

**THE CORPORATION OF THE VILLAGE OF MIDWAY  
BYLAW NO. 381**

**A Bylaw to Regulate Burning Within The Village of Midway**

**WHEREAS** pursuant to section 8(3) of the Community Charter, Council may, by Bylaw, regulate, prohibit and propose certain requirements;

**AND WHEREAS** Council deems it advisable and in the interest of protection to persons and property to regulate;

**AND WHEREAS** the requirements as hereinafter described may provide to the taxpayer a reduction in the operational costs of the Midway Volunteer Fire Department;

**NOW THEREFORE**, the Council of the Corporation of the Village of Midway, in open meeting assembled, **ENACTS AS FOLLOWS**:

**1.0 REGULATIONS**

- 1.1 No person shall operate, install or construct any incinerator or burning barrel for the disposal of:
  - a) household waste, refuse, rubbish, or garbage
  - b) industrial or commercial waste and refuse except with a permit from The Ministry of Environment,
  - c) or any combination thereof within the Village boundaries.
- 1.2 No person shall ignite or cause to be ignited any:
  - a) household waste, refuse, rubbish, garbage, plastic, or Styrofoam
  - b) industrial or commercial waste and refuse except with a permit from The Ministry of Environment,
  - c) or any combination thereof within the Village boundaries
- 1.3 All burning is prohibited within village boundaries except as allowed by the following exceptions stated within this bylaw.

**2.0 EXCEPTIONS**

- 2.1 Burning will be allowed from October 15 to April 15 each year. A burning permit (Schedule B attached) should be obtained from the Village Office. This does not apply to camp fires which will be governed by the Ministry of Forests fire ban Regulations.
- 2.2 The burning of dry garden refuse is permitted, during the days specified in section 2.1 provided that such refuse is plant matter only, and provided that:
  - a) Any such fire once ignited is not unattended at any time, and
  - b) That there is sufficient quantity of fire extinguishing materials and equipment at the site of the fire, and
  - c) That all flammable materials have been removed from a five foot strip surrounding the fire.
- 2.3 The owner or occupier of land of not less than .8 hectares (approx. 2 acres) is permitted to burn industrial waste provided that:
  - a) The industrial waste is plant matter or other fuels permitted by the Ministry of Environment, and
  - b) That the burning takes place on the said land area, and
  - c) That suitable precautions and equipment are in place to extinguish the fire and prevent spreading, and
  - d) That the owner occupier has obtained permission from the Ministry of Environment.
- 2.4 Any person who starts an outdoor fire and fails to completely extinguish the outdoor fire, whether or not the fire was started under a permit, shall be responsible for the fire and any damage caused as a result of the fire, and shall be liable for all expenses incurred by the Village of Midway in controlling and extinguishing such fire if it becomes out of control and necessitates intervention by the Village.
- 2.5 For the purposes of Section 2.4:
  - (a) The charge per fire will be Four Hundred (\$400.00) dollars per hour per vehicle in attendance or portion thereof with a minimum charge of Two Hundred (\$200.00) dollars per call per vehicle.

- 2.6 Midway Volunteer Fire Department burns, which are conducted for training exercises at the discretion of the Midway Volunteer Fire Department, do not require a burning permit but are to be fully extinguished by the Midway Volunteer Fire Department at the completion of the task.
- 2.7 Midway Volunteer Fire Department burns, which are conducted for fire hazard control on private property at the request of the property owner/occupant, are to be burned down to safe smolder under the protection of the Midway Volunteer Fire Department and then left to be fully extinguished by the owner/occupant. M.V.F.D. fire chief or designate must have the owner/occupant sign a Schedule "C" prior to leaving the site.

### **3.0 ENFORCEMENT**

- 3.1 This bylaw is enforceable by any person designated by Council to do so and by the Fire Chief.
- 3.2 Every person who violates any of the provisions of the bylaw, or who suffers or permits any act to be done in contravention or in violation of any of the provisions of this bylaw or neglects anything required to be done by any of the provisions of this bylaw, commits an offense and is liable to a fine of not less than \$500.00.

### **4.0 TITLE**

- 4.1 The bylaw may be cited for all purposes as "Bylaw #381 - Burning Bylaw"

### **5.0 SEVERABILITY**

- 5.1 If any section, subsection or clause of this bylaw is held invalid by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of this bylaw shall be deemed to have been adopted without the invalid and severed section, subsection or clause.

### **6.0 REPEAL**

- 6.1 The Village of Midway Burning Bylaw No. 305 is hereby repealed.

**READ A FIRST TIME** this 16<sup>th</sup> day of April, 2007  
**READ A SECOND TIME** this 16<sup>th</sup> day of April, 2007  
**READ A THIRD TIME** this 16<sup>th</sup> day of April, 2007  
**RECONSIDERED AND ADOPTED** this 7<sup>th</sup> day of May, 2007

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Mayor

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Administrator