

# THE CORPORATION OF THE TOWNSHIP OF ALGONQUIN HIGHLANDS

## BY-LAW NO. 2019-31

### BEING A BY-LAW FOR REGULATING OPEN AIR FIRES IN THE TOWNSHIP OF ALGONQUIN HIGHLANDS

**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,

**AND WHEREAS** the Forest Fire Prevention Act, R.S.O.1990, c. F.24, subsection 21.1 (5) as amended provides for cost recovery for expenses incurred by the Municipality associated with controlling or extinguishing of an open air fire;

**AND WHEREAS** the Forest Fire Prevention Act, R.S.O. 1990, O. Reg 207/96 serves as a guideline for establishing this by-law;

**NOW THEREFORE** the Council of the Corporation of the Township of Algonquin Highlands hereby enacts as follows:

#### PART 1 – DEFINITIONS

**“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 burning.

**“Approved Propane Appliance”** means any propane fixture, appliance, apparatus or device that uses propane as a source of fuel for light, heat or cooking and is a CSA or ULC listed fixture, appliance, apparatus or device. Approved Propane Appliances shall not be modified, or used for anything other than for the purpose recommended by the manufacturer. Approved Propane Appliances must be equipped with an on/off valve that can be easily operated and valve must be accessible.

**“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.

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

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

**“Day Burning”** means the use of open air fire from 7 am to 7 pm.

**“Fire Ban”** Temporary measure put in place by municipality or MNR to restrict open air fires when extreme fire conditions may exist. This measure is put into place in order to help prevent human caused fires.

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

**“Municipality”** means the Corporation of the Township of Algonquin Highlands and the geographic area thereof.

**“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 Materials"** includes, but is not limited to petroleum products, tires, plastics, rubber products, drywall, tar, asphalt products, pressure treated lumber and creosote-treated wood.

**“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.

**"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;

**“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.

**"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.

**"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** 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 Algonquin Highlands without prior permission from the Municipality.

**2.3** No person shall set, maintain, or cause to be set or maintained, Open Air Fire between the hours of 7am and 7pm and between the dates of April 1<sup>st</sup> to October 31<sup>st</sup>. except as permitted under Part 6 or unless a burn permit has been issues as outlined in Part 3.

**2.4** Every person setting, permitting to be set, maintaining, or permitting to be maintained, an 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 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,
- g) the fire must be completely extinguished before the burn site is vacated.

**2.5** No 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,
- c) wind speed, as reported by Environment Canada for the Haliburton County area is in excess of 30 Km/hr.

**2.6** Burning will not be permitted during the following conditions:

- a) if it is foggy and/or,
- b) if a Smog Alert has been declared.

**2.7** The responsible person allows, at any reasonable time, an Officer to inspect the location or proposed location of the Open Air Burning.

**2.8** 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 has approved more than one fire.

**2.9** 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.

### **PART 3 – OPEN AIR FIRES FOR COOKING OR WARMTH**

**3.1** Open Air Fires may be set between the hours of 7am and 7pm and between the dates of April 1<sup>st</sup> to October 31<sup>st</sup>, when such burning consists of a small confined fire, supervised at all times and is used to cook food on a grill or a barbecue, or is for personal warmth. In addition to the provisions of this by-law an open air fire for cooking and/or warmth must be:

- a) smaller than .6 meters in diameter,
- b) must comply with all conditions of this Bylaw,
- c) must be confined within a fire pit or appliance,
- d) must be completely extinguished when cooking is complete,
- e) fires for cooking and warmth are not permitted during a fire ban.

### **PART 4 - BURN PERMITS**

**4.1** 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 7am and 7pm and between the dates of April 1<sup>st</sup> to October 31<sup>st</sup> under 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 three (3) metres in diameter and less than three (3) metres high,
- c) fire must be located a safe distance from combustible materials, property line, buildings, fences, trees and roadway,
- d) only burn wood or by-products of wood,
- e) not burn noxious materials,
- f) the person tending the fire has tools and/or extinguishing agent adequate to contain and completely extinguish the fire,
- g) the fire must be completely extinguished before the burn site is vacated.

**4.2** Except for provision 2.4 (b), all conditions of this by-law apply when a burn permit is issued.

**4.3** 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.

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

**4.5** Burn permits must have an expiry date.

**4.6** 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.

**4.7** 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.

**4.8** A Burn Permit may be cancelled without refund or suspended at any time by the Chief Fire Official and immediately upon receiving of such cancellation or Suspension, the permit holder shall extinguish any fire started under the permit.

**4.9** Fees associated with obtaining a burn permit are payable to the Township of Algonquin Highlands as per the established Township of Algonquin Highlands Fees and Charges Bylaw.

## **PART 5 - FIRE BAN**

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

**5.2** Wood fueled boilers utilized as a heat source are exempt from a Fire Ban if;

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

**5.3** Approved 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,
- c) appliance is monitored by a responsible person.

## **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 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 established Township of Algonquin Highlands Fees and Charges Bylaw and
- c) be liable for any costs or expenses owed by the Municipality to the crown (MNRF) for controlling or extinguishing said fire.

**6.2** The Chief Fire Official 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 his 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.

## **PART 7 - FORCE AND EFFECT**

This By-law shall come into force and effect immediately upon passage.

**PART 8 - REPEAL**

Upon the date of passage of this by-law, By-law 2001-9 is hereby repealed.

**READ A FIRST**, Second and Third time, and finally passed this 20<sup>th</sup> day of March 2019.



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**Mayor Carol Moffatt**

Seal



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**Clerk Matt Gower**

THE TOWNSHIP OF ALGONQUIN HIGHLANDS  
SCHEDULE "A" TO BY-LAW NO. 2019-31

**DAILY BURN PERMIT FOR OPEN AIR FIRES**

Permission is hereby granted to:

Applicant Name: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Applicant Telephone No. \_\_\_\_\_

For the purpose of having an Open Air Fire:

Start Date: \_\_\_\_\_

Finish Date: \_\_\_\_\_

Burn Location (911 address): \_\_\_\_\_

Name of burn supervisor: \_\_\_\_\_

Phone # of burn supervisor: \_\_\_\_\_

Material to be burned: \_\_\_\_\_

Means of extinguishment available: \_\_\_\_\_

THE APPLICANT AGREES TO COMPLY WITH THE PROVISIONS OF BY-LAW NO. 2019-31  
AND AGREES TO ASSUME ALL RESPONSIBILITY FOR ANY DAMAGES OCCURRING  
FROM THE FIRE FOR WHICH THIS PERMIT IS ISSUED

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Fire Official or Designate

\_\_\_\_\_  
Date

**BURNING PERMIT RULES**

Pursuant to this by law every person obtaining a burn permit for setting, permitting to be set, maintaining, or permitting to be maintained, an Open Air Fire shall comply with the following conditions:

- a) the material is burned in a single pile that is less than three (3) metres in diameter and less than three (3) metres high,
- b) burn only wood or by-products of wood,
- c) not burn noxious material,
- d) ensure that the fire is a safe distance away from property lines, buildings, fences, trees and roadways,
- e) ensure that the means of extinguishing the fire, designated in the burn permit, is available at the site, at all times during the fire,
- f) ensure a responsible person is available and in attendance at all times until the fire is completely extinguished,
- g) will abide by the conditions of Township of Algonquin Highlands By-law 2019-31,
- h) will be subject to charges for fire department response, for any contraventions of By-law 2019-31.

I acknowledge reading the above conditions,

(applicant signature) \_\_\_\_\_