

The Corporation of the Township of Douro-Dummer

By-law Number 2015-05

Being a By-Law to regulate Open Air Burning in the Township of Douro-Dummer and to Repeal By-law Number 2008-29

Whereas The Corporation of the Township of Douro-Dummer deems it expedient to establish parameters which fires may be set in the open air, and the precautions to be observed by persons setting out fires;

And Whereas under Section 35(1) of the Ontario Fire Code, O. Reg. 388/97, the Fire Marshal, a Fire Chief or an Assistant to the Fire Marshal may issue an order to pay the costs incurred by the Province of Ontario or a municipality;

Now Therefore the Council of The Corporation of the Township of Douro-Dummer hereby enacts as follows:

Part 1

Definitions

Burn Barrels – defined

“Burn Barrels” shall mean metal drums and/or similar containers, which are not incinerators and are allowable for use that are in compliance with the same regulations as a recreational fire. Any burn barrel shall have a heavy-duty screen with a mesh size of no greater than 6.35mm (1/4”).

Barbeque – defined

“Barbeque” appliances including a hibachi, a permanent structure designed and intended solely for the cooking of food in the open air and other similar devices designed and intended solely for the cooking of food in the open air, but does not include devices designed for personal warmth, fire pits or camp fires.

Campground– defined

“Campground” means a campground as described in the Forest Fire Prevention Act).Reg. 207/96, being that a Campground allows camping only in cabins and designated campsites to the public on a temporary basis and is accessible by motor vehicle as define in the Highway Traffic Act.

Campground fires do not require a permit, being the same as a recreational fire.

Chief Fire Official means the assistant to the Fire Marshal who is the Municipal Fire Chief or a member or members of the **Fire Department** appointed by the Municipal Fire Chief under Article 1.1.1.2. of Division C or a person appointed by the Fire Marshal under Article 1.1.1.1. of Division C of the Ontario Fire Code

Competent Adult – defined

“Competent Adult” means a person 18 years of age or older who is mentally and physically capable of safely handling open air fires as well as competent in extinguishing method(s) selected.

Container – defined

“Container” refers to a device to contain a fire and must be made of non-combustible materials; steel, rocks, bricks, dirt, clay etc.

Conventional Fire – defined

“Conventional Fire” means a fire deemed necessary for the burning of brush or vegetation and does not necessarily require a specific container for burning purposes, pile size shall not exceed 3m (9.84’) in length or width and 2m (6.56’) in height

Fire Chief – defined

“Fire Chief” shall mean the Fire Chief for the Township of Douro-Dummer, appointed under Section 6(1) of the Ontario Fire Code and includes members of the Douro-Dummer Fire Services acting under the direction of the Fire Chief.

Fire Department – defined

“Fire Department” means the Township of Douro-Dummer Fire Department.

Incinerator – defined

“Incinerator” means equipment intended for outdoor burning and shall conform to NFPA 82 “Incinerators and Waste Lined Handling Systems and Equipment”. This does not include a burn barrel.

Occupant – defined

“Occupant” means the person(s) residing in premises, which he/she does not own.

Open-Air Fire – defined

“Open-Air Fire” means the burning or combustion of materials in the open air, but shall not include any fire entirely contained in an apparatus designed, constructed or manufactured for the purpose of barbecuing food for consumption in a charcoal, natural gas or propane barbeque.

Outdoor Solid Fuel Burning/Combustion Appliances – defined

“Outdoor Solid Fuel Burning/Combustion Appliance” (ie. Outdoor wood burning furnace), means a solid fuel burning appliance, which is used for the space heating of buildings, the heating of water or other such purpose and which is located in separate building or the exterior of the building which it serves. **This by-law does not regulate such appliances – Refer to Township of Douro-Dummer Zoning by-law for regulations or the Ontario Fire Protection and Prevention Act for fire safety.**

Owner – defined

“Owner” shall mean the registered owner of the property.

Prohibited Material – defined

“Prohibited Material” shall include anything that is not clean dry wood or natural wood by-products. Painted, pressure treated or glued wood products are not considered clean and are prohibited.

Permit – defined

“Permit” means written authority provided by the Fire Chief or his/her designate, attached hereto as Schedule “B” and forming part of this by-law.

Property – defined

“Property” shall mean any public or private land, building or structure or other real property within the Township of Douro-Dummer.

Recreational Fire – defined

“Recreational Fire” means an open-air fire that burns with an area that is no larger than one (1) meter (3.28’) in diameter provided such fire is used for warmth, cooking food (camp fire), or for the burning of non-prohibited materials.

Special Occurrence Fire – defined

“Special Occurrence Fire” means an Open-Air Fire that does not meet the requirements set out in this by-law and is specific for an event or specific occurrence. All Special Occurrence Fire permits require a site inspection and approval prior to any fire occurring.

Tenant – defined

“Tenant” means the person(s) renting or leasing premises.

Township – defined

“Township” shall mean all properties within the defined boundaries of the Township of Douro-Dummer.

Part 2

Administration

Refer to Schedule “C” for a summary of permitted Open-Air Fires

2.1 Fire Department – Exemption

The Township of Douro-Dummer Fire Services shall be exempt from the provisions of this by-law with respect to open-air burning.

2.2 Campgrounds – Exemption

The following criteria is specific to Campgrounds and reference from the Forest Fire Prevention Act (FFPA), O.Reg. 207/96 shall apply, but is still under the authority, control and penalties administered by the Township of Douro-Dummer.

Campgrounds shall be exempt from the provisions of this by-law, when meeting the FPPA regulations as follows:

FFPA reference: 8.7 *A campground referred to in subsection 8.2 (3) and section 8.4 offers camping facilities to the public on a temporary basis and meets all of the following criteria:*

- 1. The campground allows camping only in cabins and designated campsites, and all are accessible by motor vehicle as defined in the Highway Traffic Act.*
- 2. The campground does not allow campfires between 10 a.m. and 7 p.m.*
- 3. The campground clearly posts the hours campfires will be allowed.*
- 4. The campground has printed information on safe campfires and provides it to all of its guests.*
- 5. The campground has adequate equipment to control and extinguish a fire that can be taken to any campsite or cabin within 10 minutes.*
- 6. The campground has on site at all times staff who are instructed in the location and use of the equipment described in paragraph 5.*
- 7. The campground has reliable two-way telecommunications equipment to*

allow it to obtain assistance if a fire escapes control. O. Reg. 230/00, s. 4; O. Reg. 64/10, s. 4.

8.4 *No person shall set a wood fire in a permanent fire installation in a campground described in section 8.7 in a restricted fire zone unless all of the following conditions are met:*

1. The fire is contained in,

i. an above ground fire grate or fireplace that is designed to burn wood safely and that cannot be moved to an unsafe location,

or

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

2. The fire is at least three metres from any forest area, and the area within the three metre radius is completely free of flammable material.

3. The space immediately above the fire installation is at least three metres from any overhanging vegetation.

4. 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.

O. Reg. 230/00, s. 4; O. Reg. 64/10, s. 3.

8.2 (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 8.7 unless all of the following conditions are met:*

1. The installation is designed to use commercially produced charcoal as fuel.

2. Commercially produced charcoal is used as the fuel.

3. 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. O. Reg. 230/00, s. 4.

2.3 Administration

The Fire Chief shall administer this by-law.

Part 3

Prohibitions

No person may set an Open-Air Fire or allow a fire to burn except in accordance with the following provisions:

3.1 No person may set a fire or allow a fire to burn except in accordance with the provision of this by-law and all applicable federal, provincial and municipal laws and regulations;

3.2 With the exception of Barbeque fires (charcoal, propane or natural gas), no person may set a fire to burn in the open air without obtaining a permit or permission from the Township;

- 3.3** No person may burn prohibited materials;
- 3.4** No person may set or allow an uncontained fire to burn (exception for defined Conventional Fire). Fire shall be set or allowed to burn in a container, apparatus or physical construction that is capable of controlling the spread of fire.
- 3.5** All Open-Air Fires shall be attended and supervised at all times and such person(s) shall ensure that an adequate means of extinguishing the fire is readily available at the fire site while the fire is burning; this information is required while obtaining a permit.
- 3.6 Special Occurrence Fire – considerations**
Prior to approving a permit to hold an open-air burning for a Special Occurrence, the Fire Chief will give consideration to the location of the proposed fire, the size of the proposed fire, the safety measures proposed, the supervision arrangements proposed, the time of year, the time of day and the anticipated weather conditions.
- 3.7 All Open-Air Burning – conditions of Fire Chief**
The Fire Chief may attach any such conditions as deemed appropriate to any open air burning and will be at the discretion of the Fire Chief.
- 3.8 Barrel Burning**
Burning materials in barrels is permitted in the Township of Douro-Dummer. Burn Barrels are not Incinerators and must comply with the same regulations as a Recreational type of fire.
- 3.9 Incinerators – conditions of the Fire Chief**
Any person(s) installing and or using an Incinerator must be in compliance with Sections 6.2.6 of the Ontario Building Code and 2.6.3 of the Ontario Fire Code.
- 3.10 Incinerators – annual permits and inspections**
All Incinerators in the Township of Douro-Dummer will be required to purchase a permit and will be subject to an inspection by the Fire Chief on an annual basis with fees as prescribed in Schedule "A".

Part 4
Prohibited Locations

No person may set an Open-Air Fire or allow a fire to burn except in accordance with the following locational criteria;

- 4.1** Open-Air Fires shall have the following minimum clearances:
Recreational Fire- 3m (9.84') from property line or combustibles;
Conventional Fire- 22m (72.18') from any hedge, tree, fence, property line, highway or vehicular right of way, overhead wire, and 150m (492.13') from any structure/building;
Special Occurrence Fire – Applies to fires that do not comply to Recreational or Agricultural fires, a sight inspection is mandatory and clearances will be determined by the Fire Chief.
- 4.2** No Open-Air Fire may be set or allowed to burn on roadways or land that is owned by the Township (Special Occurrence Permit may be approved);
- 4.3** Where construction of a building or a structure is going on, only Recreational Fires with clearances exceeding 150m (492.13') to associated construction may be set or allowed to burn on any land or premise.

Part 5
General Provisions

- 5.1** No Open-Air Fire may be set or allowed to burn on any land or premise without the consent of the owner of such land or premise with the understanding they are ultimately responsible.
- 5.2** No Open-Air Fire other than a Recreational Fire may burn between sunset on the evening of any day and sunrise on the following day.
- 5.3** No Open-Air Fire may be set during a fire ban declared by the Chief Fire Official, with exception to a Campground as defined.
- 5.4** Notwithstanding the issuance of a permit and with or without a permit, no person may set or allow a fire to burn when the direction or intensity of the wind may cause:

- a) a decrease in visibility on any roadway;
- b) any odour or smoke to such an extent or degree so as to cause discomfort to person, or hazards to health, cause loss of enjoyment or normal use of property in the immediate area;
- c) a rapid spread of fire through grass to a bush area
- d) if investigation determines this is a neighbour dispute and the above conditions are not validated then applicable charges may occur to the caller

5.5 Failure to extinguish – liable for costs

Should the owner, occupant or tenant fail to immediately extinguish the Open-Air Fire upon notification to extinguish from the Fire Chief, charges will occur for any and all costs incurred by the Municipality of Douro-Dummer.

Part 6
Permit System

Permits are available at the Township of Douro-Dummer Municipal office and Library.

- 6.0** Permission for a Recreational Fire and Campground Fire is granted through adherence of this by-law and does not require a permit,
- 6.1** The Chief Fire Official is granted the authority to approve of the setting of Open-Air Fire in accordance with the provisions of this by-law, provided the permit is completed, attached hereto as Schedule "B", for any fire other than a Recreational Fire or Campground Fire
- 6.2** An Open-Air Fire permit or permission may be cancelled at any time by the Fire Chief, and immediately upon receiving such notice of cancelation the person(s) responsible shall extinguish any fire started under this by-law
- 6.3** If a permit or permission was cancelled previously, then approval from the Fire Chief shall occur prior to igniting any Open-Air Fire
- 6.4** Upon request, a site inspection may be arranged if assistance is required to ensure compliance with this by-law. Special Occurrence permits must be approved prior to having an open-air fire and a reasonable time period for approval must be considered. (Allowing up to 5 days)

6.5 Any Open-Air Fire requiring a permit requires the burn permit phone system to be called prior to lighting the fire and immediately after extinguishment. The phone number is printed on each burn permit: **(705) 745-8507**

6.6 All permits expire at the end of the calendar year. Permits that are for a specific time period may expire before the end of the calendar year and therefore that specific date will be considered as the expiry date.

Part 7

Penalty

7.1 No person shall fail to comply with the regulations set out in the by-law

7.2 Every person who contravenes any provisions of this by-law is guilty of an offence and is liable to a fee as provided in the attached Schedule "A"

7.3 Any person who sets or allows a fire to burn without a permit or permission and any person, who is unable to control such fire, leading to the response of the Fire Department, at the discretion of the Fire Chief shall be liable for the expenses of the Fire Department, including personnel, equipment and apparatus costs necessary to investigate, respond and extinguish the fire. (MTO rates apply)

7.4 The Township has the right to collect any unpaid costs associated with sections 5.5 and 7.3 of this by-law, in a like manner as municipal taxes, or the Township may provide that the expense incurred, with interest, shall be payable in annual installments, not exceeding ten years.

7.5 The court in which conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

8. This by-law will supersede any by-law that is in conflict with this by-law

9. This by-law shall come into full force and effect on January 21st, 2015

10. The Township of Douro-Dummer By-law 2008-29 is hereby repealed as of January 21st, 2015

Passed in open Council this 20th day of January, 2015

Mayor, J. Murray Jones

Acting Clerk, David Clifford

Schedule "A"

Open Air Burning Permit & Penalty Fees

| | |
|------------------------------------|---------|
| Special Occurrence Fire Permit Fee | \$25.00 |
| Conventional Fire Permit Fee | \$0.00 |
| Annual Incinerator Inspection | \$40.00 |

| Item | Description of Offence | Provisions Creating Offence | Set Fee |
|------|---|-----------------------------|---------|
| 1. | Set or allow fire to burn in contravention of by-law | Section 3.1 | \$50 |
| 2. | Failing to obtain a permit/permission | Section 3.2 | \$50 |
| 3. | Burning Prohibited Materials | Section 3.3 | \$50 |
| 4. | Setting an uncontained fire | Section 3.4 | \$50 |
| 5. | Fire not attended, supervised or inadequate means to extinguish fire | Section 3.5 | \$50 |
| 6. | Failing to obtain Incinerator permit/inspection | Section 3.10 | \$50 |
| 7. | Fire does not meet the prescribed clearances to property lines, structures, combustibles, roadway, overhead wires, etc. | Section 4.1 | \$50 |
| 8. | Fire on public land or roadway | Section 4.2 | \$50 |
| 9. | Fire on land where construction of a building or structure is ongoing | Section 4.3 | \$50 |
| 10. | Failure to obtain owners permission | Section 5.1 | \$50 |
| 11. | Fire between sunset & sunrise (not applicable to recreational fires) | Section 5.2 | \$50 |
| 12. | Fire during ban | Section 5.3 | \$500 |
| 13. | Fire causing a nuisance or danger | Section 5.4 | \$50 |
| 14. | Failure to call prior to setting an open-air fire | Section 6.5 | \$25 |

Cost associated with Section 5.5 and 7.3 will be determined based on each occurrence

(Rate to respond and extinguish will be at current MTO rates on the date of violation)

Schedule "B"

Add Permit

| | | | |
|---|-------------------------------------|---|----------------------|
| Permit Date: | 2012-12-06 | | |
| Permit Type: | <input type="text"/> | Purpose: | <input type="text"/> |
| Last Name: | <input type="text"/> | First Name: | <input type="text"/> |
| Business name: | <input type="text"/> | | |
| Applicant Type: | Occupant <input type="text"/> | | |
| Location of Burn | | | |
| Street No: | <input type="text"/> | <input type="button" value="Verify Address"/> | <input type="text"/> |
| Street Name: | <input type="text"/> | | <input type="text"/> |
| City: | Cavan-Monaghan <input type="text"/> | <input type="text"/> | |
| Postal Code: | <input type="text"/> | <input type="text"/> | |
| Concession: | <input type="text"/> | Lot: | <input type="text"/> |
| Access Route: | <input type="text"/> | | |
| Phone Number: | <input type="text"/> | Cell/Other Phone Number: | <input type="text"/> |
| Fax Number: | <input type="text"/> | Email: | <input type="text"/> |
| Applicant Address <input type="checkbox"/> Same As Above | | | |
| Address 1: | <input type="text"/> | | |
| Address 2: | <input type="text"/> | | |
| City: | <input type="text"/> | | |
| Province: | <input type="text"/> | Postal Code: | <input type="text"/> |
| Phone Number: | <input type="text"/> | | |
| Notes: | <input type="text"/> | | |
| <input type="button" value="Save"/> <input type="button" value="Cancel"/> | | | |

Schedule "C"

Summary of Allowable Open-Air Burning

It is the responsibility of the person(s) burning to be familiar with the Open-Air Burning by-law; Schedule "C" is a guide only

Open Air Burning –ALL

Permission – A permit is required for any fire other than a Recreational or Campground fire. Permission is granted for recreational fires that meet the size requirements set out below and Campgrounds please refer to Section 2.2 of the by-law

Attendance – All open air burning in the Township of Douro-Dummer shall be attended and supervised at all times by a competent person

Material - Only burning of clean wood and brush is permitted. Painted, pressure treated or glued wood products are not considered clean and are prohibited

Extinguishment – means of extinguishment shall be readily available at burn site.

Wind - No burning will be permitted if wind or weather could contribute to rapid fire spread.

Complaints – Complaints received regarding problems associated with smoke may be cause for an approval to be rescinded. Burning is not to take place when winds will cause smoke to be an annoyance to nearby properties or roadways. If a fire is deemed acceptable and it is determined to be a neighbor dispute, charges may apply to the caller.

Burn Ban - will always override any permission or permit obtained to conduct open air burning. Campgrounds may be exempt

Burn Barrel – Burn barrels are acceptable appliances and must comply with Recreational fire restrictions

Penalty & Fees – Costs associated with non-permissive, out of control or other Open-Air Burning by-law related violations range from \$25 – MTO rates per vehicle, See Schedule "A"

Environmental Considerations - Open air burning *shall not* be carried out on Smog Alert days that are declared by Environment Canada when the Air Quality Index is expected to reach 50, a level that can impact the health of citizens. Citizens can call the Ontario Ministry of the Environment Air Quality Index Reporting System at 1-800-387-7768 for information pertaining to days designated as Smog Alert Days.

Recreational Fire, Outdoor Fireplace and Chimineas - Summary

Guidelines for Open Air Burning – *Intention of this type of fire is for warmth or campfire cooking purposes or burning of clean dry wood*

The Fire Chief grants permission and *a permit is not necessary* for a recreational campfire as long as the by-law is not adhered to. The following are general size and clearance requirements

- Recreational campfires shall be contained in non-combustible containers. Containers must be kept to a maximum 1 meter square and flames shall be contained within these dimensions and not exceed 1 meter in height from the bottom of the pit area.
- Recreational Campfires must have a minimum 3m clearance to any building, combustible material and property line.
- The use of outdoor fireplaces and chimineas must be located on a non-combustible surface and meet the same as above recreational fire clearances and size unless more prohibited instructions by manufacturers specifications.
- The amount of material being burned is to be limited to ensure that the flames are confined to the container.
- Burn barrels shall have a heavy-duty screen with a maximum mesh size of 6.35mm

Conventional Fires - Summary Guidelines for Open Air Burning by Permit

- A permit is required for any Conventional Fire.
- **Size:** limit brush pile size to 3m by 3m by 2m in height
- **Clearances:** 150m from any structure, 22m from any tree, hedge, wooden fence, property line, highway or vehicular right of way, or overhead wire

Special Occurrence Fires - Summary Guidelines for Open Air Burning by Permit

- A permit is required and a sight inspection is mandatory for any Special Occurrence Fire Permits.
- **A Special Occurrence Permit is required whenever a desired fire does not comply with a Recreational fire or Conventional fire requirements**

Safety Considerations

Be aware of potential personal injury, such as superficial burns from contacting unit, ignition of clothing from sparks or flame. Also be aware of possibilities of injury and fire spread resulting from accidental tipping of outdoor fireplaces or chimineas. Check these units regularly *before* use for the appearance of crack or other physical deterioration

Note: Inspections can be done upon request even if a permit is not required