

THE CORPORATION OF THE TOWNSHIP OF NORTH FRONTENAC

BY-LAW #68-17

BEING A BY-LAW TO AMEND BY-LAW #48-05 TO ADD POLICIES TO REGULATE FLYING LANTERNS IN THE TOWNSHIP OF NORTH FRONTENAC

WHEREAS Council passed By-law #48-05, as amended to Regulate the setting of open air fires and provide for fees of suppression and other costs, within the Township of North Frontenac;

AND 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 By-laws 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 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 necessary to amend By-law #48-05 to add policies to regulate flying lanterns within the Township;

NOW THEREFORE Council of the Township of North Frontenac enacts as follows:

THAT By-law #48-05, as amended as follows:

a) Add the following definition to Section 2. Definitions:

"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.

b) Add Section 3.1 as follows:

3.1 FLYING LANTERNS

No person within the Township of North Frontenac shall ignite or release an ignited Flying Lantern.

Any person who ignites or releases a Flying Lantern and causes an open fire in the Township of North Frontenac 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 of North Frontenac Fees and Charges By-law in effect at the time of the incident.

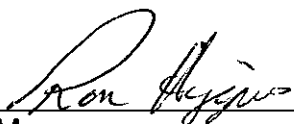
AND THAT should any sections of this By-law, including any section or part of any Schedules attached hereto be declared by a court of competent jurisdiction to be ultra vires, the remaining Sections shall nevertheless remain valid and binding;

AND THAT this By-law shall come into force and take effect on the date of final passing;

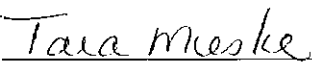
AND THAT all Resolutions, By-laws or parts of By-laws, which are contrary to or inconsistent with this by-law, are hereby repealed.

READ a first and second time this 21st day of July, 2017.

READ a third time and passed this 21st day of July, 2017.



Mayor



Clerk

Township of North Frontenac

Part 1 Provincial Offences Act
By-law #68-17 to Amend By-law #48-05

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
20	Ignite or Release an Ignited Flying Lantern	Section #3.1	\$350.00

Note: The general penalty provision for the offences listed above is Section 18 of Bylaw #48-05, as amended a certified copy of which have been filed.