

**THE CORPORATION OF THE  
TOWNSHIP OF BONNECHERE VALLEY**

**BY-LAW NO. 2007 - 52**

**BEING A BY-LAW FOR ESTABLISHING REQUIRMENTS FOR OPEN AIR  
BURNING IN THE TOWNSHIP OF BONNECHERE VALLEY**

**WHEREAS**, Sections 8, Municipal Act 2001, Chapter 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising it's authority under this or any other Act;

**AND WHEREAS**, the Fire Protection and Prevention Act, 1997, Chapter 4, Section 2.6, sub-section 2.6.3.4, permits open air burning if approved;

**AND WHEREAS**, the Council of the Corporation of the Township of Bonnechere Valley deems it necessary to set standards for open air burning according to the provisions of Section 7.1(1) the Fire Protection and Prevention Act, 1997, Chapter 4, for the entire Township;

**AND WHEREAS**, the Council of the Corporation of the Township of Bonnechere Valley deems it expedient to allow open air burning and to establish a permit system to control and/or regulate such activity;

**NOW THEREFORE**, the Council of the Township of Bonnechere Valley enacts as follows:

This by-law shall be known as the Open Air Burning By-law.

**1.0 DEFINITIONS**

In this by-law,

**"Approved Pit"** means an area of ground that has been completely cleared of combustible material and lined with a minimum thickness of 15 cm (6 inches) of sand or mineral soil that will extend a minimum of 30 cm (12 inches) beyond the limit of the fuel used for a Camping Fire.

**"AUTHORIZED AGENT"** means any person authorized by the Fire Chief or the Council of the Township to carry out those duties.

**"By-law Enforcement Officer"** means a person appointed by Council of the Township as a by-law enforcement officer for the Township.

**"Camping Fire"** means an Open Air Fire, having a maximum fuel volume of .6 metres x .6 metres x .6 metres (2 feet x 2 feet x 2 feet), that is set and maintained solely for the purposes of cooking food, providing warmth or recreational enjoyment and;

- i. The site of the fire is bare rock or other non-combustible material.
- ii. The fire is at least two metres from any flammable material.
- iii. The space above the one metre area around the fire is at least 3 metres (10 feet) from vegetation.
- iv. The fire does not exceed one metre in height and one metre in diameter.

**"Cooking Fire"** means a fire used for cooking food and contained within an approved containment area or approved outdoor fireplace.

**"Fire Chief"** means an officer of the Fire Department appointed as such by municipal by-law and includes his or her designate.

**"Fire Department"** means the Fire department of the Township of Bonnechere Valley including the Eganville and Sebastopol stations.

**"An Open Air Fire"** means a fire set in the open air for the purpose of burning grass, rubbish and other combustible material, and includes fires in barrels, drums, incinerators and pits, but does not include a cooking fires, campfires or barbeques.

**"Permit"** means a permit issued by the Township of Bonnechere Valley signifying permission to set or maintain or allow to be set or maintained an Open Air Fire and establishing the conditions under which the permission is granted.

**"Person"** includes an association, firm partnership, or corporation.

**"Township"** means the Corporation of the Township of Bonnechere Valley

## 2.0 GENERAL REGULATIONS

Any person setting, maintaining or permitting the ignition or maintenance of an Open Air Fire at any time shall ensure that the burning is done strictly in accordance with the following fire safety precautions:

- 2.1 A person over the age of 18 shall be in attendance and shall supervise all Open Air Fires until they are fully extinguished.
- 2.2 Equipment and other resources capable of controlling and quickly extinguishing Open Air Fires shall be maintained at the site of the fire at all times.
- 2.3 Hours of all fires set outdoors shall be no earlier than two (2) hours before sunset and extinguished no later than two (2) hours after sunrise, or earlier except a camping fire or cooking fire in an approved fire pit,
- 2.4 Open Air Fires shall not be set in the presence of high winds or any other adverse burning conditions.
- 2.5 No Person shall:
  - a) At any time and without first obtaining a Permit from the Township or its authorized agent, set, maintain or allow to be set or maintained any open air fire that is not a camping fire or a cooking fire maintained within an approved pit.
  - b) At any time set, maintain or allow an Open Air Fire, having a maximum fuel volume greater than 2 metres in diameter and 1 meter high, that is set and maintained for the sole purpose of burning piled wood, brush or leaves.
  - c) At any time when burning grass or leaf litter the total area burned shall not exceed 1 hectare and that the flaming edge of the fire does not exceed 10 meters in length.
  - d) At any time set, maintain or allow to be set or maintained any out door open air fire in the downtown business core of the Village of Eganville.
  - e) At any time irregardless of obtaining a permit allow any open air burning to burn in such a manner as to:
    - i. Burn any materials at any time where the smoke or discharge from such fire could interfere with the enjoyment of adjoining lands.
    - ii. Burn any materials at any time where the smoke or discharge from such fire could create or cause a health hazard.
    - iii. Burn any materials at any time where the smoke from such fire could impede visibility on any highway.
- 2.6 No person shall burn any:
  - a) Building or structure of any kind or size;
  - b) Hay, straw or standing material, unless approved by the Fire Chief or appropriate Deputy Fire Chief.
  - c) Green brush or wood unless specifically approved by the Fire Chief or Deputy Fire Chief.
  - d) Petroleum products, plastics, rubber, painted lumber, tires, pesticides, insecticides, herbicides, aerosol cans, fuel tanks, carpeting, mattresses, nylon, Styrofoam or anything else that will cause excessive smoke or fumes; or
  - e) Any other material prohibited by the Ministry of the Environment.
- 2.7 No person shall set or cause to be set any Open Air Fire:
  - i. On any public or Township property.
  - ii. Within 10 meters (30 feet) of a Township road or road allowance;
  - iii. Within 10 metres (30 feet) of a building, forest, wooded area, or the nearest abutting property;
  - iv. Within 5 metres (15 feet) of any other flammable material.

### **3. FIRE BANS**

The Fire Chief may, at any time, and in the exercise of his or her sole discretion, issue a fire ban, effective for a specified period of time, prohibiting the setting of any and all Open Air Fires within any area of the Township based on MNR Guidelines, MNR indices rating or local conditions including but not exclusive of:

- 3.1 Level One (1) Ban shall mean a fire ban, which restricts open air burning, but does not include campfires or cooking fires as defined in this by-law.
- 3.2 A Total Fire Ban shall mean absolutely no open air burning including campfires or cooking fires in all areas of the Township including but not limited to private residences, cottages and rough camping on private property but does not include Public or Private campgrounds.
- 3.3 The Fire Chief will assess the need for a total or partial Fire Ban on a daily basis and will downgrade or cancel the Fire Ban as soon as possible based on MNR indices rating and local conditions.

### **4.0 REVOCATION OF PERMITS**

Notwithstanding any other provision of this by-law, the Fire Chief or designee may revoke any or all permits, or refuse to issue permits where one or more of the following conditions exist in respect of, or in proximity to, the proposed Open Air Fire Site:

- a) A lack of precipitation that, in the opinion of the Fire Chief, increases the risk of the spread of fire;
- b) Winds that, in the opinion of the Fire Chief, increase the risk of the spread of fire;
- c) The issuance, by the Fire Chief, Fire Marshall, or other fire officials in the exercise of his or her statutory powers, of a fire ban or prohibition against any and all Open Air Fires; or
- d) Any other condition that in the opinion of the Fire Chief will increase the risk of the spread of fire.

### **5.0 ADMINISTRATION AND ENFORCEMENT**

This by-law shall be administered and enforced by the Fire Chief, By-law Enforcement Officer, A Police Officer or such other person as Council of the Township may designate.

### **6.0 INSPECTION POWERS**

A Fire Chief, By-law Enforcement Officer or a Police Officer may at any time inspect any Open Air Fire to ensure that the provisions of this by-law have been and are being complied with and the person who has the care and control of such fire shall provide the Fire Chief, By-law Enforcement Officer or the Police Officer with free and unobstructed access to the Open Air Fire.

- 6.1 Upon inspection under section 5 above, the Fire Chief, By-law Enforcement Officer or Police Officer:
  - a) Is entitled to request and have produced any relevant Permits issued by Township in respect of the Open Air Fire that is being inspected; and;
  - b) May, where there are reasonable and probable grounds that any offence under this by-law has been committed, request any person believed to have committed such offence to provide suitable identification and information; and:
  - c) May, where there are reasonable and probable grounds that any offence under this bylaw has been committed, order the person or persons to immediately extinguish the fire.

### **7.0 PENALTIES**

- 7.1 Any person who contravenes any provision of this Bylaw is guilty of an offence shall be subject to;
  - (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 \$10,000.00.

- 7.2 In addition to any fines or penalties levied by the court upon conviction of any offence under this bylaw, the person or persons responsible for setting, maintaining, or permitting to be set or maintained an Open Air Fire shall be liable to the Township by way of a fee or charge, in accordance with Schedule "A" to this by-law, on account of those costs and expenses incurred by the Township in:
- a. Investigating and responding to a complaint made to the Township or the Fire Department by any person acting reasonably and in good faith of a possible violation under section 2 of this bylaw.
  - b. Investigating and responding to a complaint made to the Township or the Fire Department by any person acting reasonably and in good faith, which complaint results from setting and/or maintenance of the Open Air Fire and, in the opinion of the Chief Fire Official or the Chief Fire Official's designate, smoke or emissions from such Open Air Fire were causing or had caused actual discomfort to the complainant.
  - c. The dispatching of Fire Department vehicles and fire-fighting personnel for the purpose of extinguishing the Open Air Fire.
- 7.3 Investigating any complaint from any person acting reasonably and in good faith, which complaint results from setting and/or maintenance of the Open Air Fire and, in the opinion of the Fire Chief or the Fire Chief's designate, smoke or emissions from such Open Air Fire are contrary to the guidelines are detailed in section 3 of this bylaw.
- 7.4 All fees and charges payable under this by-law are due and owing to the Township within thirty (30) days of the date of an invoice rendered to the person liable to pay them.
- 7.5 All overdue accounts shall accrue interest at the rate of 1.25% per month (15% per annum), calculated monthly, from the due date until paid in full.
- 7.6 All fees and charges payable under this by-law constitute a debt of the person liable for payment of them to the Township and, in the case of owners of a property being responsible for payment of the fees and charges, the Township may add the amount owing to the tax roll for the owner(s) real property and collect them in like manner as municipal taxes.
- 7.7 If a person who sets or maintains an Open Air Fire contrary to this by-law is not the owner of the property but occupies or is using the property with the owners consent, the owner and the person conducting the open air burning shall be jointly and severally liable to pay any fees and charges imposed by this by-law.

## **8.0 PENALTIES**

Every person who contravenes or causes or permits the contravention of any provision of this by-law is guilty of an offence, pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

## **9.0 SEVERABILITY**

If any clause or part of this By-law is found to be illegal or beyond the power of the Township's Council to enact, such clause or part shall be deemed to be severable from all other clauses or parts of this By-law.

By-law 2005 - 37 is hereby repealed.

This by-law shall come into force on the day it is passed.

Dated at the Township of Bonnechere Valley this 19th day of June 2007.

Read a first and second time this 19th day of June 2007

Read a third time and finally passed this 19th day of 2007.

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Zig Mintha, Mayor

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Bryan Martin, CAO

**ANNEX "A" TO BY-LAW NO. 2007 -**

**Schedule of Fees**

- 1, Respond to and investigate complaint in regards to a possible violation under Section 2.0 about open air burning
  - a. Fee of \$75.00 per response payable by the permit holder or person setting, maintaining or allowing such fire to be lit if the complaint is substantiated
  - b. Fee of \$75.00 per response payable by the complainant if the complaint is not substantiated
    - (i) Fee may be waived at the discretion of the investigator if in their opinion the complaint was reasonable and made in good faith but investigation showed no violation under any section of this bylaw had occurred.
2. Dispatch of Fire-fighters.
  - a. (to be calculated at current rate of pay per fireman responding to the scene at one (1) hour minimum per fireman and calculated on one half hour increments thereafter).
3. Dispatch of Fire Response vehicles actively involved in fighting the fire.
  - a. \$350.00 for the first hour for each vehicle.
  - b. \$75.00 per vehicle for each half hour thereafter.