

The Corporation of the Township of North Frontenac

By-Law #53-19

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-laws #48-05, 74-12, 115-12 and 68-17

Whereas The Fire Protection and Prevention Act, (FPPA) 1997, S.O. 1997.C.4, Section 7.1, as amended, authorizes Municipalities to pass By-laws 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 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;

And Whereas Ontario Regulation 207/96, as amended, 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. Provision

This By-law shall apply to lands located within the boundaries of the Township of North Frontenac.

2. Definitions

For the purpose of this By-law:

"Approved" means approved by the Fire Chief.

"Campfire" means a supervised, contained, controlled fire set outdoors, built on bare mineral soil or rock, used primarily for cooking, warmth, recreational enjoyment or as a focal point for social activity.

"Charcoal" means commercially produced charcoal used for cooking or warmth.

"Chief Fire Official" means the assistant to the Fire Marshall, who is the Municipal Fire Chief of the Township of North Frontenac, his/her designate, or a member or members of the Fire Department appointed by the Municipal Fire Chief under Article 1.1.1.2 of the Fire Protection and Prevention Act (FPPA), Division C or a person appointed by the Fire Marshal.

"Chiminea" means a commercially manufactured free standing, front loading, fireplace or oven with a bulbous body and usually a vertical smoke vent of chimney.

“Commercial Operator” means an approved individual or company, having the appropriate resources, insurance, and training to ignite, control and extinguish an approved fire.

“Combustible Materials” means clean material made of or surfaced with wood, compressed paper, plant fibers, or other material that will ignite and burn, and shall not include materials restricted by the Ministry of the Environment such as rubber, plastics, liquids, foam, treated wood, or any material which could cause toxic or noxious gasses.

“Fire Ban” means the restriction of all open air burning by the Chief Fire Official. .

“Fire Chief” means the person appointed under subsection 6 (1), (2) or (4) of the FPPA, as appointed by Council.

“Fire Department” means a group of firefighters authorized by Council to provide fire protection services by the Township of North Frontenac under the FPPA to provide fire protection for the Township of North Frontenac.

“Fireworks” means a device containing gunpowder and or other combustible chemicals that causes a spectacular explosion when ignited, used typically for display or celebrations.

“Flying or Floating Lantern” means a small hot air balloon or other device designed to carry an open flame as an airborne or waterborne light, also known as Sky Lantern, Chinese Lantern, Japanese 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 give off heat, light and in the case of “Flying Lanterns” rise into the air.

“Gas or Fuel Stove” means a commercially manufactured portable appliance used for cooking or warmth. The appliance uses a combustible liquid or gas fuel, which can be extinguished by the closing of a fuel control valve or by closing the stove.

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

“Outdoor Incinerator” means a device used as a container for incinerating waste materials, per Schedule “B” attached.

“Outdoor Wood Furnace” means a commercially manufactured, permanently fixed appliance, made of Non-Combustible Material which encloses the fire on all sides and is used for heat. The appliance has a chimney with spark arresting devices on all vents and chimneys. The appliance is wood fired.

3. Outdoor Burning

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. Flying or Floating Lanterns,

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

5. Camp Fires

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.

6. Burning Restrictions

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.

7. Fire Ban

The Chief Fire Official at their discretion may restrict or ban all open air burning or all outdoor fires (*Fire Ban*) depending on climatic conditions. A Fire Ban prohibits; the burning of Combustible Materials , burning in an outdoor incinerator, the use of a Chiminea, Fireworks displays, campfires of any type, and the burning of charcoal installations. However;

- 1. During a Fire Ban a BBQ or Hibachis (charcoal installation) may be used provided:
 - a. the installation is used within 100 meters of a permanent structure used as a dwelling that you occupy, or
 - b. in an Organized Campground,
 - c. is at least 2 meters from any flammable material and the ashes and coals produced are completely extinguished and safely disposed of.
- 2. During a Fire Ban a Gas or Fuel Stove may be used if the provisions of Section 3 (a,b,d,e,f) are met

8. Outdoor Incinerators

Notwithstanding the provisions of Clause (3) An Outdoor Incinerator may be operated at any time provided there is no Fire Ban in place and all other regulations specifically clauses 3 (a-f), 7, 11 (a-e) 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 10 meters (32.8 ft.) from a property line.
- e. It is at least 5 meters (16.25 ft.) from trees, buildings or any flammable materials.
- f. It is a maximum of 0.5 cubic meter (17.7 cubic feet) in size, unless approved.
- g. Persons establishing and operating an Outdoor Incinerator shall have regard for Schedule 'B' attached heretofore.

9. Brush Piles

No piles of brush or combustibles to be burned shall be greater than 2 meters high and 2 meters in diameter. Piles must be separated by a minimum of 10 meters (32.8 ft.). A Commercial Operator's ignition authority must be obtained and approved for burning during restricted times of day.

10. Grass Fires

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(a-e) 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.

11. Duty to Comply

- a) No person shall set an outdoor fire where it may cause inconvenience, irritation or detriment to others.
- b) No person shall set an outdoor fire directly under or near telephone or power lines.
- c) No person shall set a fire on or near roadways, which could interfere with traffic.
- d) 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.
- e) 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.

12. Commercial Permits

Notwithstanding the provisions of Clause (6), qualified Commercial Operators may obtain special day-burning permits (Fire Permit, Schedule 'C') subject to regulations set out in this By-law and on said permit at the discretion of the Chief Fire Official of the Township. These permits are available from the Chief Fire Official. A site inspection may be required.

13. Order to Extinguish

The Chief Fire Official 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 (the Township's Fees and Charges By-law).

14. Responsibility

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

15. Contravention

Every person who contravenes any provision of this By-law is guilty of an offense and shall upon conviction be liable to a fine or other penalty 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.

16. Enforcement, Penalties and Cost Recovery

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 Chief Fire Official shall, in addition of any fines/penalty (Schedule of Fines) 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.

Such expenses (Fees and Charges) shall be due and owing and may be recovered in a like manner as Municipal taxes or by Court action.

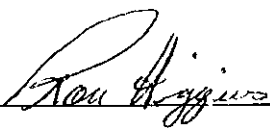
And That if any section, subsection or part thereof of this By-law be declared by any Court of Law to be illegal or ultra vires, such section or subsection or part thereof shall be severable and all parts hereof are declared to be separate and independent.

And That this By-law shall come into force and take effect immediately upon the date of passing.

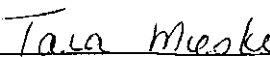
And That all Resolutions, By-law or parts of By-laws which are contrary to or inconsistent with this By-law, are hereby repealed.

Read a first and second time this 14th day of June, 2019.

Read a third time and passed this 14th day of June, 2019.

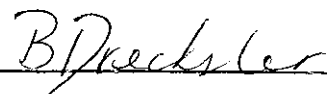


Mayor



Clerk

Certified True Copy of
the Original Document
which has not been altered
in any way.



BROOKE DRECHSLER
Deputy Clerk
Township of North Frontenac
Commissioner, etc.

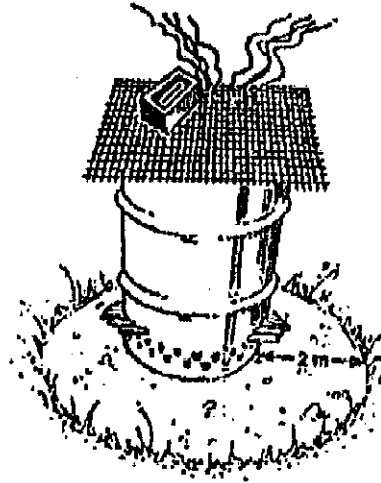
Schedule 'A' to By-law #53-19

Fees and Charges

Respecting fees associated with Fire Department responses for Outdoor Fires are in accordance with the fees as set out in the Township of North Frontenac's Fees and Charges By-Law, as amended.

Schedule 'B' to By-law #53-19

Respecting a suitable Outdoor Incinerator Setup



1. Ensure there is no Fire Ban in place.
2. 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.
3. Select a site at least 5 meters from forest, buildings or Combustible Material.
4. Select a site at least 10 meters from a property line.
5. Clear an area 2 meters around the Outdoor Incinerator down to mineral soil or rock.
6. Use a metal barrel in good condition and not larger than 0.5 cubic meter (17.7 cubic feet, 45 Gal.) unless approved by the Chief Fire Official.
7. Support the material off bottom and provide holes to allow air to enter from under material.
8. 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.
9. Keep a shovel or rake and water nearby.
10. Do not dump ashes until they have been cold for at least 3 days.
11. Do not leave Outdoor Incinerator unattended while burning.

Schedule 'C' to By-law #53-19

Respecting Qualified Commercial Operators 'Ignition Authority'

Township of North Frontenac

Fire Permit, Issued under Ont. Reg. 230/00 and By-law #53-19

Company name _____

Phone # _____ Fax # _____

Address _____

Insurance company _____

Land owner's name _____ Phone # _____

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

GPS Coordinates _____ Roll # _____

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 _____

1. It is the Premitee's responsibility to notify the appropriate fire department before ignition of fire.
2. Premitee 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 _____.

Note: (this permit is not valid unless signed by the Fire Chief, this permit may be cancelled at any time by the Fire Chief).

I indemnify and save harmless the Township of North Frontenac from any claims, causes of action, losses or costs that may occur as a result of any actions taken under this ignition authority.

Signature of Premitee _____ Date _____
Signature of Fire Chief _____ Date _____

Schedule 'D' to By-law #53-19

Protocol for Declaring a Fire Ban in the Township of North Frontenac

- Initial call by Fire Department personnel to the respective Chief Fire Official recommending a Fire Ban.
- The Chief Fire Official of the Township of Addington Highlands and the Chief Fire Official of the Township North Frontenac will consult and jointly decide if a Fire Ban is to be put on or lifted. The Ministry of Natural Resources (MNR) fire headquarters and surrounding Municipal Fire Departments should be consulted to determine the forest fire hazards for the area.
- After reviewing the data collected and either Chief Fire Official deeming conditions warrant a Fire Ban, the declaration will be made.
- When a Fire Ban is declared it will be in effect in both the Township of Addington Highlands and the Township of North Frontenac.
- The Chief Fire Officials will ensure the Township Officials and Ministry of Natural Resources and Forestry (MNR) Fire Headquarters are notified.
- Each Chief Fire Official will be responsible for ensuring that Fire Department personnel are informed of the declared Fire Ban.
- The Chief Fire Officials will make a reasonable attempt to notify area merchants, resort owners, media, and any other individuals or groups that the authorities deem necessary be notified of the declared Fire Ban.
- Fire Department personnel shall ensure that all forest fire hazard signs are indicating a Fire Ban and assist in posting additional Fire Ban signs if required.
- Township of North Frontenac office staff shall post a Fire Ban sign in the office. Staff will also notify the campsite and road permit issuers for Crown Land Recreational Stewardship (CLRS) program and the CLRS staff, members of Council and all Township Employees.
- Township of Addington Highlands office staff will post a Fire Ban sign in the office and notify members of Council and all Township Employees.
- To remove the Fire Ban both Chief Fire Officials must agree to have the Fire Ban removed and notify, Township Officials, MNR, Fire Department Personnel and other parties as required.

Township of North Frontenac
 Part 1 *Provincial Offences Act*
 By-law #53-19 – Open Air Burn By-law
 Schedule of Fines

| Item | Column 1 Short Form Wording | Column 2 Provision creating or defining offence | Column 3 Set Fine |
|------|-------------------------------------------------------------------------------------------|-------------------------------------------------------|----------------------|
| 1 | Start a fire without ensuring safe and suitable conditions for igniting said fire | Section #3(a) | \$350.00 |
| 2 | Start a fire without adequate adults competent in attendance from start to extinguishment | Section #3(b) | \$250.00 |
| 3 | Ignite a fire during a fire ban | Section #3(c) | \$350.00 |
| 4 | Fail to supply adequate personnel, equipment and water to control fire | Section #3(e) | \$350.00 |
| 5 | Fail to ignite a fire on bare mineral soil or rock | Section #3(f) | \$250.00 |
| 6 | Ignite a fire within 3 meters of flammable material | Section #3(f) | \$250.00 |
| 7 | Ignite or Release an Ignited Flying or Floating Lantern(s) | Section #4 | \$350.00 |
| 8 | Ignite a fire outdoors that exceeds restricted size | Section #5(a) | \$350.00 |
| 9 | Ignite a fire outdoors during restricted times | Section #6 | \$350.00 |
| 10 | Burn piles that exceed restricted size | Section #9 | \$350.00 |
| 11 | Burn grass or leaves exceeding restricted size | Section #10 | \$350.00 |
| 12 | Ignite a fire where it may cause inconvenience to others | Section #11(a) | \$350.00 |
| 13 | Ignite a fire where it may cause irritation to others | Section #11(a) | \$350.00 |
| 14 | Ignite a fire where it may cause detriment to others | Section #11(a) | \$350.00 |
| 15 | Ignite a fire directly under or near telephone lines | Section #11(b) | \$350.00 |
| 16 | Ignite a fire directly under or near power lines | Section #11(b) | \$350.00 |
| 17 | Ignite a fire on or near a roadway | Section #11(c) | \$350.00 |
| 18 | Burn restricted material | Section #11(d) | \$350.00 |
| 19 | Fail to notify Fire Department of uncontained fire | Section #11(e) | \$350.00 |

Note: The general penalty provision for the offences listed above in Section 15 of By-law #53-19 a certified copy of which has been filed.

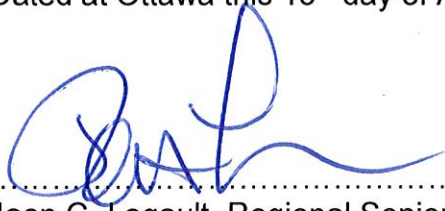
[Handwritten Signature]
 25
 Aug 13/19

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 53-19 of the Township of North Frontenac attached hereto is the set fine for that offence. This Order is to take effect on August 13th, 2019.

Dated at Ottawa this 13th day of August 2019.



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Jean G. Legault, Regional Senior Justice
Ontario Court of Justice
East Region