

**THE CORPORATION OF THE TOWNSHIP OF CASEY
BY-LAW NO. 2017-888**

**BEING A BY-LAW TO REGULATE AND CONTROL OPEN AIR BURNING WITHIN
THE TOWNSHIP OF CASEY**

WHEREAS Section 7.1 (1)(b) of the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4* as amended, states that a municipality may pass by-laws, regulating the setting of open air fires, including establishing the times during which open air fires may be set;

WHEREAS the *Municipal Act, 2001, S. 5 (1)* provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS the *Municipal Act, 2001, S. 5 (3)* provides that the powers of every council are to be exercised by by-law;

AND WHEREAS the *Fire Protection and Prevention Act 1997*, as amended, Section 7.1 (a) and (b) authorizes Council to pass by-laws regulating fire prevention, including the prevention of the spreading of fires and regulating the setting of open air fires, including the times during which open fires may be set;

AND WHEREAS the *Fire Protection and Prevention Act 1997*, as amended, Section 7.1 (4) authorizes Council to appoint officers 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;

AND WHEREAS Section 7.5 (5) of the *Fire Protection and Prevention Act, 1997* the exercise of powers by an officer appointed under this section shall be carried out in accordance with Part XIV of the *Municipal Act, 2001*, other than clause 431 (a) of that Act;

AND WHEREAS the *Fire Code*, paragraph 2.6.3.4, provides that open air burning shall not be permitted unless approved by the Fire Chief, or designate, or unless such burning consists of a small, confined fire, supervised at all times, and used to cook food;

AND WHEREAS the *Farming and Food Protection Act, 1998, c. 1* Section 6, provides that no municipal by-law applies to restrict a normal farm practice carried on as part of an agricultural operation;

AND WHEREAS Section 425 (1) of the *Municipal Act, S.O. 2001, c. 25*, as amended, provides a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality passed under the Act is guilty of an offence;

AND WHEREAS Section 429 (1) of the *Municipal Act, S.O. 2001, c. 25*, as amended, provides a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Act;

AND WHEREAS Section 446 (1) of the *Municipal Act, S.O. 2001, c. 25*, as amended, provides that if a municipality has the authority under any Act or under a by-law under any Act to direct or require a person to do a matter of thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

AND WHEREAS Council of the Township of Casey deems it expedient to pass a by-law to regulate conditions where fire may be set in the open air in the Township of Casey;

AND WHEREAS Council deems it necessary to adopt a new by-law to regulate and control open air burning within the Township of Casey and to repeal By-law No. 2009-738;

NOW THEREFORE the Council of the Corporation of the Township of Casey enacts as follows:

1. That Council adopts a by-law to regulate and control open air burning within the Township identified as Schedule "A", attached hereto and forming part of this by-law.
2. That By-law 2009-738 being a by-law to regulate open air burning within the boundaries of the Township of Casey is hereby repealed.
3. That the Clerk of the Township of Casey is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the By-law and schedule, after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.
4. That this By-law shall come into force and take effect on January 1st , 2018.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 8th OF NOVEMBER, 2017.

Reeve

Clerk-Treasurer