

**THE CORPORATION OF THE
MUNICIPALITY OF WAWA**

BY-LAW NO. 2483-11

BEING A BY-LAW to adopt Municipality of Wawa Policy No. PE-007:
Open Air Burning Policy.

WHEREAS the Fire Protection and Prevention Act, 1997, S.O. 1997, Chapter 4, Section 7.1, provides that a council of a municipality may pass by-laws,

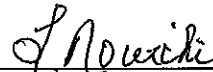
- (a) regulating fire prevention, including the prevention of the spreading of fires;
- (b) regulating the setting of open air fires, including establishing the times during which open air fires may be set;
- (c) designating private roads as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle parked or left along any of the fire routes at the expense of the owner of the vehicle.

AND WHEREAS Council of the Municipality of Wawa deems it prudent to establish a policy to govern and regulate opening burning within the Municipality of Wawa;

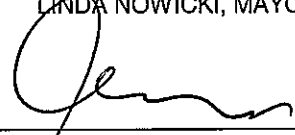
NOWHEREFORE the Council of The Municipality of Wawa hereby enacts the following as a by-law:

1. THAT Municipality of Wawa By-Law No. 2151-08 be and is hereby repealed.
2. THAT Policy No. PE-007: Open Air Burning Policy herein attached as Schedule "A" to this By-Law and forming an integral part of this By-Law, be adopted.
3. THAT the Mayor and Clerk be and they are hereby authorized to sign this By-Law and to affix the corporate seal thereto.
4. That this By-Law is enacted upon the third and final reading hereof.

READ a first and second time this 19th day of July, 2011.

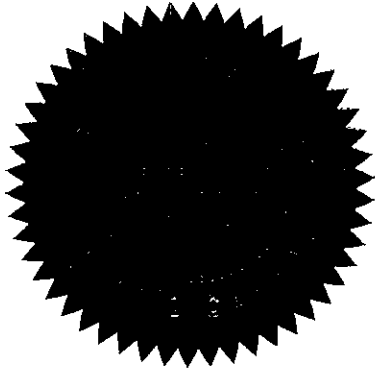


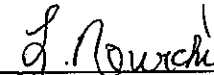
LINDA NOWICKI, MAYOR



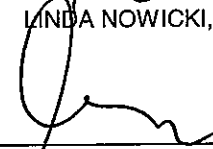
CHRIS WRAY, CLERK

READ a third time and be finally passed this 19th day of July, 2011.

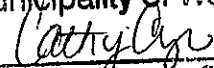




LINDA NOWICKI, MAYOR



CHRIS WRAY, CLERK

Certified True Copy
Municipality of Wawa


Cathy Cyr, Deputy Clerk
Dated: May 16, 2012.



POLICY TITLE: Open Burning Policy	SUBJECT: Govern and regulate open air fires in the Municipality of Wawa
Policy Section: Protection and Enforcement	Policy No. PE-007
Effective Date: July 19, 2011	Enacted By: By-Law No. 2483-11

Section A

Preamble

- 1.0.0 The *Fire Protection and Prevention Act 1997*, S.O. 1997, Chapter 4, provides that a municipality may pass by-laws regulating the prevention of the spreading of fires the setting of open fires.
- 2.0.0 The Municipality of Wawa recognizes the importance of prescribing times during which fires may be set in the open air and establish precautionary measures to be observed by persons setting open air fires within the municipality.

Section B

Policy Statement

- 1.0.0 It shall be the policy of the Municipality of Wawa to govern and regulate open air burning within The Corporation of the Municipality of Wawa.
- 2.0.0 It shall be the policy of the Corporation of the Municipality of Wawa to ensure that this policy is updated to reflect the needs and wants of the Act, and the residents of the Municipality of Wawa.
- 3.0.0 This policy shall be administered by the Fire Chief or designate.



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Section C

Definitions

- 1.0.0 **"Approved "** means approved by the Fire Chief or designate.
- 2.0.0 **"Barbecue"** means a portable or fixed device including hibachi, a permanent structure designed solely for the cooking of food in the open air and other similar device designed solely for the cooking of food in the open air, but does not include devices designed for personal warmth, fire pits or camp fires.
- 3.0.0 **"Chief Fire Official"** means the local municipal Chief Fire official as defined in the *Ontario Fire Code* or a member of the Wawa Volunteer Fire Department as appointed by the Chief Fire Official.
- 4.0.0 **"Fire Region"** means that part of the province of Ontario as described in O.Reg.207/96 under the *Forest Fires Prevention Act*.
- 5.0.0 **"Fire Season"** means the period from the 1st day of April to the 31st day of October in each year or as determined by the Ministry of Natural Resources.
- 6.0.0 **"Household Waste"** means kitchen or other household garbage and combustible material such as plastics, polyethylene terephthalate (PET), paint, oils, solvents, rubber, insulation, batteries, acids, polystyrenes (Styrofoam), pressure treated wood or painted lumber, tires, upholstered furniture, synthetic fabrics, diapers, hazardous waste or other materials as defined in the Environmental Protection Act and all other similar like materials.



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- 7.0.0 *"Limited Service Area"* means an area outside the built up urban area of the town sites of Wawa and Michipicoten River Village, such as Catfish Lake, Loonskin Lake, Sandy Beach, Long Beach and Government Dock Beach, but does not include the cottage area around Wawa Lake.
- 8.0.0 *"Municipality"* means all areas within the Municipality of Wawa.
- 9.0.0 *"Open Air"* means not within a structure.
- 10.0.0 *"Permit Holder"* means the person, organization, company or group that has been granted by the Chief Fire Official, a permit to hold an open air burning.

Section D

Regulations

1.0.0 Fire Services – Exempt

The Wawa Volunteer Fire Department shall be exempt from the provisions of this by-law with respect to open air burnings set for the purposes of educating and training individuals or maintaining a fire safe environment.

2.0.0 Open Air Burning – Permits

2.0.0 No person shall permit an open air fire or any other fire upon land owned, occupied or under his or her control within the Municipality of Wawa unless a permit has first been obtained from the Municipality of Wawa.



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- 2.1.0 The Chief Fire Official may issue a permit for a fire outside the conditions outlined in this by-law, if he/she is satisfied that the fire can be made, tended and extinguished safely.
- 2.2.0 The Chief Fire Official may attach such conditions as deemed appropriate to any permit granted for such open air burning.
- 2.3.0 Such a permit shall not take the place of any permit or licence required by any other Federal or Provincial statute or regulation and all open air burning shall be conducted in accordance with applicable regulations.
- 2.4.0 A permit is not transferable and any change in use, date or premises shall require a new permit unless such changes have been approved by the Chief Fire Official or their designate.
- 2.5.0 The person to whom the permit was issued shall ensure that the material burned and the method of burning is consistent with information provided to the Chief Fire Official and all conditions of the permit are adhered to.
- 2.6.0 Every person who sets a fire in contravention of this by-law or who fails to extinguish a fire once ordered to do so by the Chief Fire Official or designate, in addition to any penalty provided for herein, may be liable to the Municipality of Wawa, in addition to any penalties, for all expenses incurred for the purpose of investigating, controlling and extinguishing any fire set or left to burn. Expenses may include vehicle, manpower and other firefighting costs. Such expenses may be recovered by court action or in a like manner as municipal taxes.
- 2.7.0 Every person ordered to extinguish a fire by the Chief Fire Official or designate, shall comply with the order immediately and extinguish the fire.



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3.0.0 **Permission – Recreational Burning**

With respect to section 2.0.0 above, permission will be granted by the Chief Fire Official for open air burnings that are contained within non combustible containers or pits specifically designed for open air burnings. A site inspection may be conducted by the Chief Fire Official or designate.

Every person setting or maintaining an open air burn for recreational purposes shall comply with the following regulations:

- 3.1.0 Open air burnings shall be conducted between the hours of 4 PM and Midnight only;
- 3.2.0 No materials other than commercially produced charcoal, briquettes or clean, dry seasoned wood shall be burned;
- 3.3.0 Open burnings shall be confined to non combustible containers or to a pit no larger than two (2) feet (61 centimetres) by two (2) feet (61 centimetres) in size;
- 3.4.0 Open burning shall be conducted in such a manner as to preclude the escape from the fire of combustible solids such as sparks and ash;
- 3.5.0 The dimensions of the fuel being burnt shall not be greater than the size of the container or pit at all times;
- 3.6.0 Open air burning shall be confined to a location that provides for a minimum distance of 4 metres in all directions from adjacent properties;
- 3.7.0 Open air burning shall be confined to an area that is a minimum of three (3) metres from combustible structures or objects;



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3.8.0 An effective extinguishing agent of sufficient size and with the capability of extinguishing the fire shall be immediately available for use;

3.9.0 Open air burnings shall be attended, controlled and supervised at all times and shall be completely extinguished before the open air burn site is vacated;

3.10.0 No person shall set or maintain an open air burn when the wind speed exceeds 15 kilometres per hour or during a fire ban or during rainy or foggy weather or at times when a smog alert has been declared. The appropriate Federal and/or Provincial Government agency shall be used as the source for this information; or

3.11.0 The owner, occupant or permit holder shall take steps to ensure that adjacent properties are protected and that the byproducts of open air burnings do not have a negative impact on persons, pets or the environment.

4.0.0 **Exception**

4.1.0 **Barbecues**

4.1.1 Despite Section 2.0.0 above, permission is not required from the Chief Fire Official for the use of a barbecue or permanently constructed device made of non-flammable material supporting a grate and is used to cook food. Barbecues and cooking devices being used to cook food shall be attended, controlled and supervised at all times.

4.1.2 No person shall burn fuels for use in barbecues except commercially produced charcoal, briquettes, clean dry wood or other commercial fuels such as natural gas and



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propane gas that are produced specifically for the purpose of cooking.

4.2.0 Campfires

4.2.1 Permits are not required for “campfires” within the beach area of Sandy Beach, Long Beach, Government Dock Beach, and “Limited Service Areas” within the Municipality of Wawa. Section 3 and Section 12.0 and all other sections of this policy do apply and must be adhered to.

5.0.0 Permit – Approval / Non-Compliance Recreational Burning

An owner or occupant may make application to the Chief Fire Official for a variance with respect to 3.0.3, 3.0.6, or 3.0.7 Based on the results of an on-site inspection, the Chief Fire Official may issue a permit for recreational burning to allow open burning on residential properties that do not meet the regulations as stated in 3.0.3, 3.0.6 or 3.0.7 of this bylaw. Should the circumstances under which approval was given change, the permit will no longer be valid. The Chief Fire Official may attach such conditions as deemed appropriate to any permit granted for such open air burning.

6.0.0 Permit – Special Events

6.1.0 All persons seeking permission to hold a special event involving an open air burn that is not a recreational burning as per section 3.0.0 and does not employ the use of a barbeque shall apply to the Chief Fire Official for a permit to have an open fire at such event. Application shall be made at least one week prior to the proposed date of the event on a form supplied in Schedule “A” to this by-law and be accompanied by the applicable fee as per the Municipal fee schedule.



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- 6.2.0 Registered not-for-profit charitable organizations may make application to the Municipality of Wawa requesting a permit fee exemption.
- 6.3.0 The Chief Fire Official may issue a permit to allow a special event to reoccur over an extended period of time. The Chief Fire Official may issue a permit for a special event to allow for open air burning from 10 AM to Midnight.
- 6.4.0 Prior to granting a permit to hold an open air burning for a special event, the Chief Fire Official will give consideration to the location of the proposed event, the size of the proposed fire, the safety measures proposed, the supervision arrangements proposed, the time of year, the time of day and the anticipated weather conditions.
- 6.5.0 The Chief Fire Official may attach such conditions as deemed appropriate to any permit granted for an open air burning at a special event.
- 6.6.0 The Chief Fire Official shall not grant a permit to hold open air burnings at special events which are proposed to take place on land that is zoned for residential uses.

7.0.0 Permission – Refused or Revoked

- 7.1.0 The Chief Fire Official may revoke or refuse to grant permission or issue a permit for an open air burning or a special event if the proposed open air burning or special event would be in contravention of this by-law or if the owner, occupant or permit holder has not complied with any conditions attached to a permit for an open burning that may have been imposed by the Chief Fire Official on a previous occasion.



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7.2.0 The Chief Fire Official shall not give permission for open air burning of any non wood combustible material, pressure treated wood or creosote treated wood. Permissible fuels include clean dry seasoned wood, commercially produced charcoal, briquettes or other commercial fuels such as natural gas and propane gas that are produced specifically for the purpose of cooking.

7.3.0 The Chief Fire Official may withdraw a special event permit and/or stop an open air burning if in the Chief Fire Official's opinion, the fire is causing a negative impact on the occupants of adjacent land, smoke produced by the fire is causing visibility concerns on roads in the area of the burn, the weather has deteriorated and has become unfavorable for an open air burning, conditions attached to the granting of permission are not being adhered to or if this by-law is being contravened.

8.0.0 **Permission Withdrawal – Order to Extinguish Fire**

Upon notification by the Chief Fire Official to extinguish an open air burning, the land owner, occupant or permit holder shall immediately extinguish the fire.

9.0.0 **Failure to Extinguish – Liable for Costs**

Should any land owner or occupant or permit holder fail to extinguish an unapproved fire when ordered to do so by the Chief Fire Official or designate, the Chief Fire Official or designate may take action to have the fire investigated, controlled or extinguished, and the person who owns or occupies the land on which the open burning is located shall in addition to any penalty provided for herein, be liable to the Municipality of Wawa for all expenses incurred for the purpose of investigating, controlling and extinguishing any fire set or left to burn. Expenses may include vehicle, manpower and other firefighting costs incurred by the Wawa Volunteer Fire Department in its efforts to extinguish the fire as per Schedule "B" of



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this by-law. Such expenses may be recovered by court action or in a like manner as municipal taxes.

10.0.0 **Special Regulations – Brush, Grass, Leaf Burning**

All persons proposing to conduct an open air burning of brush, grass, leaf or such other materials shall first obtain a permit of approval from the Chief Fire Official and shall abide by the following conditions:

- 10.1.0 total area shall not exceed one hectare;
- 10.2.0 open air burnings shall be attended, controlled and supervised at all times and shall be completely extinguished before the site has been vacated;
- 10.3.0 the person supervising the fire shall have tools and water adequate to contain the fire within the fire site;
- 10.4.0 an open air burning of brush and slash piles shall be confined to an area at least 15 metres from any building, roadway or wooded area;
- 10.5.0 brush and slash piles to be burned shall be in piles, maximum of 1.5 metres (5 feet) high, 1.5 metres (5 feet) diameter, and 7 metres (20 feet) between piles;
- 10.6.0 clean brush, vegetation and dried seasoned wood only shall be burned. No trash garbage, tires, treated wood or other building materials toxic to the environment;
- 10.7.0 open air burning shall not be conducted if winds are 15k/hr or higher or during a fire ban; and
- 10.8.0 appropriate permits may be required from Ministry of Natural Resources.



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11.0.0 **Incinerators**

All persons setting a fire in an outdoor incinerator in the Municipality shall first obtain a permit of approval from the Chief Fire Official and shall abide by the following conditions:

- 11.1.0 only clean seasoned wood shall be burned. No treated wood or materials toxic to the environment;
- 11.2.0 the incinerator shall be an enclosed device constructed entirely of non-combustible material, which is not capable of holding more than one cubic metre of unburned material;
- 11.3.0 the incinerator shall be at least five metres from any forest or woodland;
- 11.4.0 the incinerator shall be at least two metres from any flammable materials; and
- 11.5.0 the outlet of the incinerator shall be covered with a screen having a mesh size of not more than five millimetres.

12.0.0 **Campfires**

No person shall set a recreational (camp) fire in the Municipality without first obtaining a permit of approval from the Chief Fire Official. Permits may be issued annually. All persons setting or maintaining a recreational (camp) fire shall abide by the following conditions;

- 12.1.0 only clean seasoned wood shall be burned. No treated wood or materials toxic to the environment;
- 12.2.0 the fire shall be contained in an area completely surrounded by a non-combustible barrier or is contained within a pit in the ground;
- 12.3.0 the diameter of the fire shall not exceed 60 centimetres;



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12.4.0 the fire shall be located a minimum of 3 metres from any structure or building;

12.5.0 the fire shall be located at least 5 metres from any forest or wooded area;

12.6.0 the material being burned shall be less than 60 centimetres in height;

12.7.0 tools and water shall be available to adequately contain the fire; and

12.8.0 by-products from the fire shall not inconvenience or irritate others

13.0.0 **Chiminea**

No person shall set a fire in a chiminea without first obtaining a permit and approval from the Chief Fire Official. All persons setting a fire in a chiminea shall abide by the following conditions:

13.1.0 the chiminea shall not be located on a balcony;

13.2.0 the chiminea shall not be located on any combustible surface;

13.3.0 it shall be in good working order;

13.4.0 it shall be located at least 3 metres from any structure;

13.5.0 all openings shall be covered by metal wire mesh with grid openings no larger than 12 millimetres in diameter;

13.6.0 fire shall be contained to the chiminea;

13.7.0 only clean dry wood or charcoal shall be burned;



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13.8.0 if the chiminea is to be used on a wooden deck, proper shielding to protect the combustible deck shall be required; and

13.9.0 an extinguishing device such as a garden hose or portable fire extinguisher shall be available in case of emergency.

14.0.0 **Prohibited Conditions**

No person shall conduct an open air burn when a fire ban is in effect or when conditions may cause any or all of the following:

14.1.0 decreased visibility on any roadway;

14.2.0 inconvenience or irritation to others;

14.3.0 fire spread through grass, brush, forested area or other property that was not intended to be burned; and

14.4.0 contravention to any other Municipal by-law, Provincial or Federal legislation.

15.0.0 **Prohibited Materials for Burning**

No person shall burn or permit to be burned any of the following:

15.1.0 household waste;

15.2.0 construction material;

15.3.0 materials made of or containing rubber;

15.4.0 plastic;



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15.5.0 tar, petroleum products, and any other materials which are prohibited by the Environmental Protection Act; and

15.6.0 wet material.

16.0.0 **Contravention Fine**

Every person who contravenes any provision of this By-Law is guilty of an offence and shall be liable upon conviction to a fine that is consistent with the general penalty provision found under the Provincial Offences Act.

17.0.0 **Continuation Repetition-Prohibition by Order**

The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

18.0.0 **Default-Collection of Costs**

The Town has the right to collect any unpaid costs associated with this by-law, in a manner such as municipal taxes, or Town Council may provide that the expense incurred, with interest, shall be payable in annual installments not exceeding ten years

19.0.0 **Penalty**

19.1.0 All persons setting an open fire in the Municipality shall be held:

19.1.1 responsible for any damage to property or injury to persons occasioned by the said fire, and



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19.1.2 liable for any costs incurred by the Municipality, including necessary personnel, equipment and apparatus called in to extinguish the said fire.

19.2.0 Every person who contravenes any provision of this By-Law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act*.

Section E

Policy Adoption and Review Guidelines

Date of Adoption by Council	By-law No.	Motion No.	Date of Most Recent Review by Council	Date of Next Review by Council
April 18, 2006	1895-06	RC06199	April 18, 2006	April 2008
July 11, 2006	1923-06	RC06330	July 11, 2006	July 2008
May 20, 2008	2127-08		November 27, 2007	November 2009
July 8, 2008	2151-08	RC08202		
July 19, 2011	2483-11		July 19, 2011	July

Section F

References to Other Policies or By-laws

By-Law No.	Date Passed	Amendment

Open Burning Application And Permit

40 Broadway Avenue, P.O. Box 500
Wawa, Ontario, P0S 1K0
Telephone: (705) 856-2244
Facsimile: (705) 856-2120



Permit Number:

Under the Municipal Act, Municipality of Wawa By-Law No. 2151-08, Section 5 of Ontario Regulation No. 207/96 of the Forest Fires Prevention Act, and the Ontario Fire Code, Part 2, Article 2.6.3.4, and subject to the limitations thereof and to the terms and conditions herein, this permit is issued to:

APPLICANT'S INFORMATION

SURNAME		FIRST NAME		MIDDLE INITIAL														
HOME STREET ADDRESS			BOX NUMBER	POSTAL CODE														
HOME TELEPHONE NUMBER		HOME FACSIMILE NUMBER																
BUSINESS NAME																		
CONTACT NAME			ALTERNATE TELEPHONE NUMBER															
ADDRESS																		
POSTAL CODE			TELEPHONE NUMBER	FACSIMILE NUMBER														
ADDRESS AND LOCATION OF "OPEN BURN" (Please provide specific address and location on property. Attach property sketch if applicable.)																		
<p>FOR THE PURPOSES OF BURNING (Please check applicable box).</p> <table border="0"> <tr> <td><input type="checkbox"/> Incinerator</td> <td><input type="checkbox"/> Recreational (Annual)</td> </tr> <tr> <td><input type="checkbox"/> Brush Piles</td> <td><input type="checkbox"/> Campfire</td> </tr> <tr> <td><input type="checkbox"/> Grass/Leaves</td> <td><input type="checkbox"/> Chiminea</td> </tr> <tr> <td><input type="checkbox"/> Special Event _____</td> <td><input type="checkbox"/> Fire Pit</td> </tr> <tr> <td><input type="checkbox"/> Non-Conformance _____</td> <td><input type="checkbox"/> Fire Bowl</td> </tr> <tr> <td><input type="checkbox"/> Other _____</td> <td><input type="checkbox"/> Cut-Off Barrel</td> </tr> <tr> <td></td> <td><input type="checkbox"/> Other _____</td> </tr> </table>					<input type="checkbox"/> Incinerator	<input type="checkbox"/> Recreational (Annual)	<input type="checkbox"/> Brush Piles	<input type="checkbox"/> Campfire	<input type="checkbox"/> Grass/Leaves	<input type="checkbox"/> Chiminea	<input type="checkbox"/> Special Event _____	<input type="checkbox"/> Fire Pit	<input type="checkbox"/> Non-Conformance _____	<input type="checkbox"/> Fire Bowl	<input type="checkbox"/> Other _____	<input type="checkbox"/> Cut-Off Barrel		<input type="checkbox"/> Other _____
<input type="checkbox"/> Incinerator	<input type="checkbox"/> Recreational (Annual)																	
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<input type="checkbox"/> Other _____	<input type="checkbox"/> Cut-Off Barrel																	
	<input type="checkbox"/> Other _____																	
DURATION - START DATE			END DATE															

The application is subject to the following general terms and condition, in conjunction with the terms outlined in Municipality of Wawa By-Law No. 2151-08.

1. Permittee shall keep this permit at the site of the burning operation conducted under this permit.
2. Permittee agrees to notify the Municipal Fire Department at 856-2244 ext 279 prior to burning brush/slash piles by leaving the required information as outlined (name, phone #, permit #, location of burn, time of burn).
3. Permittee shall ensure that a fire ban is not in effect.
4. Permittee agrees to all rules and regulations in the "Open Air Burning" By-Law No. 2151-08 and which are not limited to only those which appear on this permit.
5. Only clean dry wood may be burned. No materials such as "household waste" or petroleum products or any other products which may be harmful to the environment may be burned.
6. "Open Air Burn" must not be conducted in winds 15 km/hr or more, when conditions prevent ready dispersion of smoke.
7. "Open Air Burn" must be supervised at all times by a competent person until completely extinguished
8. Permittee shall have on location sufficient personnel and firefighting equipment in serviceable condition to control and extinguish the fire.

(Revised April 6, 2009:lm)

- 9. The permittee assumes full responsibility when conducting the "Open Air Burn" and acknowledges responsibility of controlling it as well as costs incurred by the fire department if the fire is required to be extinguished as per this by-law.
- 10. This Permit shall not take the place of any permit or license required by any other Federal or Provincial statute or regulation, and all open air burning shall be conducted in accordance with applicable regulations.

APPLICANT STATEMENT

I/We, the undersigned, confirm and agree to abide by ALL relevant provisions of the Open Burning By-Law of the Municipality, and all other applicable legislation Open Burning license. I/We further acknowledge that The Corporation of the Municipality of Wawa may revoke this license at any time.

I/We certify that all statements are correct and understand that any false statements shall cause this license to be revoked.

I/We agree to abide by the Special Conditions imposed by the Issuing Officer.

_____ SIGNATURE <input type="checkbox"/> Owner <input type="checkbox"/> Representative	_____ PRINT NAME	_____ DATE
_____ SIGNATURE <input type="checkbox"/> Owner <input type="checkbox"/> Representative	_____ PRINT NAME	_____ DATE

FOR OFFICE USE ONLY	
FEE	
Licence Fee Required with Application \$ _____ (may be subject to change)	Receipt No. _____
THIS FORM ACCEPTED BY: _____	
SIGNATURE _____	DATE _____
INSPECTED BY _____	DATE _____
<input type="checkbox"/> APPROVED	<input type="checkbox"/> APPROVED WITH CONDITIONS
SITE WILL BE RE-INSPECTED? <input type="checkbox"/> YES <input type="checkbox"/> NO	
SIGNATURE OF ISSUING OFFICER _____	
<input type="checkbox"/> REJECTED	

SPECIAL CONDITIONS:

Please note Special Conditions may be imposed by the Issuing Officer.

PERMIT MAY BE REVOKED AT ANY TIME BY THE CHIEF FIRE OFFICIAL OR DESIGNATE.

(Revised April 6, 2009:lm)

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
NORTHEAST REGION

159 CEDAR STREET
3rd FLOOR, SUITE 303
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DU NORD-EST

159, RUE CEDAR
3^e ÉTAGE, BUREAU 303
SUDBURY (ONTARIO) P3E 6A5

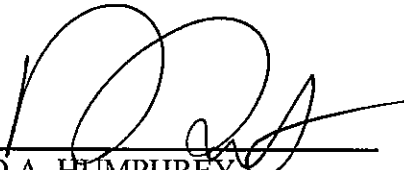
TELEPHONE/TÉLÉPHONE (705) 564-7624
FAX/TÉLÉCOPIEUR (705) 564-7620

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 2483-11, of the Municipality of Wawa, Algoma District, attached hereto is the set fine for those Offences. This Order is to take effect June 5, 2012.

Dated at the City of Greater Sudbury, this 29th day of May 2012.



RICHARD A. HUMPHREY
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE

PART I – PROVINCIAL OFFENCES ACT

By-Law No. 2483-11

A by-law to adopt Municipality of Wawa Policy No. PE-007: Open Air Burning Policy.

AM

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence creating provision or defining offence	COLUMN 3 Set Fines
1	Fail to obtain open air fire permit from Municipality during fire season	Schedule A, Section D, Section 2.0.0	\$205.00
2	Fail to ensure material burned and method of burning is consistent with information provided to the Fire Chief.	Schedule A, Section D, Section 2.5.0	\$205.00
3	Fail to adhere to the conditions of the fire permit.	Schedule A, Section D, Section 2.5.0	\$205.00
4	Fail to extinguish fire as ordered.	Schedule A, Section D, Section 2.7.0	\$205.00
5	Fail to adhere to open air burning permitted hours (4 pm to Midnight)	Schedule A, Section D, Section 3.1.0	\$205.00
6	Permit the burning of material other than commercially produced charcoal, briquettes or clean, dry seasoned wood.	Schedule A, Section D, Section 3.2.0	\$205.00
7	Fail to confine burning to non-combustible container	Schedule A, Section D, Section 3.3.0	\$205.00
8	Fail to confine burning to a pit no larger than two (2) feet by two (2) feet in size	Schedule A, Section D, Section 3.3.0	\$205.00
9	Fail to stop the escape of combustible solids such a sparks and ash	Schedule A, Section D, Section 3.4.0	\$205.00

Note: Penalty provision for the offences indicated above is Section 19.0.0 of By-Law No. 2483-11. A certified copy of which has been filed.

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence creating provision or defining offence	COLUMN 3 Set Fines
10	Permit fuel being burnt to be greater than size of the container or pit	Schedule A, Section D, Section 3.5.0	\$205.00
11	Fail to locate fire container or pit minimum distance of 4 metres from adjacent property	Schedule A, Section D, Section 3.6.0	\$205.00
12	Fail to confine open air burning to an area that is a minimum of 3 metres from combustible structures or objects	Schedule A, Section D, Section 3.7.0	\$205.00
13	Fail to ensure extinguishing agent immediately available for use	Schedule A, Section D, Section 3.8.0	\$205.00
14	Fail to attend, control or supervise open air burning.	Schedule A, Section D, Section 3.9.0	\$205.00
15	Permit open air burning when wind exceeds 15 km/hr	Schedule A, Section D, Section 3.10.0	\$205.00
16	Permit open air burning during a fire ban	Schedule A, Section D, Section 3.10.0	\$205.00
17	Permit open air burning during rainy or foggy weather	Schedule A, Section D, Section 3.10.0	\$205.00
18	Permit open air burning during a smog alert	Schedule A, Section D, Section 3.10.0	\$205.00
19	Fail to take steps to ensure adjacent properties are protected	Schedule A, Section D, Section 3.11.0	\$205.00
20	Fail to take steps to ensure the by products of the open air burnings do not have a negative impact on persons, pets or the environment	Schedule A, Section D, Section 3.11.0	\$205.00
21	Fail to use approved fuels for use in barbeques	Schedule A, Section D, Section 4.1.2	\$205.00
22	Fail to obtain permit for non-recreational burning for a special event	Schedule A, Section D, Section 6.1.0	\$205.00

Note: Penalty provision for the offences indicated above is Section 19.0.0 of By-Law No. 2483-11. A certified copy of which has been filed.

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence creating provision or defining offence	COLUMN 3 Set Fines
23	Fail to obtain open air burning permit for burning of brush, grass, leaf or other materials	Schedule A, Section D, Section 10.0.0	\$205.00
24	Permit burning of brush, grass, leaf or other materials to exceed one (1) hectare in size	Schedule A, Section D, Section 10.1.0	\$205.00
24	Fail to attend, control and supervise burning of brush, grass, leaf or other materials	Schedule A, Section D, Section 10.2.0	\$205.00
25	Fail to supervise and ensure tools and water adequate to contain the fire within the fire site for burning of brush, grass, leaf or other materials	Schedule A, Section D, Section 10.3.0	\$205.00
26	Fail ensure brush and slash pile is confined to an area at least 15 meters from any building, roadway or wooded area	Schedule A, Section D, Section 10.4.0	\$205.00
27	Fail to burn brush and slash piles in piles, maximum of 1.5 meters high, 1.5 meters diameter, and 7 meters between piles	Schedule A, Section D, Section 10.5.0	\$205.00
28	Permit the burning of garbage, tires, treated wood or other building materials toxic to the environment during the burning of brush, grass, leaf or other materials	Schedule A, Section D, Section 10.6.0	\$205.00
29	Permit open air burn if winds are 15km/hr or higher, or during a fire ban during the burning of brush, grass, leaf or other materials	Schedule A, Section D, Section 10.7.0	\$205.00
30	Fail to obtain permit for an outdoor incinerator	Schedule A, Section D, Section 11.0.0	\$205.00
31	Permit burning of treated wood or materials toxic to the environment in an outdoor incinerator	Schedule A, Section D, Section 11.1.0	\$205.00
32	Fail to ensure incinerator device constructed of non-combustible material, and not capable of holding more than one cubic meter of unburned material	Schedule A, Section D, Section 11.2.0	\$205.00
33	Fail to ensure incinerator is at least 5 meters from any forest or woodland	Schedule A, Section D, Section 11.3.0	\$205.00

Note: Penalty provision for the offences indicated above is Section 19.0.0 of By-Law No. 2483-11. A certified copy of which has been filed.

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence creating provision or defining offence	COLUMN 3 Set Fines
34	Fail to ensure incinerator is at least 2 meters from any flammable materials	Schedule A, Section D, Section 11.4.0	\$205.00
35	Fail to ensure outlet of incinerator is covered with a screen having a mesh size of not more than 5 mm	Schedule A, Section D, Section 11.5.0	\$205.00
36	Fail to obtain a permit for a recreational (camp) fire	Schedule A, Section D, Section 12.0.0	\$205.00
37	Permit the burning of treated wood or materials toxic to the environment in a recreational (camp) fire	Schedule A, Section D, Section 12.1.0	\$205.00
38	Fail to ensure recreational (camp) fire is contained in a area completely surrounded by a non-combustible barrier or is contained within a pit in the ground	Schedule A, Section D, Section 12.2.0	\$205.00
39	Permit recreational (camp) fire to exceed 60 cm	Schedule A, Section D, Section 12.3.0	\$205.00
40	Fail to locate recreational (camp) fire a minimum of 3 meters from any structure or building	Schedule A, Section D, Section 12.4.0	\$205.00
41	Fail to locate recreational (camp) fire at least 5 meters from any forest or wooded area	Schedule A, Section D, Section 12.5.0	\$205.00
42	Fail to ensure material being burnt is less than 60 cm in height	Schedule A, Section D, Section 12.6.0	\$205.00
43	Fail to ensure adequate tools and water available to contain fire	Schedule A, Section D, Section 12.7.0	\$205.00
44	Fail to ensure by-products of fire do not inconvenience or irritate others	Schedule A, Section D, Section 12.8.0	\$205.00
45	Fail to obtain fire permit for a chiminea	Schedule A, Section D, Section 13.0.0	\$205.00
46	Permit chiminea to be located on a balcony	Schedule A, Section D, Section 13.1.0	\$205.00

Note: Penalty provision for the offences indicated above is Section 19.0.0 of By-Law No. 2483-11. A certified copy of which has been filed.

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence creating provision or defining offence	COLUMN 3 Set Fines
47	Permit chiminea to be located on any combustible surface	Schedule A, Section D, Section 13.2.0	\$205.00
48	Fail to ensure chiminea to be in good working order	Schedule A, Section D, Section 13.3.0	\$205.00
49	Fail to ensure chiminea located at least 3 meters from any structure	Schedule A, Section D, Section 13.4.0	\$205.00
50	Fail to ensure all chiminea openings are covered by metal wire mesh with grid openings no larger than 12 mm in diameter	Schedule A, Section D, Section 13.5.0	\$205.00
51	Fail to contain fire to the chiminea	Schedule A, Section D, Section 13.6.0	\$205.00
52	Fail to ensure usage of clean dry wood or charcoal	Schedule A, Section D, Section 13.7.0	\$205.00
53	Fail to ensure proper shielding on a wood deck for use of chiminea	Schedule A, Section D, Section 13.8.0	\$205.00
54	Fail to ensure garden hose or portable fire extinguisher is available	Schedule A, Section D, Section 13.9.0	\$205.00
55	Permit open air burn during a fire ban	Schedule A, Section D, Section 14.0.0	\$205.00
56	Permit open air burn when conditions cause decreased visibility on any roadway	Schedule A, Section D, Section 14.1.0	\$205.00
57	Permit open air burn when conditions cause inconvenience or irritation to others	Schedule A, Section D, Section 14.2.0	\$205.00
58	Permit open air burn when conditions cause fire to spread through grass, brush, forested area or other property	Schedule A, Section D, Section 14.3.0	\$205.00
59	Permit burning of household waste	Schedule A, Section D, Section 15.1.0	\$205.00

Note: Penalty provision for the offences indicated above is Section 19.0.0 of By-Law No. 2483-11. A certified copy of which has been filed.

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Offence creating provision or defining offence	COLUMN 3 Set Fines
60	Permit burning of construction material	Schedule A, Section D, Section 15.2.0	\$205.00
61	Permit burning of materials made of or containing rubber	Schedule A, Section D, Section 15.3.0	\$205.00
62	Permit burning of plastic	Schedule A, Section D, Section 15.4.0	\$205.00
63	Permit burning of tar, petroleum products and other materials which are prohibited by the Environmental Protection Act	Schedule A, Section D, Section 15.5.0	\$205.00
64	Permit burning of wet material	Schedule A, Section D, Section 15.6.0	\$205.00

Note: Penalty provision for the offences indicated above is Section 19.0.0 of By-Law No. 2483-11. A certified copy of which has been filed.