

THE CORPORATION OF THE MUNICIPALITY OF NEEBING

BY-LAW NUMBER 829-2009

Being a by-law to provide for the Regulation of burning of noxious materials in the Municipality of Neebing.

WHEREAS Section 10 of the Municipal Act, S.O. 2001, provides that a municipality may pass by-laws respecting economic, social and environmental well-being of the municipality and the health safety and well-being of persons;

AND WHEREAS the Municipality is desirous of encouraging recycling and reuse of items;

AND WHEREAS open burning can cause air pollution and aggravate respiratory conditions, soil property, reduce visibility and generally lesson the enjoyment of property;

AND FURTHER WHEREAS the Municipality is aware of the precious condition of the environment and is cognisant of the Environment Protection Act;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF NEEBING ENACTS AS FOLLOWS:

1. Definitions:

"Fire Permit" as set out under the Open Air Burning By-law being By-law Number 562-2002.

"Noxious Materials" includes tires, plastics, rubber products, drywall, demolition waste, construction waste, paint, animal organic waste, vegetable waste, food waste, biomedical waste, tar, asphalt products, battery boxes, pressure-treated wood, creosote-treated wood, painted wood and wood containing resins and glue.

"Nuisance" means excessive smoke, smell, airborne sparks or embers that could cause public nuisances by creating negative health effects on neighbouring residents, increasing fire exposure hazards, infringing on the enjoyment of the use of neighbouring properties and generating false alarms.

"Officer" means the Fire Chief, any member of Neebing Emergency Services, By-law Enforcement Officer and Police Officers.

"Prohibited Material" shall include, but is not limited to, materials such as automobile and truck bodies, tires, oil, grease, paint, rags, plastics, wire, asphalt shingles, rubber, construction materials, insulation and flammable or combustible liquids or accelerants.

2. Prohibitions:

2.1 With the exception of barbecue fires (charcoal or propane), no person may set a fire or allow a fire to burn in the open air without first obtaining a permit.

2.2 No person shall burn any noxious or prohibited material as set out.

2.3 No person shall allow an open air fire to become a nuisance to their neighbours.

2.4 Exceptions shall be site specific as authorized by the Fire Chief

3. Penalty:

Any person/owner who contravenes any conditions of this by-law is guilty of an offence and:

- (a) upon a first conviction is subject to a minimum fine of \$250.00 and a maximum fine of \$5,000.00;
- (b) upon a subsequent conviction is subject to a minimum fine of \$500.00 and a maximum fine of \$5,000.00.

ENACTED AND PASSED IN COUNCIL this 12th day of August 2009, as witnessed by the Corporate seal of the Corporation and the hands of its proper Officers duly authorized in that behalf.

THE CORPORATION OF THE
MUNICIPALITY OF NEEBING

Mayor

Clerk

Read for a first time this 12th day of August 2009.

Read for a second time this 12th day of August 2009.

Read for a third time and finally passed this 12th day of August 2009.