

THE CORPORATION OF THE TOWNSHIP OF RIDEAU LAKES

By-Law 2007-84

BEING a By-Law to amend By-Law Number 2005-70, to prescribe the precautions and conditions under which fires may be set in Open Air.

WHEREAS Section 475(3)(b) of the Municipal Act, S.O. 2001, c.25, as amended, authorizes the Council of a municipality to pass by-laws to prescribe times during which fires may be set in the open air and the precautions to be observed by persons setting out fires;

AND WHEREAS Section 427(3) of the Municipal Act, S.O. 2001, c.25, as amended, authorizes Council to recover the expense incurred in doing any such matter or thing as required by by-law, in default of its being done by the person directed or required to do it, by action, or in like manner as municipal taxes;

AND WHEREAS Section 475(3)(4) of the Municipal Act, S.O. 2001, c.25, as amended, authorizes appointed officers to ascertain whether the by-law is obeyed, and to enforce or carry into effect the by-law;

AND WHEREAS Section 475(3)(a) of the Municipal Act, S.O. 2001, c.25, as amended, authorizes the Council of a municipality to pass by-laws to make such other regulations for preventing fire and the spread of fires as the Council considers necessary.

AND WHEREAS Section 391(1) of the Municipal Act, S.O. 2001, c.25 authorizes Council to pass by-laws for the imposition and collection of fees or charges for services or activities provided by the municipality;

NOW THEREFORE the Council of The Corporation of the Township of Rideau Lakes hereby enacts as follows:

1. DEFINITIONS

For the purpose of this by-law,

- a) "Adverse Effect" means one or more of,
 - i) Impairment of the quality of the natural environment for any use that can be made of it,
 - ii) Injury or damage to property or to 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,
 - vi) Rendering any property or plant or animal life unfit for human use,
 - vii) Loss of enjoyment of normal use of property, and
 - viii) Interference with the normal conduct of business;

- b) "Approved Brush Pile Fire" shall mean an Open Air Fire, having a maximum fuel Size of 3 metres x 3 metres x 1.8 metres in height (10 feet x 10 feet x 6 feet), that is set and maintained for the sole purpose of burning piled wood, brush or leaves.

- c) “Approved Incinerator Fire” shall mean a fire set in a container designed for Incineration purposes and constructed completely of non-combustible material that is placed atop not less than 4cm. (2 inches) of sand or mineral soil extending not less than 30cm (12 inches) beyond its perimeter, and having a maximum volume of 202 litres and an outlet or exhaust opening covered by a screen having a mesh of not more than 7 mm (1/4 inch)
- d) “Approved Pit” shall mean an area of ground that has been completely cleared of combustible material and lined with a minimum thickness of 15 cm (6 inches) of sand or mineral soil that will extend a minimum of 30 cm (12 inches) beyond the limit of the fuel used for a Camping Fire.
- e) “By-law Enforcement Officer” shall mean a person appointed by Council of the Township as a by-law enforcement officer for the Township.
- f) "Council" shall mean the elected Council of The Corporation of the Township of Rideau Lakes;
- g) “Dangerous Condition” means:
 - i) A lack of precipitation which, in the opinion of the Fire Chief or his/her designate, increases the risk of the spread of fire; or
 - ii) Winds which in the opinion of the Fire Chief or his/her designate increases the risk of spread of fire; or
 - iii) The issuance, by the Fire Chief, Fire Marshall, or other fire officials in the exercise of their statutory powers, of a fire ban or prohibition against any and all “Open Air Fires”; or
 - iv) Any other condition declared by the Fire Chief or his/her designate to be a dangerous condition from time to time, which increases the risk of the spread of fire;
- h) "Household Waste" for the purposes of this by-law means combustible material such as plastics, polyethelene terephalate (PET), paints, oils, solvents, rubber, insulation, batteries, acids, polystyrenes (styrofoam), pressure treated or painted lumber, tires, upholstered furniture, synthetic fabrics, diapers, hazardous wastes and other materials as defined in the Environmental Protection Act and all other similar and like materials but shall not include untreated wood and wood fibre products such as unlaminated paper and cardboard and boxboard, brush and leaves;
- i) "Fire Chief" means the Fire Chief of the Rideau Lakes Fire and Rescue Department appointed as such by municipal by-law and includes his or her designate.
- j) “Fire Department” means Rideau Lakes Fire and Rescue or any fire department under contract or agreement to provide service to the Township of Rideau Lakes.
- k) “Fire Season” means that period from the 1st day of April to the 31st day of October in each year.
- l) "Municipality "shall mean The Corporation of the Township of Rideau Lakes;

- m) "Open Air Burn(ing)" shall mean the ignition and incineration by fire of combustibles for the purpose of burning grass, clean wood and other combustible materials and includes fires in barrels, drums, incinerators and pits, a cooking fire, campfire or that related to barbeque cooking and heating appliances;
- n) "Ontario Fire Code" shall mean O.Reg. 213/07 made under the Fire Protection and Prevention, S.O. 1997, C.4, as amended. **(amended by By-Law 2015-67)**
- o) "Permit" shall mean a permit issued by the Township office or Township selected agencies, the Fire Chief or his/her designates, signifying permission to set or maintain or allow to be set or maintained an "Open Air Burn" and establishing the conditions under which the permission is granted. In the form attached as Schedule "A" hereof;
- p) "Campfire" shall mean an "Open Air Burn", having a maximum fuel volume of .6 metres x .6 metres x .6 metres height. (2 feet x 2 feet x 2 feet), that is set and maintained solely for the purposes of cooking food, providing warmth or recreational enjoyment and where;
 - i) The site of the fire is bare rock or other non-combustible material.
 - ii) The fire is at least 2 metres (6 feet) from any flammable material.
 - iii) The space above the fire is at least 3 metres (9.9 feet) from vegetation.
 - iv) The flame length does not exceed 1 metre (3.3 feet) in height and 1 metre (3.3 feet) in diameter.
- q) "Cooking Fire" shall mean a fire used for cooking food and contained within an approved containment area or approved outdoor fireplace;
- r) "Person" shall mean any individual, association, firm, partnership, corporation, agent or trustee and their heirs, executors, or other legal representatives thereof;
- s) "Prohibited Materials" includes "Household Waste", rubber or rubber products, plastic or plastic products, and waste petroleum products and any material or materials which are prohibited by the Environmental Protection Act, R.S.O. 1990, Chapter E.19, as amended.
- t) "Township" shall mean the Corporation of the Township of Rideau Lakes.

2. GENERAL PROVISIONS

- 2.1 No "Person" being the owner or tenant in possession of lands within the "Municipality" shall conduct "Open Air Burning" on such lands unless a "Permit" has been issued in respect of such "Open Air Burning".
- 2.2 Notwithstanding any provisions herein, no "Person" shall set or maintain a fire;
 - a) In contravention of the "Ontario Fire Code", the Environmental Protection Act, or any other statutory requirements of the Province of Ontario or the Government of Canada;
 - b) Containing "Prohibited Materials";

- c) In any park owned or operated by the “Municipality” without the written permission of the “Municipality”;
 - d) In the front or side yard of any Commercially or Industrially Zoned property within the “Municipality”;
 - e) At a distance less than fifteen (15) metres (49.5 feet) from any building, structure, hedge, fence, vehicular roadway of any kind or nature, or overhead wiring or any property line;
 - f) At a distance of less than fifteen (15) metres (49.5 feet) from any object or material which has the potential to ignite;
 - g) Unless the “Person” to whom the “Permit” has been issued or such other “Person” as may be designated in the “Permit”, is in attendance at the fire in a responsible and supervisory capacity at all times until such fire has been completely extinguished;
 - h) In any outdoor fireplace or any other burning appliance or container unless same complies with the requirements contained within Schedule "B" attached hereto;
 - i) Burn any allowed material without obtaining and having on their person an activated “Open Air Burn Permit” for those types of “Open Air Burns” requiring one;
 - j) Which does not meet the definition of a “Campfire” or “Cooking Fire” without having obtained an “Open Air Burn Permit”;
 - k) When a “Burn Ban” has been declared and put in place by the “Fire Chief” or his/her designate;
- 2.3 No person shall be commenced or maintain “Open Air Burning” when the wind is in such a direction or intensity to cause any or all of the following: **(amended by By-Law 2015-67)**:
- a) The possible spread of the fire beyond the approved burn site;
 - b) A decrease in the visibility on any highway or roadway;
 - c) Any odour to such an extent or degree so as to cause discomfort to the persons in the immediate areas; and/or
 - d) Excessive smoke or any other “Adverse Effect”;
 - e) Any “Dangerous Condition”;
- 2.4 No person shall be commence or maintain “Open Air Burning” when rain or fog is present or weather conditions prevent the ready dispersion of smoke. **(amended by By-Law 2015-67)**.
- 2.5 No “Permit” shall be required for domestic barbeques or permanent outdoor fireplaces used for the purpose of cooking of food on a grill and extinguished immediately upon completion of its use to cook.

- 2.6 No “Person” shall set fire to, ignite, or otherwise burn any materials in a “Approved Brush Fire Pile” or windrow with a combined size of greater than 3.3 metres x 3.3 metres x 1.8 metres (10’ wide x 10’ long x 6’ high) without written approval of the “Fire Chief” or his/her designate.
- 2.7 No “Person” shall cause to be burned more than one pile, or fire in a container at any one time, without the written approval of the “Fire Chief” or his/her designate.
- 2.8 No “Person” shall burn any grass, hay, straw or standing material where such “Open Air Burn” has a leading edge greater than 15 metres (49.5 feet) and where sufficient persons and other resources are not available to contain the said fire to a leading edge of 15 metres (49.5 feet).

3. ISSUANCE OF PERMIT

- 3.1 The issuance of a “Permit” may require the prior inspection of the proposed burn site by the “Fire Chief” or his/her designate.
- 3.2 In applying for a “Permit”, no “Person” shall furnish false or misleading information.
- 3.3 “Permit(s)” may be obtained from the “Township” of Rideau Lakes’ office or designated township locations or the “Fire Chief”.
- 3.4 No “Permit” shall be considered activated until the “Person” granted the “Permit” has activated the “Permit” by contacting the Fire Condition Hotline and Permit Activation number see Schedule “C”.
- 3.5 The “Permit” for “Open Air Burning” of an “Approved Brush Pile Fire” must be reactivated every time a fire is set out, 24 hours prior to commencing burning and conditions checked on the Fire Condition Hotline immediately prior to the setting out of fire.
- 3.6 The “Permit” for “Open Air Burning” of an “Approved Incinerator Fire” must be activated only when the “Permit” is granted.
- 3.7 No “Permit” is required for “Open Air Burning” consisting of a “Camp Fire” or “Cooking Fire” as defined and maintained by definition.
- 3.8 It is the responsibility of the “Person” granted a “Permit” to check and monitor burning conditions; this can be done in part by contacting the Fire Condition Hotline.
- 3.9 It is the responsibility of the person who is burning to have immediately available to them the “Permit” which they were issued for inspection by the “Fire Chief” or his/her designate, “By-law Enforcement” or the Police.
- 3.10 In any prosecution under a provision of this by-law that requires a “Permit”, the onus is on the “Person” charged to prove that the “Person” had a “Permit” at the time the offense is alleged to have been committed.

4. FIRE SEASON

- 4.1 During the “Fire Season” no person shall conduct “Open Air Burning” between the time of 08:00 hours until 18:00 hours each day, seven (7) days a week (amended by By-Law 2015-67).

- 4.2 No hay, straw or standing material may be burned, unless approved by the “Fire Chief” or his/her designate.
- 4.2 The time indicated for no burning does not apply to a “Camp Fire” or “Cooking Fire” as defined, if a “Burn Ban” is not in place and all precautions have been taken as defined and outlined.

5. LEVELS OF FIRE BAN

- 5.1 Level One (1) Ban, shall mean a “Fire Ban”, which restricts “Open Air Burning”, but does not include “Campfires” or “Cooking Fires” as defined in this by-law.
- 5.2 Total Burn Ban, shall mean absolutely no “Open Air Burning” including “Campfires” or “Cooking Fires” or charcoal barbecues, but does not include the use of propane or naphtha gas cooking equipment which is equipped with a shutoff mechanism.
- 5.3 Burn Ban status, the need for a Burn Ban, will be assessed on a daily basis by the Fire Chief or his/her designate using MNR indices from two of the closest MNR facilities.
- 5.3 When the “Fire Chief” or his/her designate orders a “Fire Ban” be put in place, they will notify the CAO who will then notify Council and the press.

6. ADMINISTRATION AND ENFORCEMENT

- 6.1 This by-law shall be administered and enforced by the “By-Law Enforcement Officer” and/or the “Fire Chief” or his/her designate of the “Township” of Rideau Lakes.
- 6.2 The “Fire Chief” or his/her designate may, at any time, and in the exercise of his or her sole discretion, issue a “Fire Ban”, effective for a specified period of time, prohibiting the setting of any and all “Open Air Fires” within any area of the “Township”.
- 6.3 Notwithstanding section 2 of this by-law, the “Fire Chief” or his/her designate may revoke any or all “Permits”, or refuse to issue “Permits” where, in the opinion of the “Fire Chief” or his/her designate, that the ability to control the fire is hampered by the existence of a “Dangerous Condition”, which exists on or in the proximity of the proposed “Open Air Burning” site.
- 6.4 Any “Person” who fails to comply with the provisions of this By-law, or who fails to properly supervise and maintain a fire, or who fails to extinguish a fire once notification to do so has been given to him by the “Fire Chief” or his/her designate shall, in addition to any penalty provided for herein, be liable to the “Municipality” for all expenses incurred for the purposes of controlling and extinguishing of any fire so set or left to burn and such expenses may be recovered by court action or in a like manner as municipal taxes. The expenses for which the “Person” may be liable cover the cost of sufficient personnel and equipment required to control a fire, as set out within Schedule "D" hereof. Such expenses shall be equally chargeable in the event that a deliberately set fire burns out of control, such that the services of the Rideau Lakes Fire Department are necessary.

6.5 Any costs chargeable to any “Person” pursuant to section 6.4 hereof shall be invoiced to the “Person” and paid to the “Township” within sixty (60) days of the date of such invoice, failing which the costs may be deemed to be municipal taxes and added by the Clerk of the “Municipality” to the collector's roll and collected in the same manner and with the same priority as municipal taxes.

7. OFFENCES

7.1 In addition to any other penalty prescribed by this by-law, any “Person” who contravenes any provision of this by-law is guilty of an offence and is liable to a fine or penalty for each offence established pursuant to the Provincial Offences Act and included within Schedule "E" forming part of this by-law.

8. SCHEDULES AND SEVERABILITY

8.1 Schedules "A", "B", "C", "D" and "E" attached to this by-law shall also be read with and form part of this by-law.

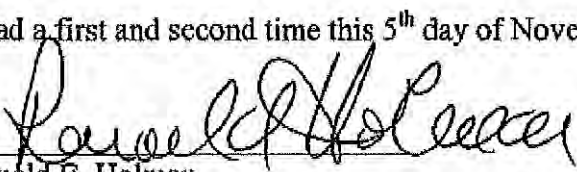
8.2 The provisions of this by-law are severable. If any provision, section or word is held to be invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, sections or words.

8.3 This by-law may be cited as the "Open Air Burning By-Law".

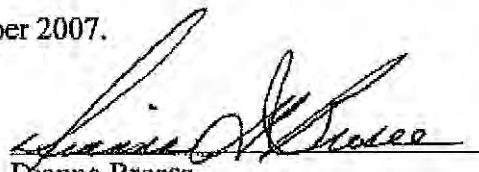
8.4 This By-Law will come into force and effect upon receipt of approval from the Ontario Court of Justice for the Set Fines as set out in Schedule “E” attached hereto.

8.5 The Council of The Corporation of the Township of Rideau Lakes hereby repeals By-Law 2005-70 upon receipt of the approval of Set Fines.

Read a first and second time this 5th day of November 2007.

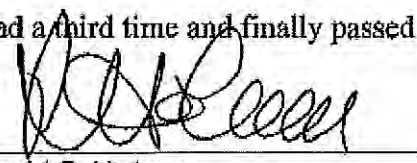


Ronald E. Holman
Mayor

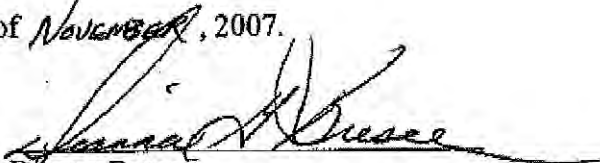


Dianna Breese
Clerk

Read a third time and finally passed this 19th day of ~~November~~, 2007.



Ronald E. Holman
Mayor



Dianna Breese
Clerk

Schedule “B” to By-Law 2007-84

An “Approved Incinerator Fire”:

1. Shall be constructed of non-combustible materials such as stone, brick, ceramic, metal, a steel barrel or wood burning stove.
2. Shall have a wire mesh or expanded sheet metal screen with a maximum mesh size of 7 mm (1/4-inch) covering any openings of the container.
3. Shall be placed on base mineral soil, bare rock, concrete or non-combustible material of at least 4cm. (2 inches) thickness, extending a minimum of 30 cm. (12 inches) beyond the perimeter.
4. Shall be a minimum of 15 metres (49.5 feet) from any structure, building, road, property line, fence line, hedge or other combustible material.
5. All other conditions outlined in the by-law of which this schedule forms a part shall also be applicable.

Schedule "D" to By-Law 2007-84

COST OF FIRE DEPARTMENT SERVICES

The expenses for which the "Person" may be liable, cover the cost of sufficient personnel and equipment required to control a fire, as referred to within Section 6 of the By-law 2007-84, and such costs have been deemed as being:

The costs based on the operational costs of the event, as well as the calculated depreciated capital costs (capital cost and wear and tear, calculated annually).

These shall be calculated from the initial dispatch of the fire department or any fire department under contract or agreement, until such time as each vehicle is back in service (defined as when the vehicle is back at the hall and has been replenished with the requirements for the unit to respond to the next activation).

These fees are in addition to any fines or penalties established elsewhere, in accordance with this by-law.

Costs will be invoiced by the "Township" of Rideau Lakes and will be due sixty days from the date of invoice.

Schedule "E" to By-Law 2007-84

Item	Description of Offence	Provision Creating or Defining Offence	Set Fine (including costs)
1	Burn prohibited material(s)	Sec. 2.2(b)	\$ 200.00
2	Burn material(s) in a Municipal Park	Sec. 2.2(c)	\$125.00
3	Burn material(s) without a activated permit for an Open Air Burn	Sec. 2.2(i)	\$200.00
4	Set out a "Campfire" or "Cooking Fire" that does not meet the defined description.	Sec. 2.2(j)	\$ 125.00
5	Burn material(s) with a size greater than 3 metres x 3 metres x 1.8 metres (10' wide x 10' long x 6' high)	Sec. 2.6	\$200.00
6	Burn more than one pile at the same time	Sec. 2.7	\$ 125.00
7	Burn in more than one incinerator at the same time	Sec. 2.7	\$ 125.00
8	Burn material(s) closer than 15 metres (49.5 feet) to a fence.	Sec. 2.2 (e)	\$ 125.00
9	Burn material(s) closer than 15 metres (49.5 feet) to a hedge.	Sec. 2.2 (e)	\$ 125.00
10	Burn material(s) closer than 15 metres (49.5 feet) to a building.	Sec. 2.2 (e)	\$ 125.00
11	Burn material(s) closer than 15 metres (49.5 feet) to a structure.	Sec. 2.2 (e)	\$ 125.00
12	Burn material(s) closer than 15 metres (49.5 feet) to a roadway.	Sec. 2.2 (e)	\$ 125.00

13	Burn material(s) closer than 15 metres (49.5 feet) from combustible material(s)	Sec. 2.2 (f)	\$ 125.00
14	Burn material closer than 15 metres (49.5 feet) to overhead wiring.	Sec. 2.2 (e)	\$ 125.00
15	Permit holder failed to supervise an open fire.	Sec. 2.2 (g)	\$ 100.00
16	Set or maintain a fire in side yard of commercial property	Sec. 2.2 (d)	\$ 125.00
17	Set or maintain a fire in front yard of commercial property.	Sec. 2.2 (d)	\$ 125.00
18	Set or maintain a fire in side yard of industrial property.	Sec. 2.2 (d)	\$ 125.00
19	Set or maintain a fire in front yard of industrial property.	Sec. 2.2 (d)	\$ 125.00
20	Fail to have a competent adult supervise a campfire	Sec. 2.2 (g)	\$200.00
21	Set or maintain a fire when a burn ban is in place.	Sec. 2.2 (k)	\$500.00

The penalty provisions for the offences indicated above is in Township of Rideau Lakes By-Law 2007-84, Sec. 7.1, a copy of which has been filed.