

THE CORPORATION OF THE TOWNSHIP OF BONNECHERE VALLEY

BY-LAW NUMBER 2018 - 018

BEING A BY-LAW FOR ESTABLISHING REQUIRMENTS TO CONDUCT 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 its authority under this or any other Act;

AND WHEREAS, the Fire Protection and Prevention Act, 1997, Part II, Section 7.1 (1) (b) provides the Municipality with the authority to allow and regulate open air burning;

AND WHEREAS, the Fire Protection and Prevention Act, 1997, Part II, Section 7.1 (1) (b) provides the Municipality with the authority to allow and regulate open air burning;

AND WHEREAS, section 391 (1) (a) of the Municipal Act S.0 2001, as amended authorize a municipality to impose fees or charges on persons for services or activities provided or done by or on behalf of it;

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;

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

1.0 DEFINITIONS

In this by-law,

- a. **"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. or burning of leaf material
- b. **"Authorized Agent"** means any person authorized by the Fire Chief or the Council of the Township to carry out those duties.
- c. **"Burn Barrel"** means any container regardless of size or construction, covered with a screen having a mesh size of not more than 5 mm in which a fire can be set or maintained for the burning of materials.
- d. **"Campfire"** 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 or maintained in an approved pit or outdoor fireplace and is used solely for the purposes of cooking food, providing warmth or recreational enjoyment.
- e. **"Chinese Lantern" or "Sky Lantern"** means a small hot air balloon made of paper, with an opening at the bottom where a small fire is suspended.
- f. **"Council"** means the elected Council of the Corporation of the Township of Bonnechere Valley.

- g. **"Fireworks"** means a device containing gunpowder and other combustible chemicals that causes a spectacular explosion when ignited, used typically for display or in celebrations.
- h. **"Household Waste"** means any Solid waste, composed of garbage or rubbish, which normally originates in a private home or apartment house.
- i. **"Incinerator"** Means any enclosed chamber constructed for the purpose of burning materials but not an outdoor furnace.
- j. **"Open Air Fire"** means a fire set in the open air for the purpose of burning brush or other approved combustible material, and includes fires in incinerators and pits, but does not include a cooking fires, campfires or barbeques.
- k. **"Outdoor furnace"** means, but is not limited to, any enclosed device, appliance, equipment apparatus or structure that is designed, intended and/or used to provide heat and/or hot water to any associated structure, that operates by burning wood or any other fuel, including, but not limited to, paper pellets and agricultural products, is not located within the structure to be heated, and includes, but is not limited to, devices referred to as wood furnaces or outdoor boilers.
- l. **"Permit"** means a permit issued by the Township of Bonnechere Valley signifying permission to set or maintain or allow being set or maintained an Open-Air Fire and establishing the conditions under which the permission is granted.
- m. **"Person"** includes an association, firm partnership, or corporation.
- n. **"Prohibited Materials"** Shall mean any materials such as but not limited to household waste, petroleum products, Plastics, rubber, painted lumber, tires, furniture, carpeting, Styrofoam or any other item that could cause noxious or toxic smoke or fumes.
- o. **"Township"** means the Corporation of the Township of Bonnechere Valley

2.0 GENERAL REGULATIONS

No Person shall at any time:

- 2.1 Without first obtaining a Permit from the Township or its authorized agent, set, maintain or allow being set or maintained any open-air fire that is not a camping fire as defined in this bylaw and maintained within an approved pit
- 2.2 Set, maintain, or allowed to be set, an open-air fire on any lands owned or controlled by the Township of Bonnechere Valley without first obtaining a 'special event' permit issued by the Fire Chief.
- 2.3 Burn any prohibited materials such as but not limited to household waste, petroleum products, Plastics, rubber, painted lumber, tires, furniture, carpeting, Styrofoam or any other item that could cause noxious or toxic smoke or fumes.
- 2.4 Notwithstanding a permit being issued burn any materials where the smoke from such fire impedes visibility on any public thoroughfare.
- 2.5 Burn leaf litter except in an approved pit.
- 2.6 Notwithstanding a permit being issued burn any material in an unsafe manner:
 - a. Within 10 meters (app. 30 feet) of a building or wooded area.
And:
 - b. Within 5 meters (app. 15 feet) of any other flammable material
- 2.7 Set, maintain or cause to be set or maintained any Open-Air Fire:

- a. That is not a camping fire at any time within the geographical confines of the village of Eganville except at a location and under conditions approved by the Fire Chief or a Deputy Fire Chief.
 - b. That is not a camping fire at any time within the geographical confines of the Hamlet of Foymount except at a location and under conditions approved by the Fire Chief or a deputy fire chief.
- 2.8 Set, allow or cause to be set any fire that is oversize having a maximum fuel volume greater than 2 metres in diameter and 1-meter high. Except on private property at a specified location and under conditions approved by the Fire Chief or his designate.
- 2.9 Without a special permit issued by the Fire Chief set, maintain or allow being set or maintained any open-air fire of any restricted material such as but not limited to:
- a. Any green brush or wood
 - b. Any standing brush
 - c. Any grassed area
- 2.10 At any time deploy, set off or allow for the deployment, fireworks commonly known as Chinese lanterns.

3.0 BURN BARRELS, OUTDOOR FURNACES AND INCINERATORS

- 3.1 No person shall at any time use or allow being used a burn barrel, incinerator or any similar device to burn any materials:
- a. Within the geographical confines of the Village of Eganville or:
 - b. Within the geographical confines of the Hamlet of Foymount.
- 3.2 Where burn barrels or incinerators are permitted they may be used to burn dry non-glossy paper, cardboard and natural vegetation.
- 3.3 Where burn barrels or Incinerators are permitted no person shall at any time burn or allow to be burned any household waste or prohibited materials.
- 3.4 Burn barrels, incinerators and similar devices shall have their openings covered with a screen mesh having holes no larger than 5mm square.
- 3.5 No person shall at any time burn or allow to be burned any household waste or prohibited materials in any outdoor furnace.
- 3.6 Dry non-glossy paper, cardboard and natural vegetation may be burned in an outdoor furnace.

4.0 SAFETY

- 4.1 No person shall at any time set, maintain or allow being set or maintained an Open-Air Fire except where:
- a. A valid authorized open air burning permit issued by the municipality is in effect; and
 - b. Such fire is under the constant supervision of a competent person of 18 years or older; and:
 - c. All conditions as detailed on the permit have been followed; and
 - d. Equipment and other resources capable of controlling and extinguishing Open Air Fires shall be available and maintained at the site until the fire or fires are fully extinguished.

- 4.2 Despite an open air burning permit having been issued no person shall at any time set, maintain or allow being set or maintained an Open-Air Fire where the weather conditions have changed to create adverse or dangerous conditions for the setting of that open-air fire.
- 4.3 Where an open-air burn under a valid permit has been set and the weather condition changes to the presence of winds or wind gusts more than 15 kph the permit holder shall ensure that the fire is extinguished immediately.
- 4.4 **Camping Fires**
Every person setting or maintaining a camp fire shall ensure that such campfire is set or maintained in an approved pit or appliance and supervised at all times.
- 4.5 **Hours**
 - a. Between April 1st and October 31st, no person shall set an open-air fire except a camping fire or cooking fire in an approved pit and no earlier than two (2) hours before sunset and extinguished no later than two (2) hours after sunrise, or earlier.
 - b. Between November 1 and March 31 open air fires except a camping fire or cooking fire in an approved pit may be set at any time during the day provided a valid open air burning permit is in effect and conditions as detailed in section 3 have been followed.

5.0 FIRE BANS

- 5.1 The Fire Chief or his authorized agent 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:
- 5.2 No person shall at any time while a level one (1) fire ban is in effect:
 - a. Set, maintain or allow any open-air fire other than a campfire in an approved pit.
 - b. Deploy, set off or allow for the deployment or setting off of fireworks.
 - c. The Fire Chief or designate shall instruct local businesses engaged in the sale of fireworks, to post Municipal fire ban notices in the event of a ban. These notices shall clearly include set fines for violation of this By-Law.
- 5.3 No person shall at any time while a level two (2) fire ban is in effect:
 - a. Set maintain or allow any open-air fire including but not limited to campfires, cooking fires, outdoor fireplaces or other outdoor appliances that burn wood or wood byproducts:
 - b. Set, maintain or allow a fire in any burn barrel or incinerator. outdoor furnaces where allowed are exempt from section 5.0 of this bylaw.
 - c. Enclosed Barbeques fueled by Propane or Briquettes are exempt from section 4.3 (b) of this bylaw
 - d. In accordance with Ministry of Natural Resources Guidelines Public or Private Campgrounds are exempt from section 5.0 of this bylaw. Campgrounds must meet the criteria as set out in the

Forest Fires Prevention Act, 1990, (Ontario Regulation 207/96 – Outdoor Fires) in order to be exempt from this By-Law.

- e. Deploy, set off or allow for the deployment or setting off of fireworks.
- f. The Fire Chief or designate shall instruct local businesses engaged in the sale of fireworks, to post Municipal fire ban notices in the event of a ban. These notices shall clearly include set fines for violation of this By-Law.

5.4 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.

5.5 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.

6.0 ADMINISTRATION AND ENFORCEMENT

This by-law shall be administered and enforced by the Fire Chief or Deputy Fire Chief(s) as designated by the Fire Chief.

7.0 INSPECTION POWERS

7.1 The Fire Chief a Deputy Fire Chief or a firefighter designated by the Fire Chief 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 such person with free and unobstructed access to the Open-Air Fire.

7.2 Upon inspection under section the Fire Chief, Deputy Fire Chief or designated 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 bylaw has been committed, order the person or persons to immediately extinguish the fire or where such person has refused to extinguish or does not have the resources available to extinguish the fire call for such assistance as is required under the circumstances to aid in the extinguishing of the fire.

8.0 PENALTIES

- 8.1 Any person who contravenes any provision of this Bylaw is guilty of an offence shall be subject to such penalties as laid out in the bylaw;
- 8.2 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.
 - d. Investigating any complaint from any person acting reasonably and in good faith, which complaint is in reference to the 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.
- 8.3 Where the person or persons liable for any offence under this bylaw admit to the offence, Council may at its discretion stay the laying of charges for that offence where that person or persons are willing to sign an agreement with the Municipality to pay the actual costs incurred by the Municipality in responding to the Incident or Offence.
- 8.4 All fees and charges payable under this by-law are due and owing to the Township within thirty (30) days the date of an invoice rendered to the person liable to pay them.
- 8.5 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.
- 8.6 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.
- 8.7 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 owner's 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.

9.0 PENALTY PROVISIONS

Every person who contravenes or causes or permits the contravention of any provision of this by-law is guilty of an offence and upon conviction is

liable to a fine, pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

10.0 SEVERABILITY

A decision of a competent court that one or more provisions of this By-Law are invalid in whole or in part does not affect the validity, effectiveness or enforce ability of the other provisions or part of provisions of this By-Law.

11.0 REPEAL OF EXISTING BYLAWS

By-law 2016-038 is hereby repealed.

12.0 BYLAW COMING INTO EFFECT

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

READ A FIRST & SECOND TIME THIS 3RD DAY OF APRIL 2018

READ A THIRD TIME AND PASSED THIS 3RD DAY OF APRIL 2018

Jennifer Murphy, Mayor

Bryan Martin, CAO

ANNEX "A" TO BY-LAW NO. 2018 - 018

Part 1 Provincial Offences Act

Schedule of Fees

1. Respond to and investigate complaint in regard 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 (2) 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. at the current MTO, Ministry of Transportation rates

Note: the general penalty provision for the offences listed above is section 9.0 of bylaw 2018-18, a certified copy of which has been filed.



TOWNSHIP OF BONNECHERE VALLEY

OPEN AIR FIRE BURNING PERMIT

Under the Forest Fire Prevention Act Regulation 207/96 and By-law No 2018-018 and subject to limitations and also subject to the terms and conditions here in this permit is.

Issued To: _____ Tel. # _____

Civic Address _____

To set an fire upon the following lands:

Ward _____ Lot _____ Concession _____

For purpose of Burning Brush Burning leaf litter Other

(Please specify)

Permit period from and including the _____ day of _____ 20____ and including the _____ day of _____ 20____ for a maximum of two (2) days,

subject to the following conditions:

INITIALS

1. I understand that between April 1st and October 31st all open-air fires shall be set no earlier than two (2) hours before sunset and extinguished no later than two (2) hours after sunrise, or earlier. _____
2. I understand that I or a person over the age of 18 must be in constant attendance at the open air fire and shall remain there until such time as the fire is completely extinguished. _____
3. I understand that the person in charge of the fire shall ensure that:
 - (a) They have adequate tools, equipment and water to contain the fire
 - (b) No toxic materials, painted wood, construction materials or garbage may be burned. _____
4. I understand that while burning brush that:
 - (a) Only a single pile is to be burned at any one time
 - (b) The pile may not be more the two (2) metres in diameter and not then more than one (1) meter high;
 - (c) The open-air fire shall not be set within ten (10) meters of a building or wooded area;
 - (d) The open-air fire shall not be set within five (5) meters of any other flammable material including, but not limited to standing grass or vegetation of any kind. _____
5. I understand that the burning of leaf litter shall be done in an approved pit being 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 30cm (12 inches) beyond the limit of the leaf litter to be burned. _____
6. No open-air fire shall be maintained when the wind is in such direction or intensity so as to cause any or all of the following:
 - (a) A decrease in visibility on any highway or roadway
 - (b) A rapid spread of fire through grass or bush area. _____
7. I understand that this permit can be revoked by the township in case of changing weather conditions or for any infraction of the above conditions. _____
8. I understand and accept that I am responsible for any damage to property or injury caused by the setting or maintaining of the open-air fire and that I am liable for all costs incurred by the fire department where I have contravened any portion of this bylaw. _____

Date: _____ Signature: _____

Issuer's Signature: _____



OPEN AIR FIRE BURNING PERMIT – MUNICIPAL LAND

This special permit, to be issued by the **Chief Fire Official** or designate, is subject to the terms, conditions, and limitations of the Forest Fire Prevention Act 207/96 and By-Law No 2018-018

Date of proposed fire: _____

Issued to: _____

Civic Address: _____

Phone Home _____ Cell _____

Purpose of fire: _____

Location of fire: _____

Initials

1. It is understood that, as the holder of this permit, I am responsible for the ignition, monitoring, and complete extinguishment of this permitted fire. _____
2. It is understood that I will have means of extinguishment available in the event of an emergency, and to put the fire out, at conclusion of an event. _____
3. It is understood that, at conclusion of event, all debris, waste and/or garbage, will be removed from site. It is understood that all costs for removal of such by Municipality will be recovered from permit holder. _____
4. It is understood that, at any time, the Chief Fire Official or designate may revoke this permit. _____
5. It is understood that I, as the permit holder, will adhere to the terms, conditions, and limitations of the Forest Fire Prevention Act 207/96 and By-Law 2018-018. _____
6. It is understood that I, as the permit holder, am responsible for any damage to property or injury caused by this fire, and am liable for all costs incurred by the fire department where I have contravened any portion of By-Law 2018-018. _____

Date of issue: _____

Signature of permit holder: _____

Chief Fire Official or Designate