

**THE CORPORATION OF THE
TOWNSHIP OF SOUTH GLENGARRY
BY-LAW 13-15
FOR THE YEAR 2015**

***BEING A BY-LAW TO REGULATE AND CONTROL THE SETTING OF FIRES
WITHIN THE CORPORATION OF THE TOWNSHIP OF SOUTH GLENGARRY.***

WHEREAS Section 7.1 of the *Fire Protection and Prevention Act*, S.O. 1997 *Chapter 4* provides authority to municipalities to pass a by-law for regulating fire prevention, 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 Council deems it important to implement its own regulations for the control of setting of fires within the boundaries of the Township of South Glengarry.

AND WHEREAS the Council of the Corporation of the Township of South Glengarry desires to repeal By-law 07-02 to enact a new open burning by-law for the issuance of permits and related matters;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE
TOWNSHIP OF SOUTH GLENGARRY ENACTS AS FOLLOWS:**

PART 1- SHORT TITLE

1.1 This by-law may be cited as the "Open Burning By-law"

PART 2 – DEFINITIONS

2.1 In this By-law:

2.1.1 "Adverse Effect" means impairment of the safety of any person and/or damage to property as follows:

- i. impairment of the quality of the natural environment;
- ii. Injury or damage to property, plant or animal life;
- iii. harm or material discomfort to any person;
- iv. an adverse effect on the health of any person;
- v. impairment of the safety of any person; or
- vi. loss of enjoyment of normal use of property;

2.1.2 "Burn Barrel" means an open air fire set and maintained in an open top steel barrel that does not exceed 1.5 m (4.92 ft) in diameter and 1.5 m (4.92 ft) in height and where the open air fire is set and maintained for the purposes of burning wood or by-products of wood such as tree limbs, branches and non-compostable material;

2.1.3 "By-law Enforcement Officer" means that person or persons appointed by Council of the Corporation of the Township of South Glengarry for the purpose of enforcing Township by-laws, and includes a Provincial Offenses Officer, the Fire Chief and/or his or her designate;

2.1.4 "Camp Fire" means an open air fire where the material to be burned does not exceed 60 cm (23.6 inches) in width and 60 cm (23.6 inches) in height,

that is set and maintained solely for the purpose of cooking food, providing warmth and recreational enjoyment;

- 2.1.5 "Farm or Agricultural Operation" means an defined under the Farming and Food Protection Act, 1998, Chapter 1, Section and operates with a Farm Business Registration Number;
- 2.1.6 "Fire Ban" means a time period during which the Fire Chief or his designate declares a total ban on open air fires;
- 2.1.7 "Fire Department" means the Fire Department of the Township of South Glengarry;
- 2.1.8 "Fire Chief" means the Fire Chief appointed by Council of the Corporation of the Township of South Glengarry and/or his or her designate and includes a By-law Officer;
- 2.1.9 "Normal Farm Practice" means a practice that:
- i. Is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or
 - ii. Makes use of innovative technology in a manner consistent with proper advanced farm management practices.
- 2.1.10 "Open Air Burning" means the burning of material such as untreated wood and wood fiber products like non-laminated paper and cardboard and boxboard, brush, tree branches/limbs and leaves where the flame is not wholly contained and includes campfires, brush fires, burn barrels, windrows and outdoor fireplaces, but does not include barbecues;
- 2.1.11 "Outdoor Fireplace" means a manufactured, non-combustible, enclosed container designed to hold a small fire for decorative purposes and the size of which does not exceed 1m (3.28 ft) in any direction and includes, but is not limited to a chiminea.

PART 3 – GENERAL

- 3.1 No person shall set or maintain an open air fire outdoors except in the presence of a competent adult person and this person shall supervise at all times the burning operation so as to prevent the fire from spreading to or endangering other property.
- 3.2 No person shall leave the site of a fire set outdoors without fully extinguishing the said fire.
- 3.3 No person shall set a fire except at a safe distance, deemed to be 15.54 metres (50) from any building, fence, trees, hydroelectric, telephone services or cable lines, dry grass or hay, or any other substance liable to create a danger.
- 3.4 No person shall burn on a windy days with a wind velocity greater than 16 kilometres per hour or under weather conditions that limit the rapid dispersion of smoke.
- 3.5 No person shall burn on any road allowance, unopened allowance or in a location which would interfere with traffic on Township Roads and SD&G County Roads unless you are 66' (20m) from a Township Road and 100' from a County Road (30m).
- 3.6 Every person who starts a fire shall ensure that there are adequate tools and water available at the site to contain the fire and all remaining embers or ashes shall be removed or wet down thoroughly before leaving the fire.

- 3.7 Burning may be cancelled or suspended at any time by the Fire Department and immediately upon receiving notice of such cancellation or suspension the applicant shall extinguish any fire.
- 3.8 The burning of buildings and cars is prohibited.
- 3.9 Material to be burned must be natural products. No person shall burn materials that contain petroleum products, plastics, rubber, painted lumber or products that will cause excessive fumes or smoke shall not be burned, in contravention of the Environmental Protection Act.
- 3.10 This by-law does not apply to barbeques used for the purpose of cooking food.
- 3.11 No person shall set or maintain an open air fire without first having obtained the necessary permit from the Township.

PART 4 – APPLICATION FOR AN OPEN AIR FIRE PERMIT

- 4.1 Any person eighteen (18) years of age or older may apply for an open air fire permit as set out in Schedule "A" prior to the proposed date of the first open air fire of the calendar year. The permit holder is solely responsible to ensure that the conditions outlined in this by-law are adhered to at all times.
- 4.2 This application shall include:
- i. The name, address and phone number of the applicant;
 - ii. The owner's written consent to the open air fire, if the applicant is not the owner of the property;
 - iii. The municipal address of the location of the proposed open air fire if it differs from the address of the applicant;
 - iv. A farming business registration number and the location of the agricultural property with a specified cross road or nearby civic number;
 - v. Such other information as may be required by the Fire Chief.
- 4.3 The Fire Chief or designate shall **NOT** issue an open air fire permit if:
- i. The application is incomplete;
 - ii. There are reasonable grounds to believe that the open air fire may adverse to public safety; or
 - iii. There are reasonable grounds to believe that the open air fire will result in a breach of this by-law, the FPPA, or any other provincial or federal statute.

PART 5 – AGRICULTURAL AND LAND CLEARING

- 5.1 Agricultural Farming and Operations where the Fire Chief or designate considers it safe to do so, the Fire Chief may issue a permit for burning in the open air for cut and piled brush, grass and other organic materials resulting from the clearing of land and for the destruction of agricultural waste material originating on that property provided that:
- 5.2 Every person who starts a fire under the provisions of this subsection shall cause a watch to be kept on such fire until it is completely extinguished and shall provide sufficient personnel, appliances and equipment to prevent the fire from becoming dangerous to life or property;

- 5.3 Such burning shall not be carried out within 75 metres (246 ft) from any buildings, structures, standing timber or any other flammable or combustible material
- 5.4 No pile of burning material shall exceed 10 metres (32.81 ft) in diameter or 10 metres in height (32.81 ft);
- 5.5 Minimum distances between burn piles shall be 9 metres (29.5 ft)
- 5.6 Windrows are **NOT** permitted for burning purposes;
- 5.7 No substance which produces heavy black smoke when burned, such as rubber tires or petroleum products, shall be burned in connection with such burning and comply with the Environmental Protection Act of Ontario.
- 5.8 No such burning shall be carried out where due to climatic conditions or other hazards such as wind, smog or foggy conditions, as it would be unsafe to do so and,
- 5.9 A fire shall not be started within 200 metres (656. ft) adjacent to any residence not owned by the applicant and not withstanding Section 5.2, unless written permission is obtained from the property owner.

PART 6 - BURN BARRELS

- 6.1 Burning in burn barrels as specified in this section shall be permitted within the geographical boundaries of the Township of South Glengarry at any time except when the Fire Chief declares a fire ban.
- 6.2 No person shall operate a burn barrel:
 - i. Unless it is an open top steel barrel that does not exceed 1.5 m (4.92 ft) in diameter and 1.5 m (4.92 ft) in height and where the open air fire is set and maintained for the purposes of burning wood or by-products of wood such as tree limbs, branches and non-compostable material.
 - ii. that is situated less than 15.54 meters (50 feet) from a forest or woodland or building;
 - iii. No person shall burn household garbage in a burn barrel

PART 7 – BACKYARD RECREATIONAL FIRE PITS AND OUTDOOR FIREPLACES

- 7.1 Any person may burn dry, untreated wood or charcoal in a fire pit, outdoor fireplace or portable fire receptacle within the residential boundaries of the Township in accordance with the general provisions of this by-law for the purpose of cooking or obtain warmth on a property owned or occupied by such person at any time.
- 7.2 Fire pits (except camp fire), outdoor fire places, portable receptacles or structures must meet the following requirements:
 - i. A minimum of 7 metres (20 ft) clearance shall be maintained from buildings, property lines, trees, overhead power lines, combustible fences or any combustible material;

- ii. Installations must have enclosed sides made from brick, concrete block or heavy gauge metal or other suitable non-combustible components;
- iii. Has an open flame area not exceeding 1 metre (3.28 ft) at its widest point;

PART 8 – EXTINGUISHMENT OF FIRES

- 8.1 A member of the Fire Department or the Fire Chief or designate may direct a person to extinguish any fire when in their opinion the fire creates a hazard.
- 8.2 A person who fails to comply with the direction of a member of the Fire Department, Fire Chief or designate to extinguish a fire on request will be found guilty of an offence under this by-law.
- 8.3 A member of the Fire Department or the Fire Chief or designate, as the case may be, may extinguish a fire if a person fails to extinguish a fire on the request of the Fire Department, Fire Chief or designate. The cost to extinguish a fire by the Fire Department may be covered by action or by adding costs to the tax roll and collecting them in the same manners as property taxes.

PART 9 – SPECIAL EVENTS

- 9.1 Notwithstanding Part 3, a person may obtain permission of the Fire Chief to conduct an open air burning for a special event.
- 9.2 Prior to granting permission to hold an open burning for a special event, the Fire Chief will give consideration to the location of the proposed event, the size of the proposed fire, the safety measures proposed, the supervision arrangements, the time of year, the time of day, the anticipated weather conditions and whether a fire ban is in place.
- 9.3 The Fire Chief may attach such conditions as deemed appropriate to ensure the safety of people and property.
- 9.4 The Fire Chief may refuse to grant permission to hold an open air burning at special events if in his opinion, a fire hazard will be created and lives and property are at risk.
- 9.5 The Fire Chief may withdraw permission for and/or stop an open air burning, if in the Fire Chief's opinion, the fire presents a fire hazard, smoke produced by the fire is causing visibility concerns on roads in the area of the burn, the weather conditions have become unfavorable for open air burning, and if the conditions attached to the granting of permission are not adhered to or if this by-law is being contravened.

PART 10 – ADMINISTRATION, ENFORCEMENT AND PENALTIES

- 10.1 Penalties shall be enforced as follows:
 - i. any person who contravenes any provision of the By-law will be liable for all damages to public and/or property caused by the fire and will also be liable for the full cost of extinguishing the fire.
 - ii. in addition, persons who conduct or permit open air burning in contravention of this By-law may be subject to full cost recovery measures including the cost of Fire department vehicles, equipment and staff.

- iii. Permits issued to a permit holder under this by-law may be revoked by the Fire Chief if, in the opinion of the Fire Chief, a dangerous condition exists or near the site of the open air fire.
- iv. permits issued to a permit holder under this By-law may be revoked by the Fire Chief if the permit holder fails to comply with the requirements of the permit or permits and any other provisions of this By-law.

10.2 Penalties:

- I. Persons violating the Ontario fire Code may be prosecuted under the Fire Protection and Prevention Act. Conviction may result in a fine up to \$25,000 for an individual and \$50,000 for a corporation
- II. In addition, person who conduct or permit open air burning in contravention of this By-law may be subject to full cost recovery measures including the cost of Fire Department vehicles, equipment and staff.

PART 11 - CONFLICTS-BYLAWS-STANDARDS-REGULATIONS

11.1 Where a provision of this By-law conflicts with the provisions of another by-law, Act, Regulation in force within the Township, the provision which establishes the higher standards to protect the health, safety and welfare of the general public, shall prevail.

PART 12 - VALIDITY

12.1 If any provision or article of this By-law is for any reason found to be invalid by a court of competent jurisdiction, the provision or article found to be invalid shall be severed from the By-law and the remaining provisions or article shall remain in effect until repealed.

PART 13 - REPEAL AND TRANSITION

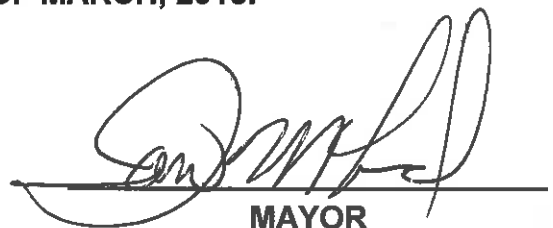
13.1 By-law Number 07-02 and all its amendments are hereby repealed upon the date that this By-law comes into force.

PART 14 EFFECTIVE DATE

This By-law shall come into force on the 9 day of March 2015.

READ A FIRST AND SECOND TIME ON THE 9th OF FEBRUARY, 2015

READ A THIRD TIME AND PASSED, SIGNED AND SEALED IN OPEN COUNCIL AS AMENDED THIS 9th DAY OF MARCH, 2015.


MAYOR


CLERK