



THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER 2015 – 109

A BY-LAW TO REGULATE OPEN AIR BURNING

IN THE TOWNSHIP OF KING

"WHEREAS Section 8 of the *Municipal Act, 2001*, as amended, provides that the powers of a municipality under this or any other *Act* shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the *Municipal Act, 2001*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Act*;

AND WHEREAS Section 10 of the *Municipal Act, 2001*, provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS Section 11 of the *Municipal Act, 2001*, provides that a lower-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction described in the *Municipal Act, 2001* and submit to the rules set out in Subsection (4);

AND WHEREAS Section 475 (3), 7.1(1) of the *Municipal Act, 2001*, provides that a Council of a municipality may pass by-laws, (a) regulating fire prevention, including the prevention of the spreading of fires; (b) regulating the setting of open air fires, including establishing the times during which open fires may be set;

AND WHEREAS Section 475(3), 7.1(4) of the *Municipal Act, 2001*, provides that a municipality may appoint an 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;

NOW THEREFORE the Council of the Corporation of the Township of King hereby enacts as follows:

1. DEFINITIONS:

- (a) "Council" means the Council of the Corporation of the Township of King
- (b) "Fire Chief" shall mean the Fire Chief of the Township of King, as appointed by Council or his / her duly authorized representative
- (c) "Office of the Fire Chief" means the Fire Chief and Administrative staff members who have delegated authority under this municipal by-law
- (d) "Open Air Burning" means any fire set by any person within the boundaries of the Township of King
- (e) "Township" means the Corporation of the Township of King
- (f) "Municipal Clerk" means the Municipal Clerk of the Township of King, or his/her designate
- (g) "Person" shall mean an individual human being, his / her personal representatives and their heirs, executors and assigns and shall also include a corporation with or without share capital
- (h) "Recreational Fire" shall mean the burning of clean wood products for cooking, heating, enjoyment, religious ceremony or similar purposes

2. REQUIREMENTS FOR OPEN AIR BURNING

- (a) No person or persons shall engage in Open Air Burning within the Township of King unless they have received approval from the Office of the Fire Chief
- (b) The Office of the Fire Chief retains the right to revoke any and all Open Air Burn Permits at any given time. The Office of the Fire Chief also retains the right to complete an on-site inspection prior to issuing a burn permit for properties
- (c) Approval from the Office of the Fire Chief shall be in the form of an Open Air Burn Permit. The Office of the Fire Chief will issue a confirmation number for an established time period
- (d) All Open Air Burn Permits are subject to the conditions entitled "Open Air Burning Guidelines" as set out in Schedule "A" attached hereto and forming part of this bylaw: By-law Number 2015-109
- (e) Prior to the issuance of an Open Air Burning Permit, the owner of the property or authorized agent shall:
 - I. Pay the annual Open Air Burning permit fee as applicable set out by by-law; and
 - II. Complete the Open Air Burn Permit Agreement as provided by the Office of the Fire Chief
- (f) The Fire Chief may refuse to permit Open Air Burning when a Fire Ban has been declared or when in the opinion of the Fire Chief, it is not in the interest of public safety to issue a permit
- (g) Notwithstanding Section 2, Subsection (d), the Office of the Fire Chief may provide written relief from conditions entitled, "Open Air Burn Guidelines" as set out in Schedule "A" attached hereto and forming part of this bylaw.

3. BURNING BAN

- (a) The Office of the Fire Chief may declare an Open Air Burning Ban at any time when in the opinion of the Office of the Fire Chief it is in the best interest of public safety.
- (b) Notwithstanding 3 (a), the Office of the Fire Chief when satisfied of the need, may authorize an Open Air Burn during the time period when a ban has been imposed.

4. RESTRICTED OPEN AIR BURNING AREAS

- (a) Open Air Burning is prohibited and no Open Air Burning will be permitted within the built-up community boundaries of Ansnorveldt, Kettleby, King City, Laskay, Lloydtown, Nobleton, Pottageville, Schomberg, Snowball and Fairfields Estates as designated for the purposes of this By-law, as described on Schedule 1 and more particularly described on Schedules 1A – 1I inclusive and forming part of this By-law.
- (b) Notwithstanding Section 4 (a) of this bylaw, an Open Air Burning permit may be issued by the Office of the Fire Chief when satisfied of the need and circumstance.
- (c) Notwithstanding Section 4 (a) of this By-law, Recreational Fires are permitted within all community boundaries subject to the Recreational Fire conditions set out in Section B of the "Open Air Burning Guidelines" on Schedule "A" attached hereto and forming part of this By-law.
- (d) Open Air Burning Permits will not be issued to properties with less than ½ ha. (One (1) Acre) of gross land mass.

5. USER FEES

- (a) In addition to the Open Air Burn permit fee required under Section 2 of this By-law, the Office of the Fire Chief may charge user fees for the attendance of Township of King Fire & Emergency Service personnel or other authorized fire services at any location to control, extinguish or regulate Open Air Burning in accordance with the provisions of this By-law. Current user fees shall apply under this by-law.

- (b) In the event that payment is not received within 90 days, the outstanding balance may be collected in the same manner as taxes.

6. OFFENCES

- (a) Any person who contravenes any provisions of this By-law is guilty of an offence and is subject to a penalty pursuant to the Provincial Offences Act, R.S.O. 1990.
- (b) The conviction of an offender upon the breach of any provisions of this By-law shall not operate as a bar to a prosecution against the same offender upon any continued or subsequent breach of any continued or subsequent breaches of the by-law and the provisions of the Municipal Act, R.S.O. 1990, as amended from time to time, shall further apply to any continued or repeat breach of this By-law.
- (c) In the event of a contravention of any of the provisions of this By-law, the Township, in addition to any other remedies contained herein may enter upon the lands and do such work as is necessary to rectify the breach and all expenses thereof which shall be recoverable from the owner(s), by action or in a like manner as municipal taxes.

7. MISCELLANEOUS

- (a) If any court of competent jurisdiction finds any of the provisions of this By-law are ultra vires the jurisdiction of the Council or are invalid for any reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the by-law which shall remain in full force and effect.
- (b) Where the context permits, words importing the singular number or the masculine gender also include more persons, parties or things of the same kind than one, and females as well as males.
- (c) If any provisions of this By-law are inconsistent with the Fire Protection and Prevention Act, Ontario Fire Code, the Forest Fire Prevention Act, Environmental Protection Act or any other Federal or Provincial Act or regulation, the provisions of the applicable Act shall apply.

8. REPEAL

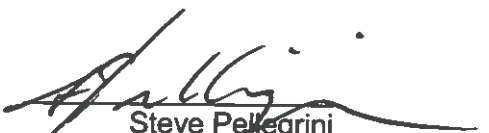
- (a) **THAT** By-law Number 2004-76 is hereby repealed.

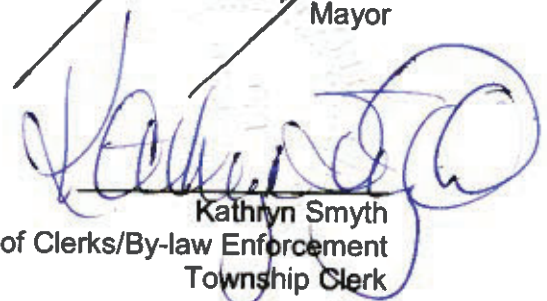
9. ENACTMENT

- (a) **THAT** this By-law shall come into force and effect upon final passage hereof.

READ a FIRST and SECOND time this 2nd day of November, 2015

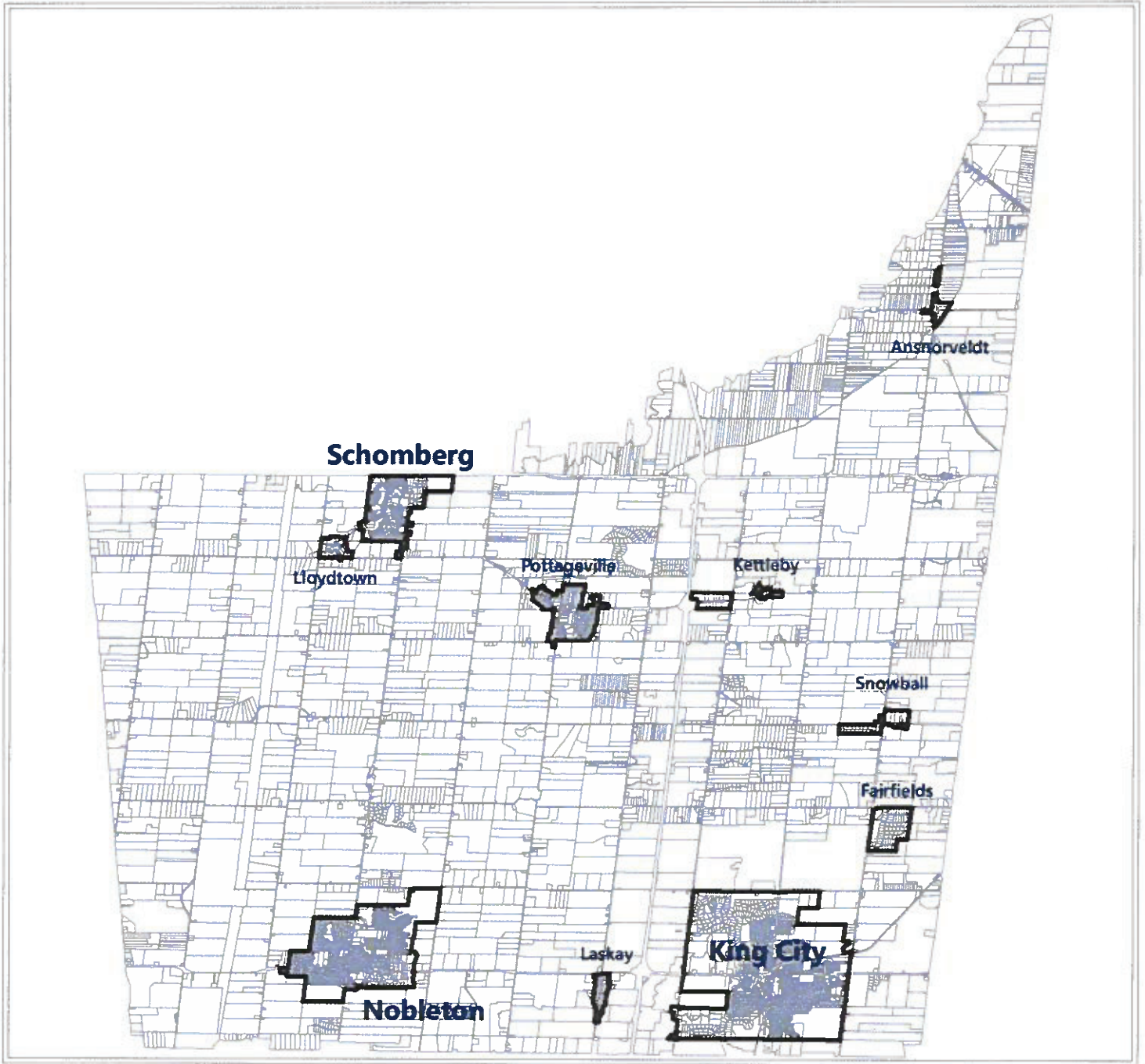
READ a THIRD time and **FINALLY** passed this 2nd day of November, 2015


Steve Pellegrini
Mayor


Kathryn Smyth
Director of Clerks/By-law Enforcement
Township Clerk

(Ref.: King Fire & Emergency Services Dept.
Report No. FD-2015-04, C.O.W. Nov. 2/15)

Township of King Open Air Burning



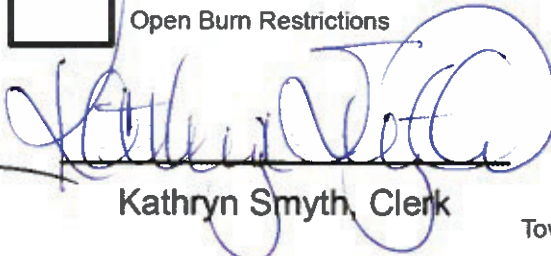
THIS IS SCHEDULE 1 TO BY-LAW NO. 2015-109

PASSED ON THIS 2ND DAY OF NOVEMBER, 2015



 Open Burn Restrictions

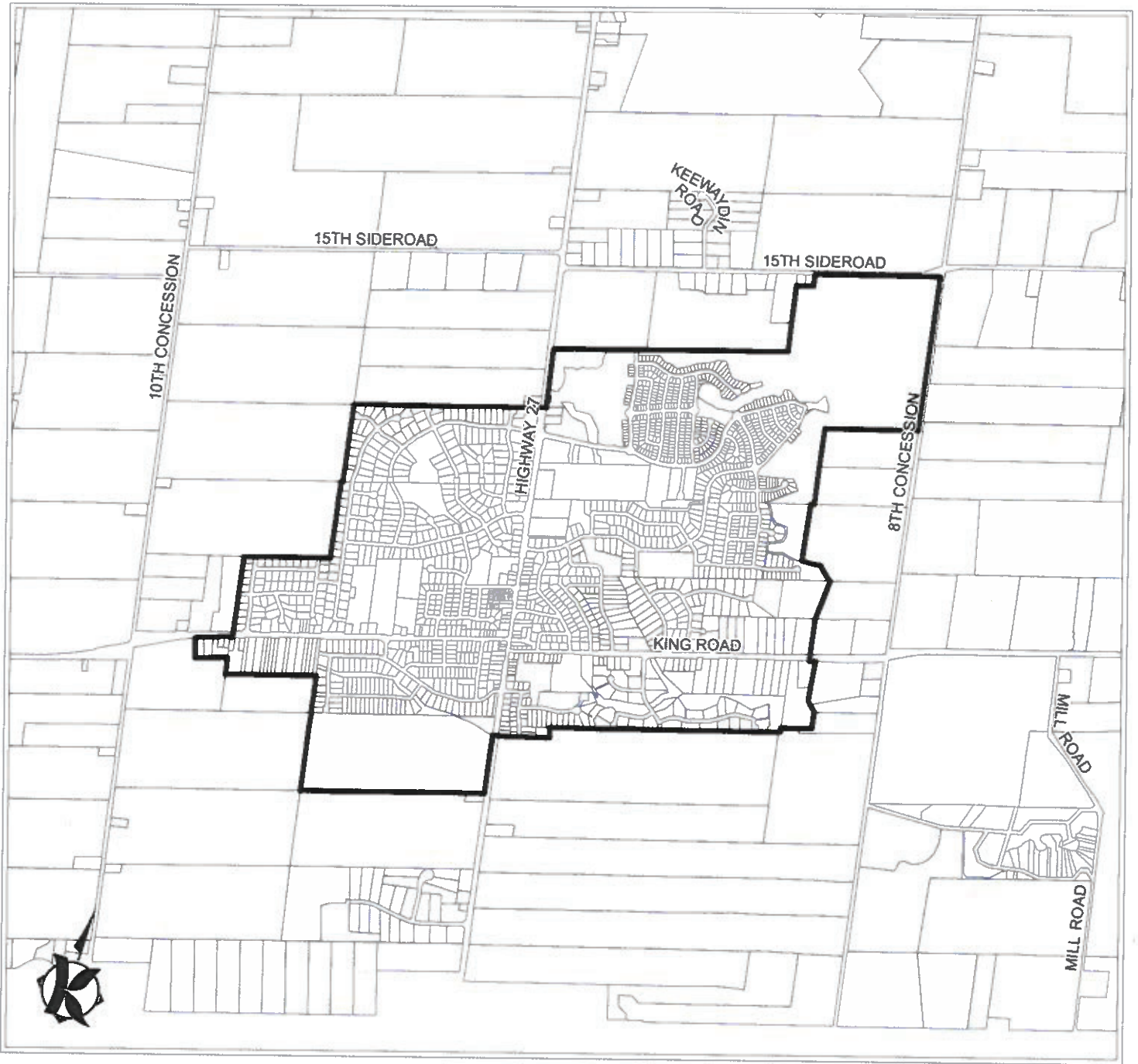

Steve Pellegrini, Mayor


Kathryn Smyth, Clerk

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 Kilometers


Township of King IT/GIS Department

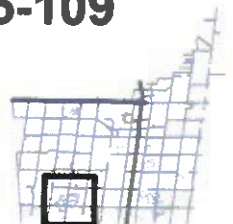
Nobleton Open Air Burning



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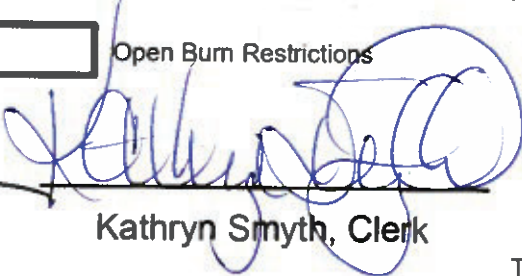
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 Open Burn Restrictions



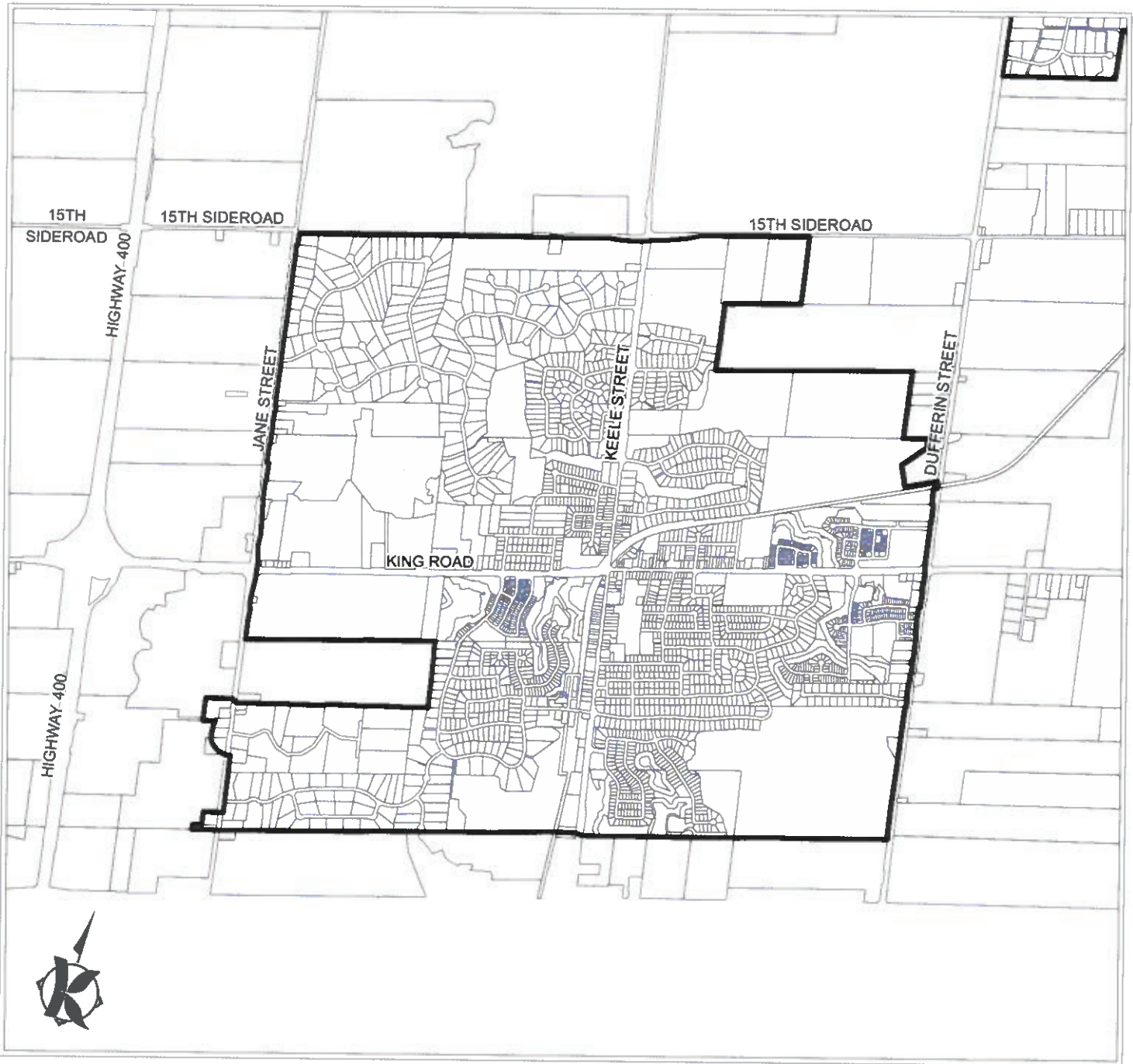
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Steve Pellegrini, Mayor


Kathryn Smyth, Clerk

Township of King IT/GIS Department

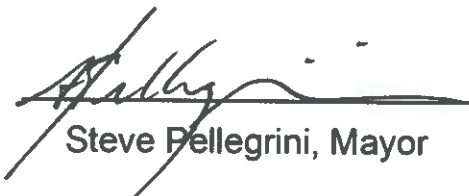
King City Open Air Burning

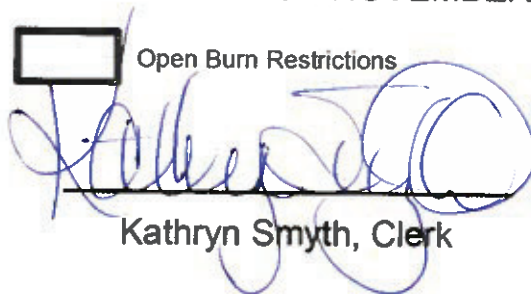


THIS IS SCHEDULE 1'B' TO BY-LAW NO. 2015-109

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 Open Burn Restrictions

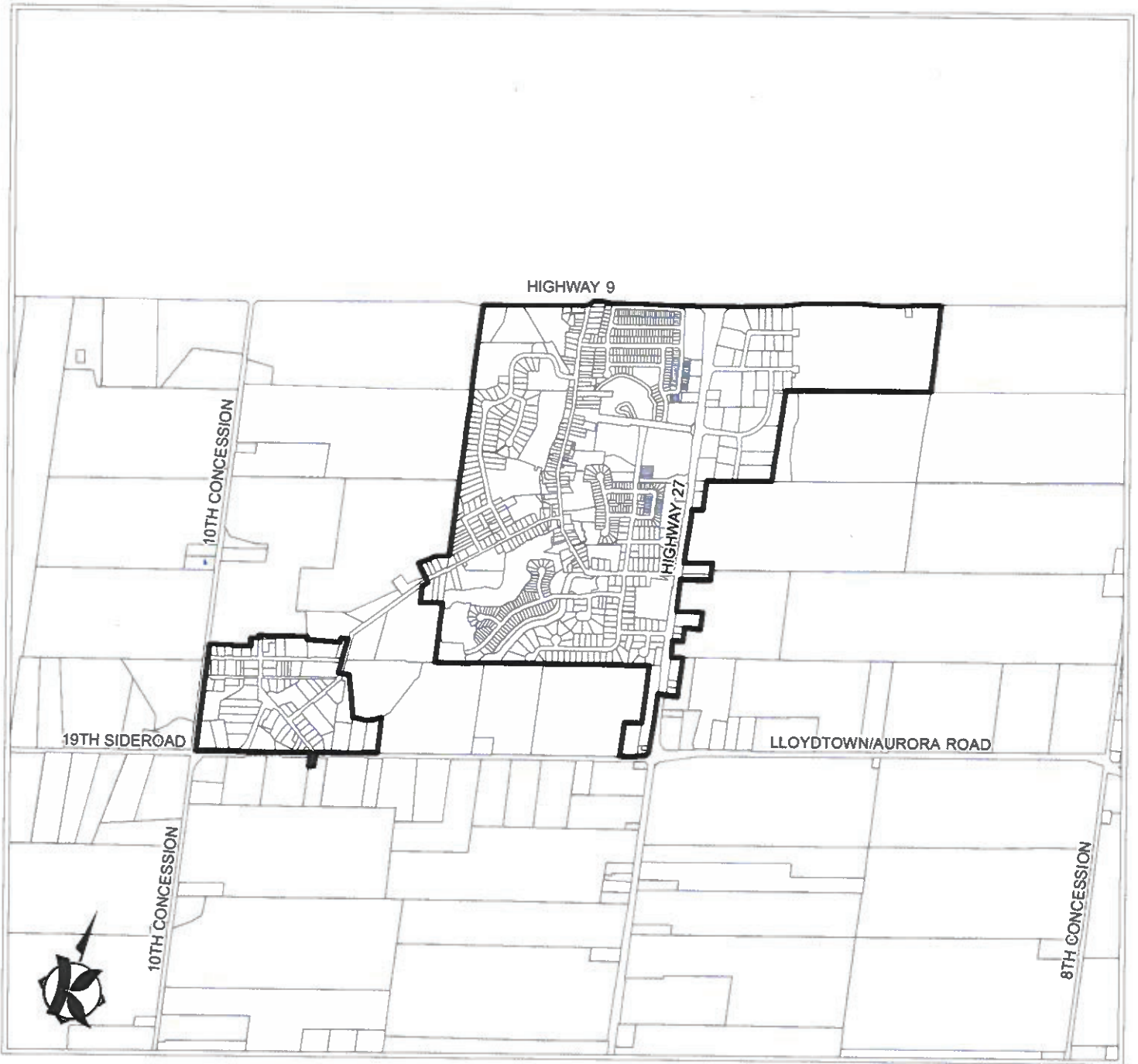

Steve Pellegrini, Mayor


Kathryn Smyth, Clerk


0 330 660 990 1,320 Meters

Township of King IT/GIS Department

Schomberg and Llyodtown Open Air Burning



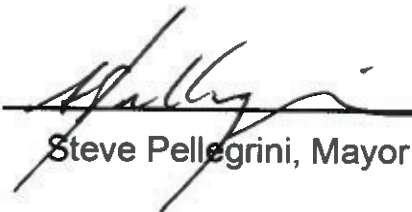
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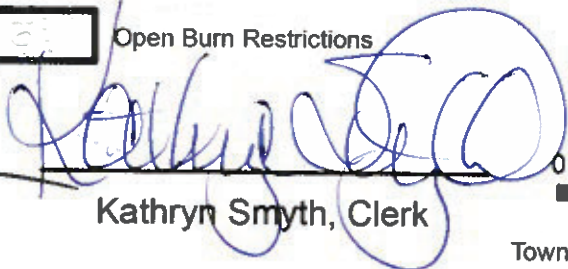
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Open Burn Restrictions




Steve Pellegrini, Mayor


Kathryn Smyth, Clerk



Township of King IT/GIS Department

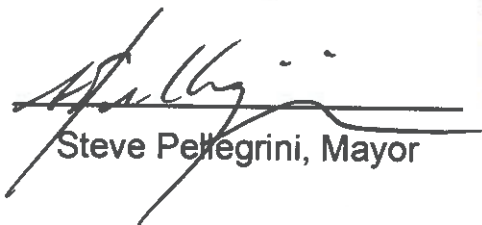
Laskay Open Air Burning

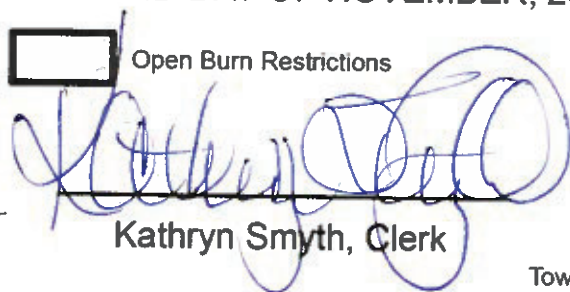


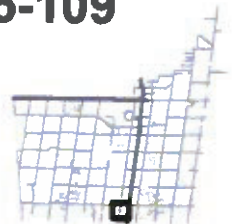
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 Open Burn Restrictions

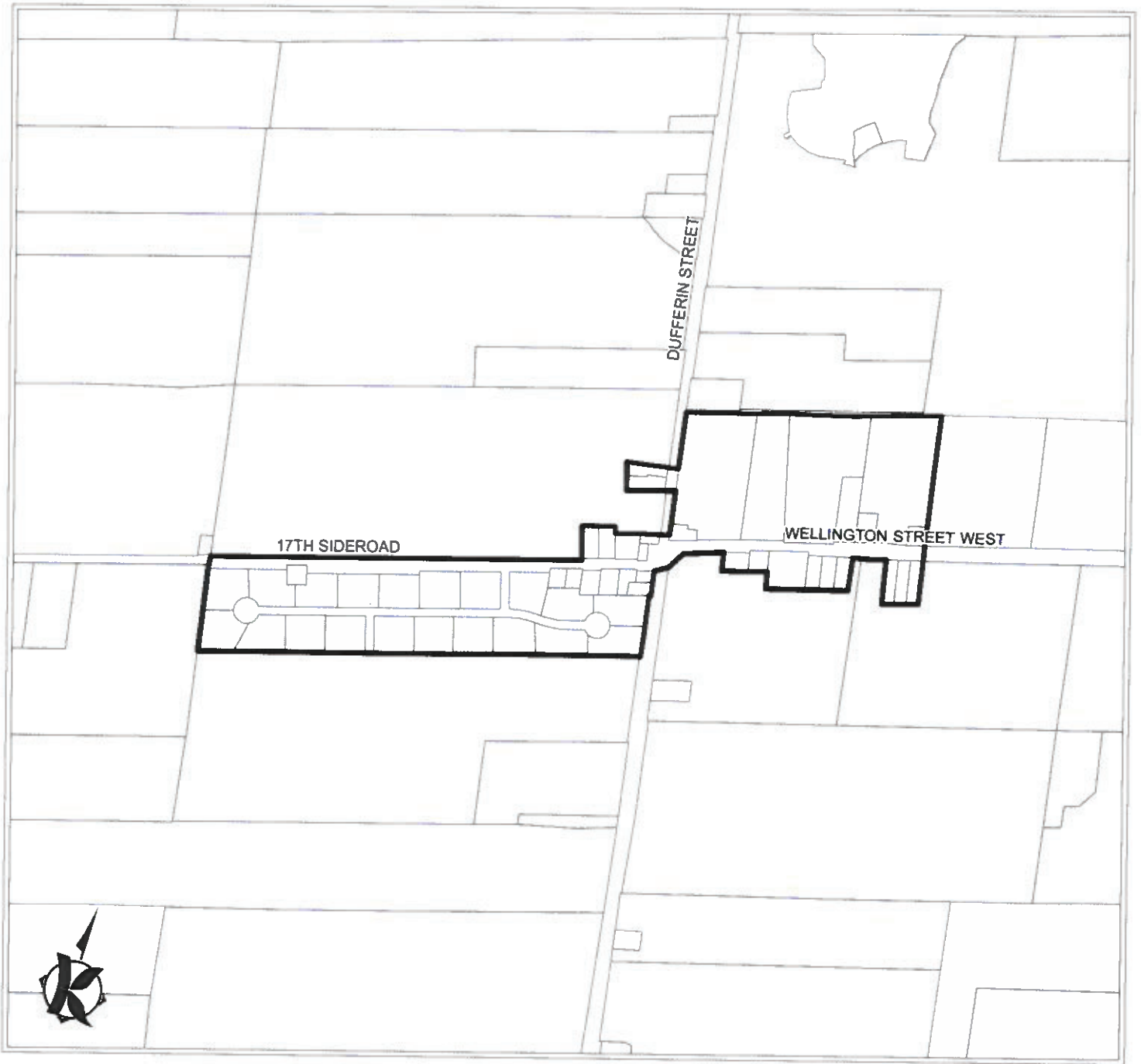

Steve Pellegrini, Mayor


Kathryn Smyth, Clerk



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Meters

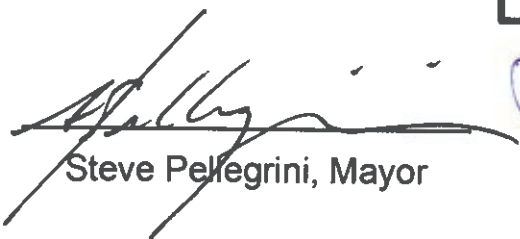
Snowball Open Air Burning

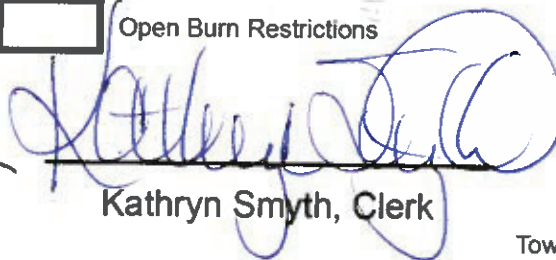


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Steve Pellegrini, Mayor

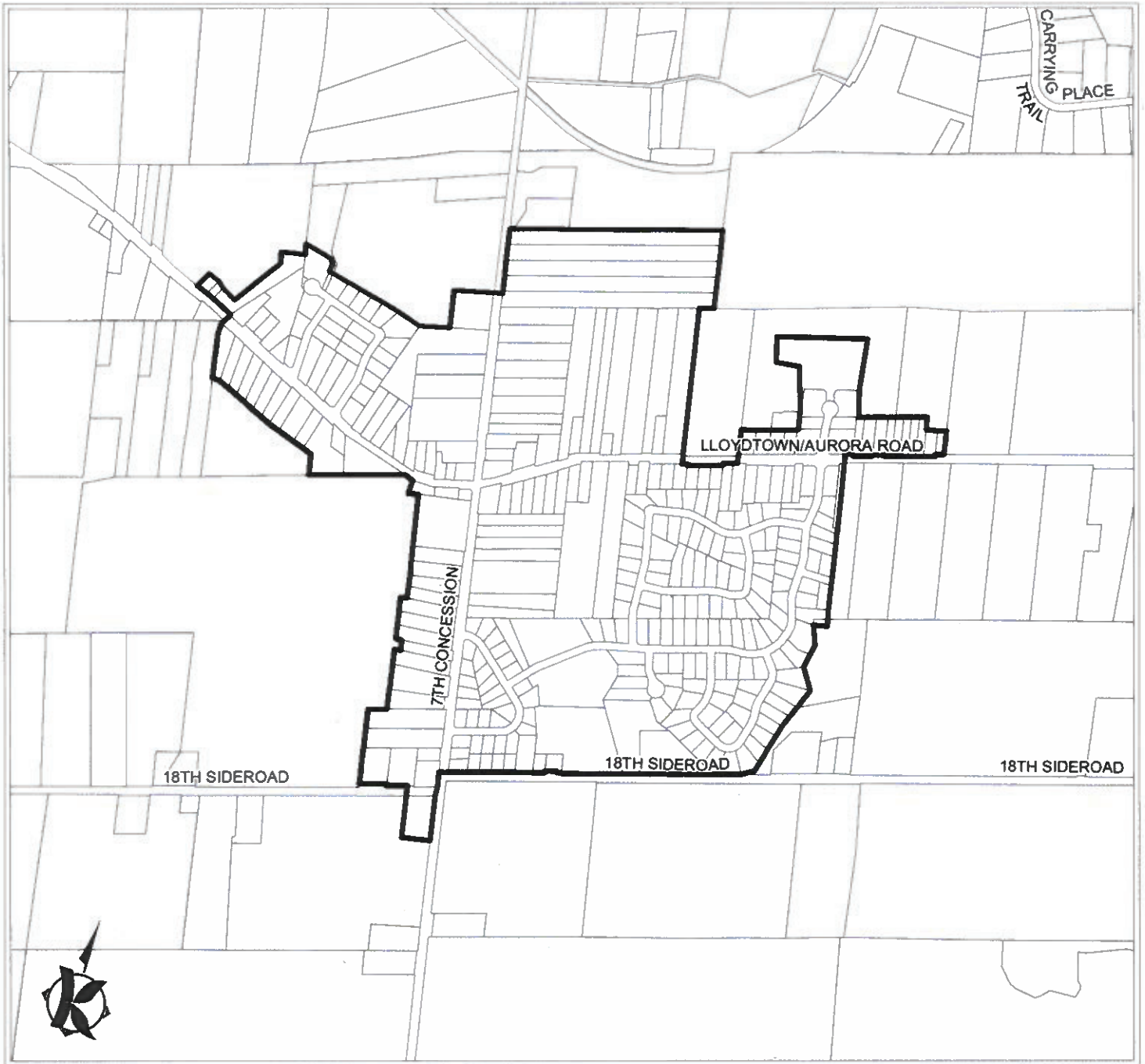

Kathryn Smyth, Clerk



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Township of King IT/GIS Department

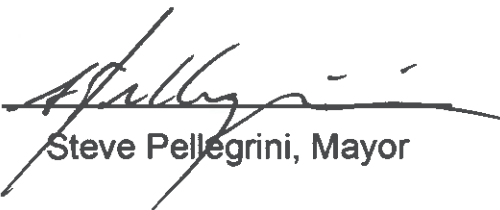
Pottageville Open Air Burning

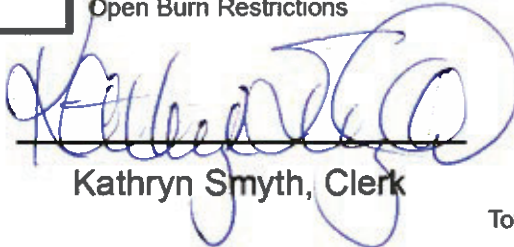


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 Open Burn Restrictions


Steve Pellegrini, Mayor


Kathryn Smyth, Clerk



0 140 280 420 560
Meters

Township of King IT/GIS Department

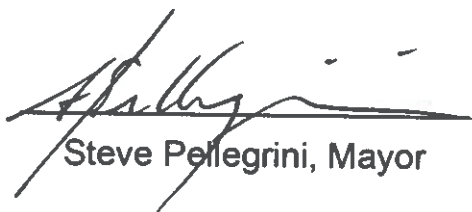
Kettleby and Area Open Air Burning

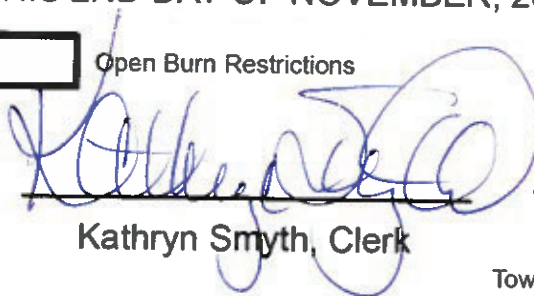


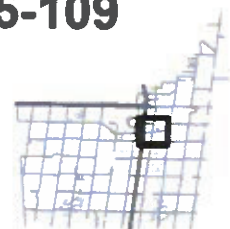
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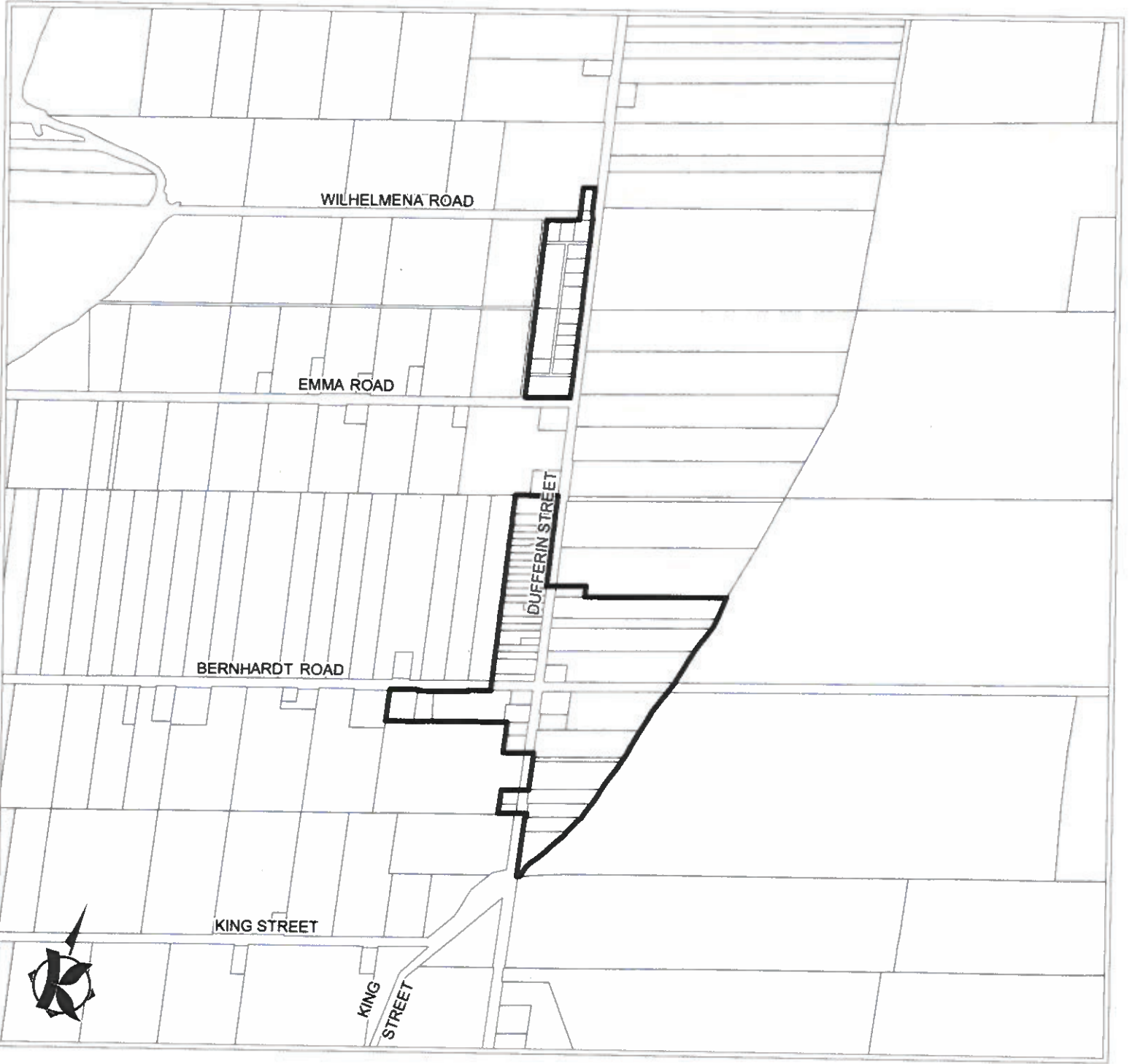

Steve Pellegrini, Mayor


Kathryn Smyth, Clerk



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Meters


Ansnorveldt Open Air Burning

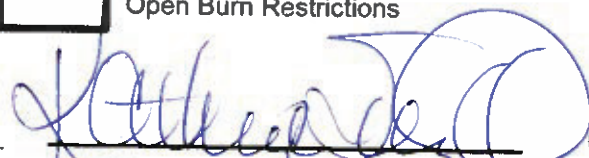


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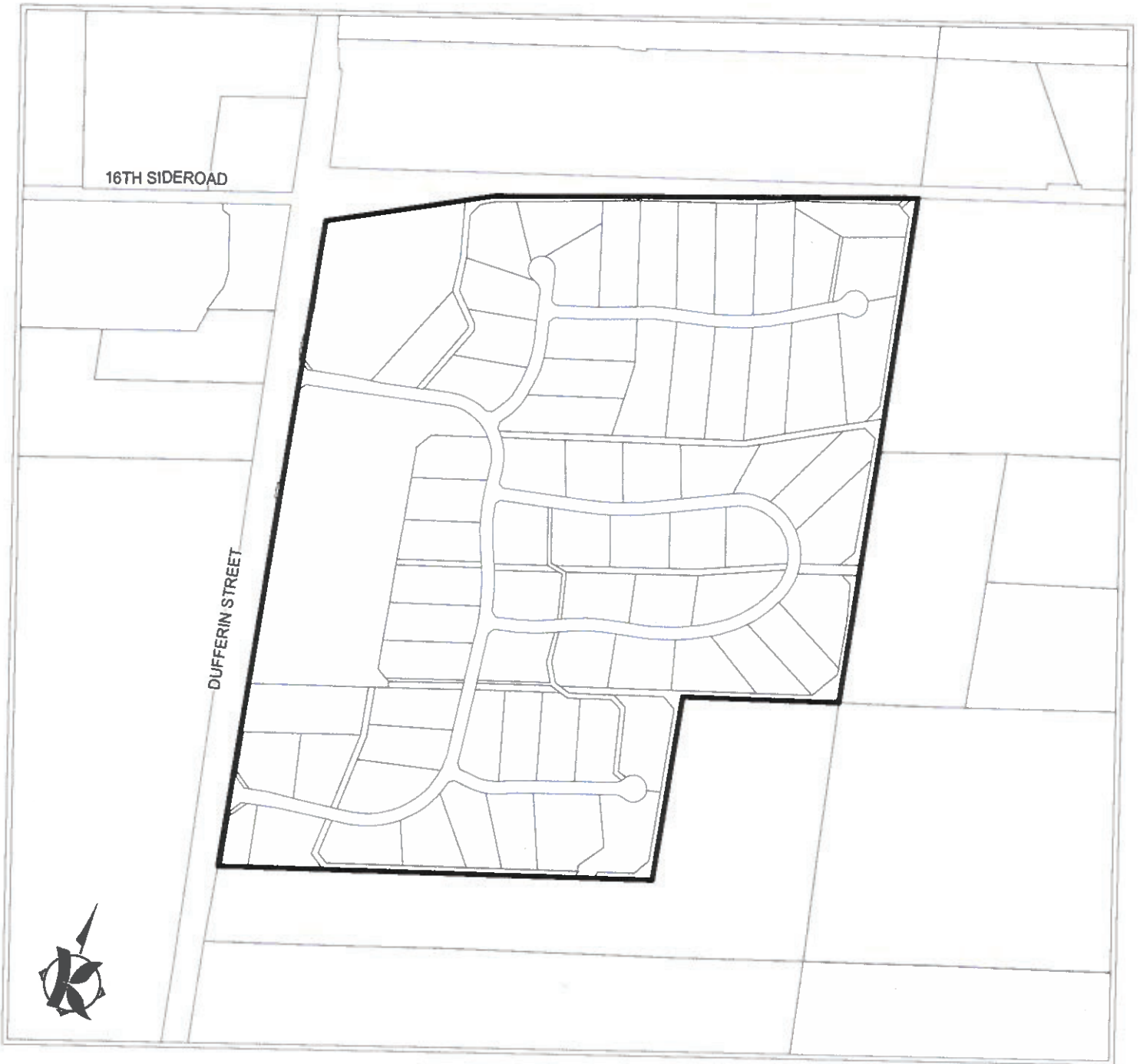
 Open Burn Restrictions


Steve Pellegrini, Mayor


Kathryn Smyth, Clerk




Fairfields Open Air Burning

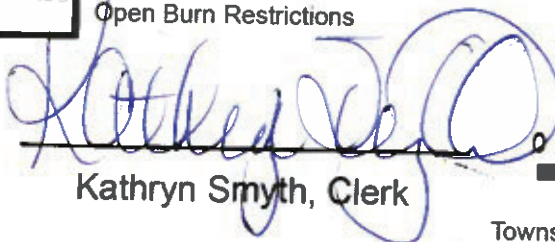


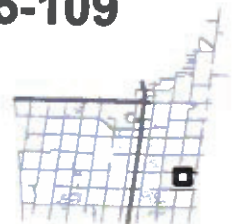
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 Open Burn Restrictions


Steve Pellegrini, Mayor


Kathryn Smyth, Clerk



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