

Municipality of Norfolk Treherne  
**BURNING REGULATION FOR URBAN COMMUNITIES**  
By-Law No. 13-2016

**BEING** A BY-LAW OF THE MUNICIPALITY OF NORFOLK TREHERNE to regulate burning within the urban communities of Treherne, Rathwell and Lavenham.

**WHEREAS** section 232 (1), 250(2) and 252(1 & 2) of *The Municipal Act* provides in part as follows:

**Spheres of jurisdiction**

**232 (1)** A council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people, and the safety and protection of property;
- (i) preventing and fighting fires;
- (o) the enforcement of by-laws.

**General powers**

**250(2)** Without limiting the generality of subsection (1), a municipality may for municipal purposes do the following:

- (e) use municipal equipment, materials and labour to carry out private works on private property.

**Powers respecting works, services, utilities**

**252(1)** A municipality exercising powers in the nature of those referred to in clauses 250(2)(b), (c) and (e) may set terms and conditions in respect of users, including

- (a) setting the rates or amounts of deposits, fees and other charges, and charging and collecting them;

**WHEREAS** the Council of the Municipality of Norfolk Treherne deems it desirable and expedient to regulate the setting of fires and burning within the limits of the urban communities of Treherne, Rathwell and Lavenham including an area in close proximity of the community as shown outlined by a heavy broken line on the attached Schedule "A";

**NOW THEREFORE** the Council of the Municipality of Norfolk Treherne in session assembled, enacts as follows:

1. No person shall set or start an outdoor fire within the urban communities of Treherne, Rathwell, and Lavenham unless it is done so in a fire-pit, constructed and used in accordance with this By-law.
2. Outdoor fire pits may be constructed and used, for recreational purposes only, providing the following measures have been taken to limit their spread:

- a) be limited to a diameter of 1 metre and be fully contained within heavy gauge steel, concrete, or stone;
  - b) the heavy gauge steel, concrete, or stone shall be separated from grass and any other vegetation by a distance of at least 16 inches by means of clean earth, sand, gravel or other non-combustible medium;
  - c) the fire pit must be located a minimum of fifteen (15) feet from any property line; and
  - d) when in use, the fire pit must be attended by a responsible adult person until the fire has been fully extinguished.
3. No person shall burn anything other than solid fuel products in a fire pit. Without limiting the generality of that prohibition, no person may burn garbage, recyclables, household waste, lawn clippings, leaves, or any other compostable material.
  4. Nothing in this By-law permits or authorizes a person to burn in a manner that creates a nuisance to any other person.
  5. The property owner where the fire was started shall be responsible for any and all damages as a result of burning.
  6. The Fire Department may direct that a fire in a fire pit be extinguished, or may extinguish a fire that in their opinion is a nuisance or a threat to public safety.
  7. Nothing in this By-law is intended to interfere with or prohibit the burning of agricultural residue regulated by the Burning of Crop Residue Regulation under The Environment Act.
  8. A person may apply to the Municipality for a permit, which will entitle the permittee to conduct a control burn within the urban communities of Treherne, Rathwell and Lavenham, and subject to the approval of Council, the Municipality shall issue a permit to an applicant to conduct a control burn with or without conditions after consultation with the Fire Chief.
  9. Any person who contravenes a provision of this by-law is committing an offence and may be subject to payment of a fine of not less than:
    - a) one hundred dollars (\$100.00) for the first offence;
    - b) three hundred dollars (\$300.00) for the second offence; and for each subsequent offence.
  10. All fines and costs imposed on a contravention under this By-law, are a debt owed by the property owner on which the fire was located, to the Municipality and may be collected by the Municipality in the same manner as a tax may be collected.



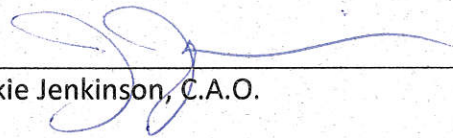
11. This by-law repeals the Town of Treherne's By-Law No. 849/05 and all other burning by-laws for the communities of Treherne, Rathwell and Lavenham.

12. This by-law shall come into force and take effect on the passing thereof.

**DONE AND PASSED** by the Council of the Municipality of Norfolk Treherne, in Council duly assembled this 8 day of March, A.D., 2016.

  
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Craig Spencer, Reeve

  
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Jackie Jenkinson, C.A.O.

Read a first time this 9 day of Feb., 2016

Read a second time this 9 day of Feb., 2016

Read a third time this 8 day of March, 2016



Schedule "A"  
to By-Law No. 13-2016

