

The Corporation of the Township of North Frontenac

By-Law No. 48-05

Being a by-law to regulate the setting of open air fires and provide for fees of suppression and other costs, within the Township of North Frontenac, and to repeal By-Law #23-01 as amended;

WHEREAS Part 2 of the Fire Protection and Prevention Act, 1997, Section 7.1, authorizes the Council of a Municipality to pass By-laws for the prevention and the spread of fires and;

AND WHEREAS Sections 390-391, 393-400 of the Municipal Act, R.S.O. 2001, Chapter 25 authorizes the Council of a local Municipality to pass By-laws imposing fees for the services provided and;

WHEREAS Ontario Regulation 207/96 made under the Forest Fire Prevention Act of Ontario provides for outdoor fires;

NOW THEREFORE the council of the Corporation of the Township of North Frontenac hereby enacts as follows:

1. The provisions of this by-law shall apply to lands located within the boundaries of the Township of North Frontenac.

2. **Definitions**, for the purpose of the by-law:

“Fire Ban” means a total fire ban and shall prohibit; burning of debris, burning in an outdoor incinerator, chimineas, fireworks displays, campfires of any type, and charcoal installations. *NOTE during a fire ban a BBQ or Hibachis (charcoal installation) may be used provided the installation is used within 100 meters of a permanent structure used as a dwelling that you occupy, or in an organized campground, is at least 2 meters from any flammable material and the ashes and coals produced are completely extinguished and safely disposed of.*

“Fire Chief” means a chief fire official of the Township of North Frontenac appointed by the Council for the Corporation of the Township of North Frontenac.

“Fire Department” means any or all departments organized under the Municipal Act that provides fire protection for the Township of North Frontenac.

“Fire Warden” means a person who has been appointed by the Township and approved by the Ministry of Natural Resources as a “fire warden” to issue an ignition authority under the Forest Fire Prevention Act.

“Organized campground” is one that has trained staff on duty and on site 24 hours a day 7 days a week and have fire fighting equipment readily available.

3. No person shall start a fire outdoors without ensuring that:

- a) The conditions are safe and suitable for said fire.
- b) There are adequate adults competent to control the fire in attendance from start to extinguishment.
- c) There are no *fire bans* in place at the time.
- d) The rules and regulations of this by-law are followed.
- e) There is adequate personnel, equipment, and water to control and extinguish said fire.
- f) The fire is on bare mineral soil or rock and is at least 3 meters (9.75 ft.) from any flammable material.

4. Except for cooking or warmth no fires shall be set out of doors in the Township of North Frontenac between the hours of (7) seven a.m. and (7) seven p.m. from the first (1) day of April to the thirty first (31) day of October inclusive, in any calendar year.

5. The *Fire Chief* or his/her designate at his/her discretion may restrict or ban open air burning or all outdoor fires (*fire ban*) depending on climatic conditions. *See definition of fire ban*

6. No person shall start a fire outdoors for the purpose of cooking or obtaining warmth unless the conditions set out in clause (3) are met as well as:

- a) The fire does not exceed 1 meter (3.25 ft.) in height and one 1 meter (3.25 ft.) in diameter.

7. Notwithstanding the provisions of Clause (4) An outdoor incinerator may be operated at any time provided there is no *fire ban* in place and all other regulations specifically clauses 1,2,3a-e,5,10,11,12,13,14 are met as well as:

- a) It is constructed of a non combustible material.
- b) It is enclosed with a metal mesh of a 5 millimeters (1/4 in.) or less.
- c) It is located on mineral soil or rock extending at least 2 meters (6.5 ft.) beyond the incinerator.
- d) It is at least 5 meters (16.25 ft.) from trees, buildings or any flammable materials
- e) It is a maximum of 0.5 cubic meter (17.7 cubic feet) in size
- f) Persons establishing and operating an incinerator shall have regard for Schedule 'B' attached heretofore.

8. No piles to be burned shall be greater than 2 meters (6.5 ft.) high and 2 meters (6.5 ft.) in diameter. Piles must be separated by a minimum of 10 meters (32.5 ft.).

9. A fire for the purpose of burning grass and/or leaves must not exceed an area of 1 acre and must not have a flame edge exceeding 20 meters (65 ft.) Notwithstanding the provisions of Clause 3(f) burning of leaves or grass may be done so long as the soil conditions and ground moisture content are not conducive to sub surface fires.

10. No person shall set an outdoor fire where it may cause inconvenience, irritation or detriment to others.

11. No person shall set an outdoor fire directly under or near telephone or power lines.

12. No person shall set a fire on or near roadways, which could interfere with traffic.

13. No person shall burn any material restricted by the Ministry of the Environment such as rubber, plastics, foam, treated wood, or any material which could cause toxic or noxious gasses.

14. Any person starting an outdoor fire shall ensure that adequate personnel, equipment and water are available to contain and extinguish the said fire and if said fire cannot be contained and extinguished the person(s) responsible shall notify the Fire Department immediately.

15. Notwithstanding the provisions of Clause (4), qualified commercial operators (as per Township policy) may obtain special day-burning permits (Ignition Authority, schedule 'C') subject to regulations set out in this by-law and on said permit at the discretion of the *Fire Warden* of the Township. These permits are available from the *Fire Warden* or his/her designate. A site inspection may be required. Fees for this approval can be found in Schedule 'A' attached hereto.

16. The *Fire Chief* or his/her designate may order any fire extinguished. If so ordered the person or persons responsible shall extinguish the said fire immediately. Failure to do so shall result in suppression costs being levied against the person or persons responsible as outlined in schedule 'A' attached hereto.

17. Every person who starts a fire shall be responsible and liable for damage to property, or injury to persons occasioned by the said fire.

18. Every person who contravenes any provision of this by-law is guilty of an offense and shall upon conviction be liable to a fine as provided for in the Provincial Offences Act, as set out in a schedule of fines, subject to the approval of the Chief Justice of Ontario.

19. Every person who sets a fire in contravention of this by-law or who fails to extinguish a fire once ordered to do so by the Fire Chief or his/her designate shall, in addition of any penalty provided for herein, be liable to the Township of North Frontenac for all expenses incurred for the purpose of investigating, controlling and extinguishing any fire set or left to burn, and such expenses shall be levied as set out in the attached Schedule 'A'. Such fees

shall be due and owing, and may be recovered in like manner as municipal taxes or by court action.

20. If any section, subsection or part thereof of this By Law be declared by any Court of Law to be illegal or ultra vires, such section or subsection or part thereof shall be severable and all parts hereof are declared to be separate and independent.

21. This by-law shall come into force and take effect immediately upon the date of passing. By-Law #23-01 is hereby repealed.

Read a first and second time this 13th day of October, 2005.

Read a third time and finally passed this 23rd day of February, 2006.

Ron Maguire, Mayor

Brenda Defosse, Clerk

SCHEDULE 'A'

to By-Law No 48-05

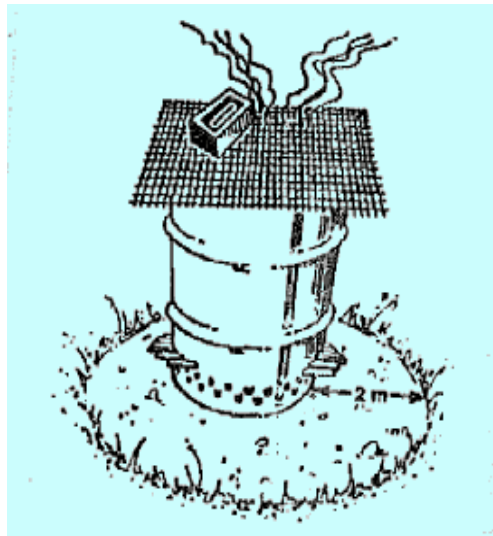
Respecting fees associated with Fire Department responses for Outdoor Fires

Item	Rate
Pumper	\$ 200.00/hr.
Tanker	\$ 200.00/hr.
Equipment Van / Truck	\$ 200.00/hr.
Emergency Van	\$ 200.00/hr.
Fire Fighter	\$ 15.35/hr. per F.F.
Day Burning Permit	\$ nil
Site Inspection	\$ 25.00
Other Costs	as incurred by the Fire Dept. or Municipality

SCHEDULE 'B'

to By-Law No. 48-05

Respecting a suitable Incinerator Setup



1. **Do not burn garbage** or any material restricted by the Ministry of the Environment such as **rubber, plastics, foams**, treated wood, or any material which could cause toxic or noxious gasses. **Most of these materials can be either recycled or composted.**
2. Select a site at least 5 meters from forest, buildings or combustible material.
3. Clear an area 2 meters around the incinerator down to mineral soil or rock.
4. Use a metal barrel in good condition and not larger than 0.5 cubic meter (17.7 cubic feet)
5. Support the material off bottom and provide holes to allow air to enter from under material.
6. A heavy metal mesh with holes less than 5 millimeters (1/4 in.) must be placed on top of barrel to prevent sparks from spreading fire.
7. Keep a shovel or rake and water nearby.
8. Do not dump ashes until they have been cold for at least 3 days.
9. Do not leave incinerator unattended while burning.
10. Ensure there is no fire ban in place.

SCHEDULE 'C'

to By-Law No. 48-05

-Respecting Qualified Commercial Operators 'Ignition Authority'

Sample

TOWNSHIP OF NORTH FRONTENAC
IGNITION AUTHORITY

Issued under Ont. Reg. 230/00 and By-law #48-05

Company name _____ Phone # _____ Fax # _____

Address _____

Insurance company _____

Land owner's name _____ Phone # _____

Location of burn site (civic address / lot & con.) _____

Directions to burn site _____

Name of Person in charge _____ Means of communication at site

Physical description of burn site _____

Material to be burned _____ size of piles/area to be burned _____

Equipment assigned for control and extinguishment of fire: Heavy equipment _____

Pumps _____ Hose _____ Shovels _____ Other _____

Other conditions in effect _____

It is the Permittee's responsibility to notify the appropriate fire department before ignition of fire.
Permite and Landowner will be held responsible for the cost of extinguishing all escaped or abandoned fires.

Permit approved for the following dates _____ to and including _____
(when signed by fire warden) (note permit may be cancelled at anytime by the fire warden or chief fire official)

Signature of Permittee _____ Date _____

Signature of Fire Warden _____ Date _____