

THE CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN BYLAW #21-639

Being a bylaw to regulate Open Air Fires, Incinerator Fires and Outdoor Furnace Fires in order that ratepayers may make use of fire without detriment to themselves or their neighbours or the environment.

WHEREAS pursuant to Section 7.1, paragraph (a) and (b) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4 as amended, Councils may pass bylaws to establish regulations and precautions for the setting of fires, including the prevention of the spreading of fires; and regulating the setting of open-air fires, including establishing the times during which open air fires may be set;

AND WHEREAS The *Municipal Act, 2001* Subsection 10(2) 6 and 8 authorizes a Municipality to pass bylaws respecting the health, safety and well-being of persons and the protection of persons and property;

AND WHEREAS the Forest Fires Prevention Act, R.S.O. 1990, c.F.24 and O. Reg. 207.96 provide rules for outdoor burning within the Fire Regions;

AND WHEREAS The *Ontario Fire Code* O. Reg. 213/07 Division B Article 2.4.4.4 provides that open fires shall not take place unless it has been approved or the open-air burning consists of a small, confined fire that is used to cook food on a grill, barbecue or spit, commensurate with the type and quantity of food being cooked and supervised at all times;

AND WHEREAS Council deems it desirable to regulate and prescribe conditions for open air fires within the Township of South Algonquin as per the Forest Fire Prevention Act, R.S.O. 1990.

NOW THEREFORE the Council of the Corporation of the Township of South Algonquin enacts as follows:

1. SHORT TITLE

This bylaw may be cited as the "Burning Bylaw"

2. DEFINITIONS

Adverse effect: means one (1) or more of:

- I. Impairment of the quality of the natural environment for any use that can be made of it
- II. Injury or damage to property or to plant or animal life
- III. Harm or material discomfort to any person
- IV. An adverse effect on the health of any person or the impairment of the safety of any person
- V. Rendering any property or plant or animal life unfit for use by man
- VI. Loss of enjoyment of normal use of property
- VII. Interference with the normal conduct of business, and
- VIII. Nuisances including, but not limited to, excessive smoke, odour, dust, airborne sparks, embers or reduced visibility of a traveled portion of any public or private driveway or roadway

Approved: means approved in the sole and absolute discretion of the Fire Chief or his/her designate.

Barbeque: means an appliance or structure designed and intended solely for the cooking of food in the open air, including hibachi, and any other similar device, but does not include devices designed for personal warmth such as firepits or campfires.

Burn Barrel: means a metal barrel in sound condition no larger than a 45-gallon drum with a heavy-duty screen with mesh size **not greater** than 7 mm (1/4") over the top to prevent debris from flying out of the barrel. Vent holes must be punched in the side for ventilation, and drainage holes in the bottom with adequate clearance from surrounding vegetation or structures.

Campfire: means a fire area no larger than 100 cm in diameter, supervised at all times by a competent person.

Class "A" Materials: means combustible materials that are generally carbon based such as wood, paper, leaves, and are of a less toxic nature than petroleum-based

combustibles such as plastics.

Competent Person: means a person that has knowledge of any potential or actual danger to health or safety (that may be caused by fire).

Council: means the municipal council for the Township of South Algonquin.

Day Burning: means the use of open fire between two hours after sunrise to two hours before sunset, (9am to 6pm).

Fire Ban: means a complete ban of all open-air fires, whether put in place by the Township of South Algonquin or the Province of Ontario through the Ministry of Natural Resources and Forestry.

Fire Chief: means the person appointed by Council to act as Fire Chief of the Fire Department for the Municipality and who is ultimately responsible to Council as defined in the Fire Protection and Prevention Act, 1997, S.O.1997, c.4, may also be referred to as the Chief Fire Official.

Fire Department: means the Township of South Algonquin Fire Department.

Fire Region: means that part of the province of Ontario as described in O. Reg. 207/96 under the Forest Fires Prevention Act. The Township of South Algonquin is located in the East Fire Region.

Fire Season: means that period from April 1 to October 31 when open fire is more strictly regulated due to the increased hazard and potential for loss.

Flying Lantern: means a small hot air balloon or other device designed to carry an open flame as an airborne light, also known as Sky Lantern, Chinese Lantern, Kongming Lantern or Wish Lantern, or other similar device which are devices containing a fuel pack, which fuel pack is usually a petroleum or wax based fuel that when lit causes the lantern to rise.

Incinerator: means an enclosed device used to burn wood, shavings, leaves, and other Class "A" combustibles in an open area.

Municipality: means the municipality of South Algonquin and may also be referred to as the "Township".

Municipal Bylaw Enforcement Officer: means a person appointed by Council under section 15 of the Police Services Act R.S.O. 1990, c.P.15 to enforce the Municipality's by-laws.

Open Air Fire: means a fire, which is not contained within a structure, which is adequately designed and constructed for the purpose, such as a barbecue or incinerator constructed to prevent the spread of fire from the contents thereof.

Owner includes:

- I. the registered owner of the property in question as revealed in the Land Registry Office of the Ministry of Consumer and Commercial Relations,
- II. any occupant of the property in question with authority to act on behalf of the registered owner,
- III. any person authorized by the registered owner to act on his or her behalf,
- IV. and any mortgagor or receiver and manager or trustee in bankruptcy with possession and control of the property.

Outdoor Wood Burning Furnace: means a device used to burn wood set adjacent to and exterior to a building to provide heat to that building.

Person: means any individual, partnership, group or association, organization, company, corporation or cooperative.

Restricted Fire Zone: means complete bans of all open-air fire in the Fire Region and is enacted by the Ministry of Natural Resources & Forestry (MNRF) under the Forest Fire Prevention Act and may be enforced by the MNRF or the *Township*.

Wood by-products: means wood or wood product, including tree trunks, tree branches, brush, that do not contain chromated copper arsenate, ammoniacal copper arsenate, pentachlorophenol, creosote, pesticides, paint, or any other wood treatment

chemical and from which easily removable hardware, fittings and attachments, unless they are predominantly wood or cellulose, have been removed, plywood or composite wood products containing varnish or glue, an upholstered article i.e. Couches, or an article to which a rigid surface treatment is affixed or adhered, i.e. Countertops, unless the rigid surface treatment is predominantly wood or cellulose.

3. BURNING RESTRICTIONS

3.1

- I. No person shall start a fire outdoors unless conditions will allow the fire to burn safely from start to extinguishment.
- II. No person who starts a fire outdoors shall leave the fire without leaving a *competent person* in charge of the fire.
- III. A person who starts a fire outdoors or, if the person who started the fire is not present, a person in charge of a fire outdoors shall take all necessary steps to tend the fire, keep the fire under control, and extinguish the fire before leaving the site.
- IV. No person shall start or tend a fire outdoors except on land they legally occupy, or they have the permission of the person who has lawful occupation of the property on which the fire is started.
- V. Persons setting any fire within the *Municipality* shall ensure that they can, if needed, summon assistance from the *Fire Department* without delay.

3.2 All persons setting an *open-air fire* in the *Municipality* shall first obtain a permit online at <https://safd.burnpermits.com/>, which may be granted if the following conditions are satisfied:

- I. A *competent person* will be on site to monitor the fire from start to extinguishment.
- II. The person is burning piled wood, brush, leaves or discarded wood by-products.
- III. The material is burned in a single pile that is less than two metres in diameter and less than two metres high.
- IV. The fire is started not earlier than two hours before sunset and is extinguished not later than two hours after sunrise the following day, or earlier, during the *fire season*, unless day burning is permitted.
- V. The fire is at least two metres from any flammable materials.
- VI. The person tending the fire has tools or water adequate to contain the fire within the fire site.

3.3 An exception to 3.2 will be granted for a *campfire*, *campfires* are permitted without a permit provided all other conditions under 3.1 are met. Property *owners* may register online to receive messages regarding burning conditions at <https://safd.burnpermits.com/>.

3.4 Notwithstanding 3.2 and 3.3 above, no person shall set out an *open-air fire* during a *restricted fire zone* or a *municipal fire ban*.

3.5 Notwithstanding 3.2 and 3.3 above, no person shall continue to burn when wind conditions or other factors cause any or all of the following:

- I. a decrease in visibility on any highway or roadway;
- II. a rapid spread of fire through grass or brush areas;
- III. an *adverse* effect on neighbouring lands or persons.

3.6 Any fire out of control shall be reported to the *fire department* by calling 911. A person who sets out an open-air fire and loses control of the said fire is required by this by-law to report the fire and loss of control to the *fire department* immediately by calling 911.

3.7 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 provisions of this by-law, or, where in the opinion of the *Chief Fire Official* or designate, there is a danger of such fire spreading or causing the spread of fire or otherwise endangering life or property, and the person shall comply with any such order.

3.8 A person setting out a fire contrary to the provisions of this bylaw shall immediately extinguish such fire and a person setting out a fire which they may be unable to prevent from spreading shall immediately extinguish such fire, and in default of doing so, this *Township* may do so at that person's expense and this *Township* may recover the

expense in doing so by action, or the same may be recovered in like manner as municipal taxes.

3.9 Notwithstanding any other Section of this Bylaw, the *Fire Chief* or designate may authorize a controlled burn of brush piles at a *Municipal Landfill Site* provided that, in their judgment,

- I. weather conditions are favorable to open air burning,
- II. there are competent Municipal employee(s) on hand to perform the controlled burn, and
- III. that the perimeter of the area to be burned has been cleared of flammable material.

4. INCINERATORS / BURN BARRELS

4.1 The installation, use and maintenance of *incinerators* or *burn barrels* for the burning of wood like materials, paper and other *Class "A" materials* within the *Township* will only be pursuant to the following criteria:

- I. Incineration must be undertaken through the use of an enclosed device and;
- II. *Incinerators* or *burn barrels* must be located at least 5 meters from any forest or any building and;
- III. *Incinerators* or *burn barrels* must be located at least 2 meters from any combustible material and;
- IV. *Incinerators* or *burn barrels* must be covered by mesh less than 7 millimeters (1/4") in size and;
- V. *Incinerators* or *burn barrels* are subject to all the provisions of Part 3 - Burning Restrictions and;
- VI. *Incinerators* or *burn barrels* shall not be used during a *fire ban*.

5. OUTDOOR WOOD BURNING FURNACE FIRES

5.1 An outdoor wood burning furnace shall be equipped with a spark arrestor on the flue when used during the *fire season* or any other time when in the opinion of the *Chief Fire Official*, sparks could contribute to the spread of fire.

5.2 The outdoor wood burning furnace is subject to Sections 3.5 and 3.7 of this bylaw due to its unique burning characteristics, which can produce heavy volumes of smoke and/or sparks and cinders.

5.3 The outdoor furnace shall not be used to burn garbage. It is designed to burn wood only.

6. FLYING LANTERNS

6.1 No person within the *Township* shall ignite or release an ignited *Flying Lantern*. Any person who ignites or releases a *Flying Lantern* and causes an *open-air fire* in the *Township* assumes full responsibility for fire control and shall:

- I. be responsible for any damage to property or injury to persons or animals occasioned by said fire;
- II. assumes full responsibility for fire control and may be liable for costs incurred by the *Fire Department*, including the costs of the personnel and equipment as authorized and set out in the *Township Fees Bylaw* in effect at the time of the incident and authorized by the *Fire Chief* or his or her designate.

6.2 No person within the *Township* shall offer for sale, cause or permit to be sold, or sell any *flying lanterns*.

7. WEATHER CONDITIONS

7.1 No person shall set an *open-air fire*:

- I. under weather conditions that limit the rapid dissipation of smoke;
- II. when wind may cause unsafe conditions that may result in fire spread;
- III. under extremely dry or arid conditions;
- IV. when the Ministry of the Environment & Climate Change has issued a Smog Advisory or Smog Alert applicable to the area;
- V. when the *Fire Chief* has placed a ban on *open air fires*.

8. FIRE BAN

8.1 *Fire Ban* is enforced by the *Chief Fire Official* or designate under this by-law and the Fire Prevention and Protection Act. Graduated Fire Restrictions have the intent to gradually reduce the number of permitted open air fires as outlined herein and will be enacted at the discretion of the *Fire Chief*.

Step 1; no concern, issue burning permits, allow *campfires*

Step 2; suspend issuance of new burning permits, *campfires* permitted

Step 3; cancel all burning permits, *campfires* permitted in “organized campgrounds” as outlined in Schedule “C “of this by-law,

Step 4; complete *fire ban*, *campfires* not permitted in “organized campgrounds”

8.2 A *Fire Ban* may be enacted by the *Municipality* at the direction of the *Chief Fire Official* or by the Province at the direction of the Ministry of Natural Resources and Forestry.

9. PENALTIES

9.1 Any person who contravenes any provision of this bylaw is guilty of an offence and liable to a fine not more than \$2,000.00 exclusive of costs, under the Provincial Offenses Act, as per Schedule "A" attached.

9.2 Any person who hinders or obstructs an enforcement officer or the *Chief Fire Official* or designate in their duty to enforce this bylaw may be guilty of an offence under this bylaw under the Provincial Offenses Act and/or this bylaw.

10. EFFECTIVE

This Bylaw shall come into full force and effect upon the final passing hereof.

And that former Bylaws #12-420 and #18-567 pertaining to this matter be hereby repealed; and

READ A FIRST AND SECOND TIME this 5th, day of May 2021.

Mayor – Jane A. E. Dumas

CAO/Clerk-Treasurer – Holly Hayes

READ A THIRD TIME AND PASSED AND ENACTED this 5th, day of May 2021.

Mayor – Jane A. E. Dumas

CAO/Clerk-Treasurer – Holly Hayes

TOWNSHIP OF SOUTH

ALGONQUIN

BY-LAW # 21-639

SCEHDULE “A”

Set Fine Schedule

Part 1, Provincial Offences Act

Item	Short Form Wording	Offence Creating Provision	Set Fine (includes costs)
1	Day Burning	3.2 (III)	\$250.00
2	Failure to extinguish any fire as ordered by the Chief Fire Official or designate	3.7	\$250.00
3	Operating an incinerator during a municipal fire ban	4.1(VI)	\$250.00
4	Failure to report a set fire out of control	3.6	\$250.00
5	Burning garbage in an outdoor furnace	5.3	\$250.00
6	Setting out an open-air fire during a fire ban	3.4	\$500.00
7	Leave an open-air fire unattended or unsupervised	3.1(II) 3.2(I)	\$250.00
8	Set a Fire in unsafe weather conditions	7.1	\$250.00
9	Burn in an unlawful burn barrel	4.1	\$250.00
10	Open air fire causing adverse effect	3.5	\$250.00
11	Ignite or release an ignited flying lantern	6.1	\$400.00
12	Sell, cause or permit to be sold flying lanterns	6.2	\$400.00
13	Burn material other than dry wood or wood by products Class “A” materials	4.1	\$400.00
14	Hinder or obstruct enforcement officer	9.2	\$500.00

TOWNSHIP OF SOUTH ALGONQUIN

By-Law #21-639

SCEHDULE “B”

Outdoor Fires in Campgrounds During
A Restricted Fire Zone
ONTARIO REGULATION 207/96
As Amended by Ontario Regulation 64/10

"Regulations" means the regulations made under Forest Fires Prevention Act.
R.S.O.
1990.c.F.24,s.l.

1. No person shall start a fire outdoors unless conditions will allow the fire to burn safely from start to extinguishment. O. Reg. 207/96, s.1 (1)

2. A campground offers camping facilities to the public on a temporary basis and meets all of the following criteria:

- I. The campground allows camping only in cabins and designated campsites, and all are accessible by motor vehicle as defined in the Highway Traffic Act.
- II. The campground does not allow campfires between 9 a.m. and 6 p.m.
- III. The campground clearly posts the hours campfires will be allowed.
- IV. The campground has printed information on safe campfires and provides it to all of its guests.
- V. The campground has adequate equipment to control and extinguish a fire, that can be taken to any campsite or cabin within 10 minutes.
- VI. The campground has on site at all times staff who are instructed in the location and the use of the equipment described in 2.5.
- VII. The campground has reliable two-way telecommunications equipment to allow it to obtain assistance if a fire escapes control.

3. No person shall use a portable or permanent charcoal installation for cooking or warmth in a restricted fire zone in a campground described in section 2 unless all of the conditions in subsection (II) are met and all of the following conditions are met:

- I. The installation is designed to use commercially produced charcoal as fuel, and
- II. Commercially produced charcoal is used as the fuel, and
- III. The owner or operator of the campground expressly permits a charcoal installation to be used during a time when the campground is in a restricted fire zone.

4. No person shall set a wood fire in a permanent fire installation in a campground described in section 2 in a restricted fire zone unless all of the following conditions are met:

- I. The fire is contained in,
 - (a) an above ground fire grate or fireplace that is designed to burn wood

safely and that cannot be moved to an unsafe location, or

(b) a pit in the ground that has fireproof walls and is designed to burn wood safely.

II. The fire is at least 3 metres from any forest or woodland, and the area within the 3

metre radius is completely free of flammable material, and

III. The space immediately above the fire installation is at least 3 metres from any

overhanging vegetation, and

IV. The owner or operator of the campground expressly permits the fire to be set

during a time when the campground is in a restricted fire zone.

During a total fire ban no fires are permitted even for cooking or warmth, whether in a campground or not.