



MONTAGUE TOWNSHIP WINDROW BURN PERMIT

I, the undersigned, hereby agree to follow the provisions of Bylaw 3635-2018, the Open Air Burning Bylaw; and

I agree to notify the Township Office at 613-283-7478 during regular business hours prior to any open air burning activities and when the fire is extinguished; and

I, the applicant, shall indemnify and save harmless the Township of Montague from any and all claims, demands, causes of actions, losses, costs or damages that the Municipality may suffer, incur or be liable for resulting from the open air fires as set out in the by-law whether with or without negligence on the part of the applicant, the applicant's employee, directors, contractors and agents; and

I acknowledge that all persons who sets a fire in contravention of by-law 3635-2018 or who fails to extinguish a fire once ordered to do so by the Fire Chief shall, in addition to any penalty provided for herein, be liable to the Municipality for all expenses incurred for the purpose of investigating, controlling and extinguishing any fire set or left to burn as approved by Council. Any costs chargeable to any person pursuant to this section shall be invoiced to the person and paid to the Municipality within thirty (30) days of the date of such invoice, failing which the costs may be deemed to be municipal taxes and added by the Treasurer of the Municipality to the Collector's Roll and collected in the same manner and with the same priority as municipal taxes.

Name of Property Owner: _____ Date: _____
(Please print)

Civic Address: _____

Address for Windrow Burning (If different than above):

Contact Information: _____

Name of Tenant/Resident (if different than owner): _____

Contact Information: _____

I, the undersigned, acknowledge and understand the requirements of Open Air Burning as contained in Bylaw 3635-2018:

Signature

THIS PERMIT IS NOT VALID WITHOUT A PERMIT NUMBER

A PERMIT NUMBER IS ISSUED AT THE TOWNSHIP OFFICE WHEN APPLYING IN PERSON.

SUBMIT AN APPLICATION BY EMAIL TO: MGREER@TOWNSHIP.MONTAGUE.ON.CA. THE FIRE CHIEF WILL APPROVE THE PERMIT AND ISSUE A PERMIT NUMBER IN A REPLY EMAIL WITHIN TWO WEEKS. PLEASE ENSURE YOU HAVE SIGNED THE PERMIT BEFORE SUBMITTING IT FOR A NUMBER.

IT IS NOT NECESSARY TO RENEW THIS PERMIT EACH YEAR PROVIDED IT HAS BEEN RETAINED AND THE HOLDER IS ABLE TO PRODUCE IT UPON REQUEST.

EXTRACTS FROM THE TOWNSHIP OF MONTAGUE OPEN AIR BURNING BY-LAW NO. 3635-2018

DEFINITIONS In this by-law, the following terms have the specified meanings:

- a) **“Windrow”** means an open air fire where the material to be burned does not exceed 50m (164.04ft) in length, 5m (16,40ft) in height and that is set and maintained solely for the purposes of burning wood, tree limbs and branches as part of normal farm practices for clearing agricultural land.

PROHIBITIONS

1. No person shall set or maintain an open air fire without first having obtained the necessary permit from the Fire Chief.
2. Despite Section 2, no person shall set or maintain an open air fire within built up areas that cannot meet the setback provisions outlined in Sections 15, 16, 17, 18 and 19 of this by-law, as determined by the Fire Chief .
3. No person shall set or maintain an open air fire when a fire ban on open air fire has been issued by the Fire Chief or designate.
4. No person shall set or maintain an open air fire 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 decreased in visibility on any highway;
 - c) excessive smoke.

APPLICATION FOR AN OPEN AIR FIRE PERMIT

5. Any person eighteen (18) years of age or older may apply for an open air fire permit to the Fire Chief prior to the proposed date of the first open air fire.
6. The application shall include:
 - a) the name, address and phone number of the applicant;
 - b) the owner’s written consent to the open air fire, if the applicant is not the owner of the property;
 - c) the municipal address of the location of the proposed open air if it differs from the address of the applicant. A farming business may offer multiple locations to reflect their agricultural property;
 - d) an indemnification in writing or electronically in accordance with the terms of Section 35; and
 - e) such other information as may be required by the Fire Chief
7. The Fire Chief shall issue an open air fire permit unless,
 - a) the application is incomplete;
 - b) there are reasonable grounds to believe that the open air fire may cause adverse effects;
 - c) here are reasonable grounds to believe that the open air fire will result in a breach of this by-law, the FPPA, or any other provincial or federal statute.
8. The Fire Chief may attach such additional conditions to a permit as he or she deems necessary to ensure public safety.
9. A permit for an open air fire is not transferable to another person or to a new location.

GENERAL REQUIREMENTS FOR OPEN AIR FIRES

10. Where the material to be burned in an open air fire is 2m or less in length (Medium Open Air Fire), width and height or is in a burn drum, no permit holder shall set or maintain an open air fire,
 - a) at a distance of less than 25m (82ft) from any building, hedge, fence, overhead wiring or a highway and at a distance of less than 25m (82ft) from another open air fire;
 - b) where combustible material, other than a building, hedge, fence, or overhead wiring or a highway is present within a radius of 15m from the open air fire;
 - c) where the size of the open air fire will exceed the limits set by this by-law;
 - d) that is set or maintained with the aid of flammable or combustible liquids of any kind;
 - e) that uses fuel other than untreated wood and wood fiber products like non-laminated paper and cardboard and boxboard, brush, tree branches / limbs and leaves or, if in a burn drum, fuel other than that permitted in a burn drum;
 - f) that uses prohibited materials, which 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,
 - g) between the hour of 6:00pm and 6:00am, with the exception of campfires and outdoor fireplaces that comply with the requirements of this by-law; or
 - h) unless the additional conditions specified on the permit deemed necessary by the Fire Chief have been met.
11. Where the material to be burned in an open air fire is between 2m and 3m in length (Large Open Air Fire), width and height, no permit holder shall set or maintain an open air fire,
 - a) at a distance of less than 60m from any building, hedge, fence, overhead wiring or a highway and at a distance of less than 25m (82ft) from another open air fire;
 - b) where combustible material other than a building, hedge, fence, or overhead wiring or a highway is present within a radius of 25m(82ft) from the open air fire; and
 - c) unless the permit holder complies with the conditions of Section 19, clauses (c) to (h) inclusive.

Additional Requirements for Windrows

12. No permit holder shall set or maintain an open air fire that is a windrow unless,
- a) the windrow does not exceed the size limits set out in this by-law;
 - b) the windrow is located a distance of not less than 90m(295ft) from a building, overhead wiring or highway;
 - c) the windrow is located a distance of not less than 60m from a wooden fence rail, hedge or standing timber;
 - d) subject to Section 19 (b) and (c), the windrow is located a distance of not less than 30m (98ft) from any other combustible material;
 - e) a firebreak of 5m (16ft) in width surrounds the windrow until the open air fire is extinguished;
 - f) the windrow is constructed at right angles to the prevailing wind direction;
 - g) the windrow is constructed on soil other than peat soil types;
 - h) there is a separation distance of at least 15m (49ft) between the ends of the windrows and at least 25m(82ft) between parallel windrows, if more than one windrow is set and maintained at the same time at the same location;
 - i) the windrow is set first at its centre;
 - j) the permit holder notifies the Fire Chief each day that the windrow is set and maintained until the windrow is extinguished;
 - k) the permit holder ceases to add material to the windrow if a fire ban comes into effect;
 - l) the permit holder uses best efforts to aerate and separate any soil from wood, tree limbs and branches in the windrow;
 - m) a suitable means to control or extinguish the agricultural fire with a earth moving equipment is on site (i.e. backhoe, front end loader, bobcat, etc.)
 - n) the permit holder ensures that a person eighteen (18) years of age or older maintains constant watch and control over the windrow from the time of the setting of the windrow until there is no visible open flame; and
 - o) the permit holder complies with conditions of clauses (d) to (f) inclusive and clause (h) of Section 15.

DELEGATION OF AUTHORITY – FIRE CHIEF

13. The Fire Chief is authorized to amend the boundaries of areas in which open air fires may be set or maintained provided that the amendment is a result of a change in one (1) or more of the following factors:
- a) population density;
 - b) building density;
 - c) risk management issues, including but not limited to incidence of false alarms and proximity to forested areas.

ENFORCEMENT

Extinguishment

14. A member of the Fire Department or the Fire Chief may direct a person to extinguish any fire when, in their opinion, the fire creates a hazard or nuisance.
15. A person who fails to comply with the direction of a member of the Fire Department or the Fire Chief is guilty of an offence under this bylaw
16. A member of the Fire Department or Fire Chief , as the case may be, may extinguish a fire if a person fails to extinguish a fire on the request of a member of the Fire Department or Fire Chief

Revocation

17. Permits issued to a permit holder under this by-law may be revoked by the Fire Chief if, in the opinion of the Fire Chief, an adverse effect exists in or near the site of the open air fire.
18. Permits issued to a permit holder under this by-law may be revoked by the Fire Chief if the permit holder fails to comply with the requirements of the permit or permits and any other provisions of this by-law.

Offences and Penalties

19. Every person who contravenes any of the provisions of this by-law is guilty of an offence.
20. Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the *Provincial Offences Act*.
21. Where a person has been convicted of an offence under this by-law,
- a) the Ontario Court of Justice, or
 - b) any court of competent jurisdiction thereafter may, in addition to
 - c) any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed towards the continuation or repetition of the offence.
22. 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 Fire Chief shall, in addition to any penalty provided for herein, be liable to the Municipality for all expenses incurred for the purpose of investigating, controlling and extinguishing any fire set or left to burn as approved by Council. Any costs chargeable to any person pursuant to this section shall be invoiced to the person and paid to the Municipality within thirty (30) days of the date of such invoice, failing which the costs may be deemed to be municipal taxes and added by the Treasurer of the Municipality to the Collector's Roll and collected in the same manner and with the same priority as municipal taxes.