

# THE TOWNSHIP OF MINDEN HILLS

## BY-LAW No. 20-104

### BEING A BY-LAW FOR REGULATING OPEN AIR FIRES IN THE TOWNSHIP OF MINDEN HILLS

**WHEREAS** Section 8 of the Municipal Act, R.S.O. 2001 , c.25, as amended, provides that councils of municipalities may pass by-laws for prescribing the times that fires may be set and the precautions to be observed by persons setting out fires;

**AND WHEREAS** the Fire Protection and Prevention Act, 1997, s.o. 1997, c. 4, as amended, provides:

- in subsection 7.1(1 )(a) that a council of a municipality may pass By-laws regulating fire prevention, including the prevention of the spreading of fires;
- in subsection 7.1(1 )(b) that a council of a municipality may pass By-laws regulating the setting of open air fires, including the times during which open air fires may be set; in section 7.1(4) of the Fire Protection and Prevention Act, 1997, as amended by Section 475 of the said Municipal Act provides a municipality may appoint an officer 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,

**NOW THEREFORE the Council of the Corporation of the Township of Minden Hills hereby enacts as follows:**

#### PART 1- DEFINITIONS

**“Adverse Effect”** includes:

- a) impairment of the quality of the natural environment for any use that can be made of it,
- b) injury or damage to property or to plant or animal life,
- c) harm or material discomfort to any person,
- d) an adverse effect on the health of any person,
- e) impairment of the safety of any person,
- f) rendering any property or plant or animal life unfit for human use,
- g) loss of enjoyment of normal use of property,
- h) interference with the normal conduct of business, and
- i) nuisances including, but not limited to, excessive smoke, odour, dust, airborne sparks, embers or reduced visibility on roadways, railways or airfields.

**"Applicant"** means a person, organization, company or group that makes application to the Chief Fire Official for permission to set or conduct an Open Air Fire.

**“Approved Fire Pit”** means an outdoor receptacle that meets the following specifications:

- a) a minimum of 3 meters from any combustible as measured from the closest edge, including the property line.
- b) The fire pit height is not higher than 0.6 meters when measured from the surrounding grade to the top of the receptacle.
- c) The fire pit does not exceed 1 meter in width or diameter when measured from the widest point of the outside edge.
- d) The pit is enclosed on all sides made from bricks, rocks, concrete, heavy gauge metal, or other non-combustible material acceptable to the Fire Chief.
- e) A spark arrestor screen that is no larger than 1.25 cm openings and designed to cover the fire pit openings in such a manner to sufficiently contain and reduce airborne sparks,
- f) The pit must not be located above any underground utility or under overhead wires or trees,

**“Acceptable Portable Device”** means a commercially manufactured outdoor portable fire receptacle that is CSA or UL certified and is fully enclosed, may be propane, natural gas, or wood fired.

**“Acceptable Fireplace”** means an outdoor receptacle that meets the following specifications:

- a) a minimum of 1 meter from any combustible as measured from the closest edge, including the property line.
- b) The fireplace is constructed from bricks, rocks, concrete, heavy gauge metal, or other non-combustible material acceptable to the Fire Chief.
- c) The fireplace is equipped with a chimney that is not less than 2.5 meters when measured from the base of the fire burning area,
- d) The fireplace chimney must contain a spark arrestor screen that is no larger than 6 mm openings and designed in such a manner to sufficiently contain and reduce airborne sparks,
- e) The base of the burn area is not less than 0.3 meters above the surrounding grade
- f) The fireplace opening does not exceed 1 meter in width or diameter when measured from the widest point of the inside edge and the fire chamber depth shall be at least 0.4 m but not more than 0.6 meters.
- g) A spark arrestor screen that is no larger than 1.25 cm openings and designed to cover the fireplace openings in such a manner to sufficiently contain and reduce airborne sparks,
- h) The fireplace must not be located above any underground utility or under overhead wires or trees,

**“Barbeque”** means an appliance or structure designed and intended solely for the cooking of food in the open air, including a hibachi, and any other similar commercially manufactured device designed and intended solely for the cooking of food in the open air, but does not include devices predominantly designed for personal warmth, fire pits or campfires. Wood burning or charcoal BBQ’s may not be used in multifamily dwellings or on decks made from combustible materials. Wood and charcoal BBQ’s are not to be used during fire bans or fire restrictions.

**“Burn Barrel or Solid Waste Barrel Burner”** means a steel drum or barrel used for burning wood waste and designed as per the requirements and approval of the Fire Chief or designate. Barrel must be in good shape, all openings must have a spark arrestor screen that is no larger than 1.25 cm openings and designed to cover the any openings in such a manner to sufficiently contain and reduce airborne sparks. The burn barrel must be 3 meters from any combustible material and placed on soil, sand, rocks, gravel or other material to provide ground cover for 3 meters in all directions.

**“Burn Permit”** means a permit issued by the Chief Fire Official or his designate to set a fire in the open air for a specified time period.

**“Campfire or recreational fire”** means a fire designed for cooking or warmth that meets the following conditions:

- (a) the site of the fire is bare rock or other non-combustible material
- (b) the space above the fire is clear and the area around the fire is at least three metres from vegetation; and,
- (c) the fire does not exceed one metre in height and one metre in diameter.
- (d) Commercially designed campfire unit such as a CSA certified fire pit meeting the minimum requirements.

**“Clean Dry Wood”** means firewood and wood waste that has been allowed to dry, does not contain chemicals or wood preservatives.

**“Chief Fire Official”** means the Fire Chief and/or his or her designate.

**“Commercial, Industrial or Agricultural, Bonfire or Large Fire”** means any fire that is not a recreational camp fire and is greater than 1 meter in diameter. Any fire, and not limited to or, for the purpose of land clearing, grass burning, construction waste, log piles, tree clearing and windrowing; for which a burn permit it issued for.

**"Day Burning"** means the use of open air fire from 7 am to 7 pm, starting Apr 1 till Oct 31.

**"Fire Ban"** Temporary measure put in place by the municipality or MNRF to restrict open air fires when extreme fire conditions may exist or for public safety concern. This measure is put into place in order to help prevent human caused fires.

**"Fire Season"** means the period from the 1st day of April through the 31st day of October as defined in the Forest Fires Prevention Act.

**"Fire Pit"** means a fire burn area specifically designed for open air fires.

**"Fireworks"** means any fireworks that are considered low hazard and high hazard display fireworks, consumer fireworks and any items that are listed in the Explosive regulations and anything listed in the Ontario Fire Code.

**"Municipality"** means the Corporation of the Township of Minden Hills and the geographic area thereof.

**"Municipal Authority"** means the local municipality, Fire Department Member, Municipal By-Law Enforcement Officer, or a person designated by the local municipality to issue permits and authorizations for enforcement of Open Air Burning, Indoor Wood-Burning Appliances, or Outdoor Fireplace Units.

**"Non-Combustible Surface"** is bare rock, mineral soil, or other non-combustible material extending at least two metres in all directions from outer edge of fire or appliance.

**"Noxious or Prohibited Materials"** includes, but is not limited to petroleum products, tires, plastics, rubber products, drywall, demolition waste, construction waste, animal manure, chemicals and chemical containers, paints, rubber or plastic, used oil, tar, asphalt products, pressure-treated wood, creosote-treated wood and painted wood.

**"Nuisance"** means excessive smoke, smell, airborne sparks or embers that are likely to disturb others, or is likely to reduce visibility on the roads in the vicinity of the Open Air Fire;

**"Open Air Fire"** means any fire or burning practice, either flaming or smouldering, conducted outside a building. This includes but is not limited to a campfire, bonfire, charcoal barbecue, fires in burn barrels, an incinerator or a recreational fireplace, an outside wood burning furnace or a stove, but does not include the following:

- (a) the operation of welding or similar equipment;
- (b) the operation of a coal or wood-fired locomotive or boat;
- (c) a prescribed burn that is part of a forestry process;
- (d) an appliance which is **fueled by natural gas, propane**, including but not limited to a manufactured or non-manufactured barbecue, fireplace or fire pit
- (e) burning of materials for fire suppression training, testing of firefighting equipment or law enforcement purposes.

**"Outdoor Fireplace Unit or Recreational Fireplace Unit"** means a: manufactured wood-burning appliance, site-built masonry fireplace, fire pit, chimeneas, clay or metal fireplaces, patio warmers, wood heated saunas, wood heated hot tubs and other portable wood-burning devices used for recreational purposes or heating, or other enclosed containers that are used outdoors and that are not fueled by natural gas or propane and are designed to hold a small fire, not exceeding one metre (3 feet) in any direction;

**"Owner"** means the registered owner of the land on which the open air fire occurs, and includes a trustee acting on behalf of the registered owner, the estate of a registered owner and a person with a Leasehold interest in the land;

**"Prescribed Burning"** is the deliberate, planned and knowledgeable application of fire by authorized personnel and only in accordance with Ministry of Natural Resources

legislation, policy and guidelines to a specific land area to accomplish pre-determined forest management or other land use objectives.

**“Recreational Fire”** means a small campfire that is used to provide warmth, light and enjoyment for gatherers, may be used for cooking, but mainly for social enjoyment, may be for an individual or multiple people and not larger than 1 meter.

**“Restricted Fire Zones”** are regions defined by O. Reg. 207/96, where the Ontario Ministry of Natural Resources retains the right to restrict all fires; the Township of Minden Hills is Zone 28.

**“Restricted Waste”** includes garbage or refuse materials from residential, commercial, agricultural, industrial or institutional establishment.

**“Responsible Person”** means any adult person (18 years of age or older) who, in the opinion of the Chief Fire Official or his designate, is capable of exercising the required judgment and who is capable of performing the necessary actions to control a fire and prevent its unwanted spread.

**“Sensitive Receptor”** may include a childcare facility, healthcare facility, long-term care facility, educational facility, environmentally sensitive area, or other place where smoke may have a greater risk to health or the environment.

**“Smog Alert”** means an alert issued by the Ministry of the Environment with respect to air quality.

**“Spark arrester”** is a device which prevents the emission of flammable debris from a chimney, usually a fine metal mesh or grid with holes not larger than 6mm.

**“Wood waste”** means, tree trunks, tree branches, brush, or wood products that do not contain:

- (a) chromate copper arsenate, ammoniac copper arsenate, pentachlorophenol, creosote, pesticides, or paint,
- (b) easily removable hardware, fittings and attachments, unless they are predominantly wood or cellulose, or
- (c) plywood or composite wood products containing varnish or glue;
- (d) an upholstered article, or
- (e) an article to which a rigid surface treatment is affixed or adhered, unless the rigid surface treatment is predominantly wood or cellulose.

**“Yard Waste”** includes but is not Limited to grass, Leaves, trees, brush trimmings, spent flowers, garden plants, weeds, pine needles, hay, straw and sawdust.

## PART 2 - GENERAL PROVISIONS

2.1 No person shall set, maintain, or cause to be set or maintained, Open Air Fire except as authorized by this By-law.

2.2 The owner or authorized agent of any property that sets or causes to set a fire without a permit or has property that is damaged by a fire, shall immediately report to the Fire service the particulars of the fire.

2.3 No person shall set, maintain, or cause to be set or maintained, Open Air Fire on any roadway, highway, park, easement, beach, or other public property owned or operated by the Township of Minden Hills without prior permission from the Municipality.

2.4 No person shall set, maintain, or cause to be set or maintained, a Recreational Open Air Fire, between the hours of 7:00 am and 7:00 pm and between the dates of April 1st to October 31st unless a burn permit has been obtained as authorized by this By-law.

2.5 No person shall set, maintain, or cause to be set or maintained, a Commercial, Industrial, Agricultural, or Large Open Air Fire, between the dates of April 1st to October

31st unless a burn permit has been obtained as authorized by this By-law, or during the year when there is no snow cover.

2.6 Every person setting, maintaining, or cause to be set or maintained, a Large Open Air Fire shall comply with the following conditions:

- (a) a responsible person is available and in attendance at all times until the fire is completely extinguished;
- (b) the material is burned in a single pile that is less than two (2) metres in diameter and less than two (2) metres high;
- (c) only burn wood or by-products of wood;
- (d) not burn noxious or restricted waste materials;
- (e) fire must be at least three (3) metres from combustible materials, property line, buildings, fences, trees and roadway;
- (f) the responsible person has tools and/or extinguishing agent adequate to contain and completely extinguish the fire; and
- (g) the fire must be completely extinguished before the burn site is vacated.

2.7 No Large open air fire shall be set or 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 a brush area; and
- (c) wind speed, as reported by Environment Canada for the Haliburton County area is in excess of 25 km/hr.

2.8 Burning will not be permitted during the following conditions:

- a) if it is foggy; and/or,
- b) if a Smog Alert has been declared, or
- c) a Fire Ban or Fire Restriction has been declared or put in place

2.9 The responsible person allows, at any reasonable time, an Officer or designated person to inspect the location or proposed location of the Large Open Air Fire.

2.10 Only one fire may be permitted at any one time, on one property, unless there is sufficient space, supervisory personnel, fire extinguishing capability and the Chief Fire Official or designate has approved more than one fire and a burn permit is issued.

2.11 The Chief Fire Official may, upon application, approve the setting of any fire subject to the fire being supervised by the Chief Fire Official of the Municipality or a designate.

2.12 Ensure the Large Open Air Fire does not create a Nuisance, hazard, or adverse effect as defined above.

Part 2 does not apply to:

2.13 Grilling or cooking using propane, kerosene, fuel, gas or natural gas in cooking or grilling appliances.

2.14 Use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

2.15 Structures and vehicle fires that may be burned exclusively for fire suppression training, or testing of firefighting equipment.

2.16 Burning of materials for law enforcement activities as authorized by the municipal authority or other law enforcement authority.

2.17 Forest operations on Crown Land, which are regulated under the Crown Forest Sustainability Act, 1994 or where the prescribed burns must comply with the Prescribed Burn Manual published by the Ministry of Natural Resources.

2.18 Restricting private campground or provincial park operators from permitting campfires covered under the Forest Fires Prevention Act.

2.19 Burning of explosive or dangerous material by police or other public safety organization, for which there is no other safe means of disposal.

2.20 Burning clean wood at solid waste disposal sites, if carried out in accordance with a Certificate of Approval issued under the Environmental Protection Act.

2.21 Wood fueled boilers utilized as a heat source are exempt from a Fire Ban if:

- (a) If the boiler is located on a non-combustible surface;
- (b) The open flame is contained in a firebox within the boiler; and
- (c) The chimney has a spark arrester in the cap.

### PART 3 - BURN PERMITS

3.1 No combustible material shall be set fire to or burned out of doors, during the fire season, without permission in writing first being obtained from the Chief Fire Official or other Municipal Authority in the Township of Minden Hills and then only subject to such terms and conditions as are stated in the permission.

3.2 Notwithstanding any of the provisions of this by-law, if at any time in the opinion of the Chief Fire Official or other Municipal Authority, it is necessary for the prevention or spread of fire or nuisance, respectively, that any fire should be extinguished, the person responsible for, or in charge of, or on whose property the fire is located, shall forthwith extinguish the fire on notice of the said Chief Fire Official or Municipal Authority to do so, or the Chief Fire Official or Municipal Authority may take such steps as he/she deems necessary to cause any such fire to be extinguished forthwith.

3.3 No open burning shall be undertaken during periods of dry conditions or drought or when a local fire ban has been declared pursuant to section 3.6 of this by-law.

3.4 Large open air burning, without a permit, must not be started earlier than two hours before sunset, and extinguished no later than two hours after sunrise, or earlier, during the fire season.

3.5 The Chief Fire Official may declare a total ban against outdoor burning when atmospheric conditions or local circumstances make such fires hazardous, including the discharge of fireworks. The public shall be notified that a fire ban is in effect on the Township of Minden Hills website, and on the Fire Department electronic sign located on Hwy 35.

3.6 No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or body of water.

3.7 Open air burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age to ensure that the fire is kept under control and until the fire is extinguished and the ashes and other residues are cold to the touch. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

3.8 The Municipality may issue written burn permits to property owners or to authorized agents, permitting a responsible person to burn approved materials between the hours of 7:00 am and 7:00 pm between the dates of April 1st to October 31st under the following conditions:

- (a) a responsible person is available and in attendance at all times until the fire is completely extinguished;
- (b) the fire is on the property listed,
- (c) the material is burned in a single pile that is less than two (2) metres in diameter and less than two (2) metres high, unless it is approved, in writing by the Chief Fire Official or designate.
- (d) fire must be located a safe distance (3 meters minimum) from combustible materials, property line, buildings, fences, trees (including overhead) and roadway;

- (e) only burn wood or by-products of wood;
- (f) not burn noxious or restricted waste materials;
- (g) the person tending the fire has tools and/or extinguishing agent adequate to contain and completely extinguish the fire; and
- (h) the fire must be completely extinguished before the burn site is vacated.

3.9 An outdoor recreational campfire does not require a permit provided that the fire complies with all other applicable provisions of this bylaw and does not fall within the date and time restrictions during the fire season, or when there are fire restrictions or a fire ban put in place. A recreational fire may be started without a permit after 7:00 PM and must be fully extinguished by 7:00 AM or when there is no one supervising the fire.

3.10 Burn permits must be approved by the Chief Fire Official prior to open air fire commencing. An inspection of the burn site may be required prior to burn permit approval.

3.11 Burn permits may have additional restrictions as imposed by the Chief Fire Official.

3.12 Burn permits must have an expiry date; recreational fire permits may be issued for the season or for specific days, commercial burn permits are issued for the site and may have a specific time period.

3.13 No person shall allow or permit a fire to spread beyond the fire pit.

3.14 No person conducting open air burning shall create an adverse effect or allow the burning to be closer than 30 meters to any Sensitive Receptor property.

3.15 Burn permits are not transferable. Only the Person or Persons to whom the Burn Permit has been issued or such other Person or Persons as has been designated on the Burn Permit shall be permitted to burn and such Persons must be present at the burn site at all times until the fire has been completely extinguished.

3.16 Rental properties may request a burn permit. Burn permits may be applied for by rental properties, short term or long term. The renter shall have permission from the owner of the property prior to applying for a permit. Permits are not transferable and the owner may not apply for a burn permit for a rental property. The individual that will be conducting the burn shall ensure that the permit is in their name for the property that they are in control of or occupying; short or long term.

3.17 Condominiums, campgrounds, multiple residential properties, motels, hotels and resorts will require only one permit for the fire season, the Owner of the property shall apply for the permit and all other sites shall be able to burn under that permit. All other persons shall follow the rules and regulations and these shall be enforced by the permit holder, the permit holder is responsible for all persons burning under their permit. The permit holder shall ensure that there is equipment and items at each site to ensure control and extinguishment of the fire as required.

3.18 Every person and property owner who applies for and receives a Burn Permit acknowledges having read and understood the rules specified in this By-law and assumes all responsibility and liability in connection with the open air fire burning Permit.

3.19 A Burn Permit may be canceled or suspended at any time by the Chief Fire Official or their designate and immediately upon receiving of such cancellation or suspension, the permit holder shall extinguish any fire started under the permit.

3.20 Large open air burning (bonfires) of tree limbs, logs, brush, and stumps is allowed only when issued a permit and, only in accordance with all of the following provisions:

- (a) A fire permit issued in accordance with this by-law and must be obtained prior to open burning under this section between April 1st and October 31st or when the ground is not snow covered.

3.21 The burning of limbs, logs, brush, and stumps must be in a single pile that is less than two (2) metres in diameter and less than two (2) metres (6.0 feet) high, or burning

must be inside of a 45 gallon (205 litres) burn barrel, unless approved in writing by the Chief Fire Official or designate.

3.22 Burn barrels, must be constructed to contain the fire and must be inspected for safety and integrity before use. The burn barrel must be free of rust and holes that could allow the fire to escape the container. All air holes, openings and the top must be covered with spark arresting screens of not less than 6mm openings. Burn barrels must not be used to burn household waste, or prohibited materials.

3.23 Large open air burning under this section shall only be conducted at a location at least 30 meters (100 ft) or greater distance from the nearest building which is not on the same property.

3.24 Large open air burning greater than two (2) meters shall not be undertaken within 45 m (150 feet) between the fire and any forested area, tree or shrub, highway, property line, overhead wire, building or other built structure.

3.25 A perimeter around the fire of at least 3 m (10 ft) must be clear of combustible material such as ground cover.

3.26 A burning permit issued under this section shall require compliance with all applicable provisions of this by-law and any additional special restrictions deemed necessary to protect public health and safety.

#### PART 4 - FIRE BAN

4.1 No person shall set, maintain or cause to be set or maintained Open Air Fire or Fireworks, even if a Burn or Fireworks Permit has been issued under this By-law, when a fire ban has been issued by the Chief Fire Official or designate.

4.2 Wood fueled boilers utilized as a heat source are exempt from a Fire Ban if:

- (a) The boiler is installed and located on a non-combustible surface; according to the requirements of the building code, Wood Engineering Technologist and the home owners insurance company,
- (b) The entire unit and open flame is contained in a firebox within the boiler; and
- (c) The chimney has a spark arrester in the cap.

4.3 CSA certified Propane appliances may be used during a fire ban if:

- (a) appliance can be easily turned off;
- (b) appliance is on a non-combustible surface; and
- (c) appliance is monitored by a responsible person.

4.4 Open burning of waste from residential, commercial, agricultural or industrial establishment is prohibited, and all smoldering fires and open fires shall be extinguished immediately. All Commercial burn permits are considered cancelled during any fire ban. Cancelled permits cannot be used again, a new burn permit must be issued before any open air burning may be conducted as listed above.

4.5 Open burning of the following materials is prohibited:

- (a) Construction and demolition waste or materials including roofing tiles or shingles
- (b) Hazardous substances including but not limited to batteries, household chemicals, pesticides, asbestos, used oil, gasoline, paints, varnishes, and solvents
- (c) Furniture and appliances
- (d) Tires and rubber materials
- (e) Any plastic materials including but not limited to nylon, PVC or ABS plastics, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers
- (f) Newspaper, cardboard, office paper
- (g) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
- (h) Open air burning of leaves and grass clippings is prohibited without a permit



4.6 Recreational fireplace unit may be installed and used in the Township of Minden Hills in accordance with all of the following provisions: Chimeneas, patio warmers, Saunas, wood heated hot tubs and other portable wood-burning devices used for recreational purposes, all of which are defined as "outdoor recreational fireplace units" in this code:

- (a) The recreational fireplace unit shall not be used to burn waste or restricted and prohibited materials,
- (b) The recreational fireplace unit shall burn only clean dry wood,
- (c) The recreational fireplace unit shall be located at least 1m (3 ft) from any nearby structure or combustible material,
- (d) The owner of the outdoor recreational fireplace shall obtain a permit from the Chief Fire Official or other Municipal Authority in accordance with this bylaw, when required
- (e) No open burning shall be undertaken during periods when fire restrictions or fire bans are in place,
- (f) The outdoor recreational fireplace unit shall not cause an adverse effect,
- (g) The fireplace unit has spark arresters in place and screens on all openings not less than 6 mm openings in the material used for spark arrestors.

4.7 Outdoor Fireplaces Units shall forthwith be extinguished when conditions cause any or all of the following:

- (a) The possible spread of the fire beyond the fireplace unit;
- (b) Any odour to such an extent or degree so as to cause discomfort to the persons in the immediate areas;
- (c) Excessive smoke;
- (d) A decrease in the visibility on any highway, roadway or airfield; or,
- (e) Any other adverse effect,
- (f) When a fire restriction or fire ban has been put in place,
- (g) When ordered verbally or in writing by the Chief Fire Official or designate.

4.8 The owner shall extinguish the fire if it creates an adverse effect at any time.

4.9 If the Municipal Authority, Chief Fire Official or designate receives complaints about an outdoor burning event, a Municipal By-law Enforcement Officer or other Municipal Authority, Chief Fire Official or designate may enter the land to inspect or extinguish the fire.

## Part 5 – Fireworks

5.1 This section shall apply to the discharge of fireworks and pyrotechnic devices, this does not apply to items that are referred to or called distress or signal flares and devices such as wildlife deterrent devices like bear bangers.

5.2 No person shall set off, fire or discharge any device considered fireworks:

- (a) Unless they have a fireworks permit issued by the Chief Fire Official or designate,
- (b) In a place or in a manner that creates a danger or constitutes a nuisance to any person or property,
- (c) On a highway, road allowance, public beach, or park unless they have written permission from the fire department.
- (d) On privately owned land unless they have written permission or consent of that land owner and the consent of the occupant or owner of the neighbouring land, upon which debris may fall upon, a copy of consent must be supplied to the fire department,
- (e) Within 30 m of any building, tent, trailer, canvas shelter or motor vehicle, including livestock, animal shelter or wildlife sanctuary or conservation area.
- (f) Within 200 m of any place where explosives or flammable or combustible liquids or substances are manufactured or stored,
- (g) Within 200 m of any facility that is designated as a hospital, care facility, educational institute, church or assembly building, without the written permission from the fire service,
- (h) When winds exceed 25 km/h or during any conditions considered as an undue fire hazard,

- (i) During any fire ban or fire restriction as set out by MNR or the Chief Fire Official or designate,

5.3 The Chief Fire Official or designate is permitted to require any person to cease the discharging, firing or setting off of any fireworks, the Chief Fire Official or designate is permitted to seize, take, remove or cause to be seized, taken or removed, any fireworks being used, sold, held, contrary to this bylaw.

5.4 Where fireworks are seized, the fire department shall dispose of them in a safe manner.

5.5 A permit shall be issued with the name, address, phone number of the permit holder, date, time, and location and a description on which the fireworks are to be discharged and any other terms or conditions the fire department deems necessary.

5.6 No person under the age of 18 years of age shall purchase, possess, handle, discharge, fire or set off fireworks.

5.7 The Fire Department may cancel any permit if the holder of the permit is found to be in contravention of any of the requirements as outlined above or the Ontario Fire Code.

## PART 6 - PENALTIES AND COSTS

6.1 Any person and/or owner setting, maintaining or allowing to be set or maintained, an open air fire or fireworks and in contravention of the terms of this by-law shall:

- (a) be responsible for any damages to property or person occasioned by said fire; and
- (b) be liable for the cost of any firefighting equipment and personnel attending and/or extinguishing said fire, including aid from neighbouring departments, as per Schedule "C" of the current Fees and Charges By-law.

6.2 The Chief Fire Official or designate is authorized to order any person to extinguish any fire or to cause such a fire to be extinguished when there is a breach of any of the provisions of this By-law or where, in their sole discretion, there is a danger of such fire spreading or otherwise endangering life, health or property and the person shall comply with any such order, or the Chief Fire Official or designate may take the necessary steps to do so.

6.3 The Chief Fire Official or designate, or a By-law Enforcement Officer or other Municipal Authority may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether this by-law, an Order to Discontinue Activity, or an Order to Extinguish is being complied with.

6.4 The Corporation shall, if such amounts remain unpaid sixty (60) days following notification of the amounts owing, have the right to collect any unpaid costs, including interest, as authorized by this By-law by adding such charges to the tax roll where they may be collected in a like manner as municipal taxes, all of which is in accordance with Section 398 of the Municipal Act, 2001, c. 25, as amended.

6.5 The Corporation shall, prior to adding any amounts owing to the tax roll of any property, provide at least ten (10) days written notice of its intention to do so.

6.6 When weather conditions warrant, the Fire Chief or other Municipal Authority may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning. Suspended permits can be reinstated and do not require additional inspections or permits.

6.7 Any violation of the conditions of a burning permit or fireworks permit shall be deemed a violation of this Open Air Bylaw. Any violation of this by-law or the burning permit or fireworks permit shall void the permit.

PART 7 - OPEN AIR FIRES – Recreational Fires not within Fire season.

7.1 Recreational Open Air Fires, between the dates of November 1 and March 31 do not require a burn permit for daytime burning provided that fire must be:

- (a) smaller than 1 meter in diameter;
- (b) must comply with all conditions of this Bylaw;
- (c) must be confined within a fire pit, fireplace or appliance;
- (d) supervised at all times and must be completely extinguished when complete or not being supervised; and
- (e) There are no fire restrictions or fire bans when open fires are not permitted.

7.2 All industrial, large, commercial, construction, or agricultural fires require a burn permit, any time of the year that there is no snow cover. Once snow cover is on the ground, burn permits for these type of fires shall not be required.

PART 8 - SHORT TITLE

8.1 This By-law may be referred to as the Open Air Burning By-law.

PART 9 - REPEAL OF PREVIOUS BY-LAW

9.1 That By-law 19-57 is hereby repealed.

**READ A FIRST, SECOND AND THIRD TIME, passed, signed and the Corporate Seal attached this 17th day of September, 2020.**



Brent Devolin, Mayor



Trisha McKibbin, CAO/Clerk