00
7.	Burn at a distance of less than 3 metres (10.0 feet) from any hedge, fence, property line, or any other material which any potential to ignite.	2.3(f)	\$125.00
8.	Burn without tools or equipment readily available to extinguish fire if necessary.	2.3(g)	\$125.00
9.	Burn without "Permit" holder supervising "Open Air Burn"	2.3(g)	\$125.00
10.	Burn in an unapproved incinerator.	2.3(h)	\$125.00
11.	Burn in front or side yard of Commercially Zoned property.	2.3(d)	\$125.00
12.	Burn in front or side yard of Industrially Zoned property.	2.3(d)	\$125.00
13.	Burn when wind may cause fire to spread.	2.4(a)	\$125.00
14.	Burn when wind may cause decreased visibility on a highway or roadway.	2.4(b)	\$125.00
15.	Burn when wind may cause odour or smoke to cause discomfort to people in the vicinity.	2.4(c)	\$125.00
16.	Burn material(s) when wind may cause excessive smoke or any "Adverse Effect."	2.4(d)	\$125.00

## LIST OF SET FINES

Item #	Short Form Wording	Offence Creating Provision	Set Fines
17.	Burn materials when weather conditions may prevent ready dispersion of smoke.	2.5	\$125.00
18.	Burn material(s) with a greater size than 1.5 metres x 1.5 metres x 1 metre (5 feet wide x 5 feet long x 3.3 feet high), without written approval.	2.7	\$125.00
19.	Burn more than one "Open Air Burn" at one time, without written approval.	2.8	\$125.00
20.	Burn any grass, hay, straw or standing material, without written approval.	2.9	\$125.00

## **PERTAINING TO EXISTING PERMITS**

All permits issued under By-Law 94-6 during 2008 will be valid until expiry date on permit or one year from date of issue.

All permits issued under By-Law 94-6 during 2009 prior to the date of passing of By-Law 2009-01, will only be valid until expiry date on permit or until December 31, 2009 only.

New "Permits" issued under By-Law 2009-01 will be for calendar year only.

"Permits" issued after By-Law 2009-01 comes into force will follow the new price structure.

Notwithstanding "Persons" having permits issued before the passing of By-Law 2009-01, the rules and regulations contained within By-Law 2009-01 must be adhered to upon By-Law 2009-01 coming into force.