

THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS

BY-LAW No. 2019-41

Being a By-law to regulate the setting of fires in the open air within the Township of North Dundas.

WHEREAS the *Municipal Act, 2001*, as amended, provides that the powers of the municipality shall be exercised by By-law;

AND WHEREAS Div. B article 2.6.3.4 of the Ontario Fire Code regulates open air burning in proximity to buildings;

AND WHEREAS it is deemed necessary to repeal Fire By-law No. 66-2000, being a By-law to regulate the setting of fires in the open air within the Township of North Dundas;

AND WHEREAS the *Municipal Act, 2001*, as amended, authorizes the Council of a municipality to pass By-laws prescribing times during which fires may be set in the open air and the precautions to be observed by persons setting said fires;

AND WHEREAS the *Municipal Act, 2001*, as amended, authorizes Council to recover any expenses 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 the *Municipal Act, 2001*, 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 the *Fire Protection and Prevention Act, 1997*, as amended, provides that the Council of a municipality may pass by-laws regulating fire prevention, including the prevention of spreading of fires; regulating the setting of open air fires, including establishing the times during which open air fires may be set; that may deal with different areas of the municipality differently; and may appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine compliance with by-laws enacted;

AND WHEREAS the *Municipal Act, 2001*, 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 Council considers necessary;

AND WHEREAS Council desires to protect persons and property by ensuring that open air fires are restricted to prevent burning from occurring in unsafe conditions;

NOW THEREFORE the Council of The Corporation of the Township of North Dundas enacts as follows:

1.0 SHORT TITLE

1.1 This By-law may be referred to as the "Open Air Burn By-law."

2.0 DEFINITIONS

2.1 For the purposes of this By-law, the following definitions shall apply:

"Activation Number" means a number provided by Ottawa Fire Services, obtained by calling (613) 580-2880.

“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 plant or animal life,
- iii) Harm or material discomfort to any *person*,
- iv) Any effect on the health, or the impairment of the safety of any *person*,
- v) Rendering any *property*, or plant or animal life unfit for consumption,
- vi) Loss of enjoyment of normal use of *property*,
- vii) Interference with the normal operation of any business, and
- viii) Nuisances including, but not limited to, excessive smoke, odour, dust, airborne sparks, embers or reduced visibility of a traveled portion of any public or private driveway or roadway.

“Agricultural/Land Clearing Fires” means the burning of cut and piled brush, slash, grass and other organic agricultural materials resulting from the clearing of land or for the burning of agricultural waste materials originating on that *property*.

“Air Curtain Burn Box” means an open-top combustion device with vertical, refractory lined walls that operates by forcefully projecting a fan-driven pane of high velocity air over the top of the combustion chamber in such a manner so as to maintain a curtain of air over the surface and a recirculating motion of air under the curtain.

“Barbeque” means a manufactured device or structure with a grill which is designed, intended and used primarily for the purpose of cooking food outdoors, and includes a hibachi, but does not include devices or structures designed for personal warmth, *fire* pits, or outdoor fire containers.

“Brush Fire” means an *open air fire* where the *material to be burned* does not exceed 3 metres in height, width or length, and where the *open air fire* is *set* and *maintained* solely for the purposes of burning wood, tree limbs, leaves, and branches.

“Building” means any structure used or intended for supporting or sheltering any thing, use or *person*.

“Campfire” means an *open air fire* where the *material to be burned* does not exceed 60 centimetres in diameter and 60 centimetres in height, that is *set* and *maintained* solely for the purposes of cooking food, providing warmth, or recreational enjoyment, supervised at all times by any *person* sixteen (16) years of age or older.

“Campground” means an approved area of land, owned and operated by a *person* and/or landowner that contains campsites for the purpose of overnight accommodations for tents, trailers and motorhomes in exchange for monetary payment.

“Composite Wood Waste” means wood that has been manufactured into dimensional lumber using glue and/or adhesives, such as particle board, strand board, plywood, etc.

“Extinguish” means to put out or quench completely with no smoke, hot or glowing embers remaining.

“Fire” means any fire *set* out in open air for the purpose of burning cut and piled brush, refuse or non-toxic building materials, but shall not include:

- i) Fires emanating from blow torches, cutting or welding torches, paving equipment or other such apparatus as associated with a service or occupation, and/or

- ii) Small confined fires used for the purpose of cooking and which are supervised at all times by a competent *person* and shall include a grill or *barbecue*.

“Farming Business” means a farming business as defined in the *Farm Registration and Farm Organizations Funding Act, 1993*, as amended.

“Fire Ban” means a period of time during which Ottawa Fire Services declares a total ban on all *open air fires*.

“Fire Chief” means the person appointed under Section 6 of the *FPPA* as Fire Chief for The Corporation of the Township of North Dundas, or designate.

“FPPA” means the *Fire Protection and Prevention Act, 1997*, as amended, and the regulations enacted thereunder, as amended from time to time, or any Act or Regulation enacted in substitution therefor.

“Household Waste” means combustible material such as plastics, polyethylene terephthalate, paints, oils, solvents, rubber, insulation, batteries, acids, polystyrenes (Styrofoam), pressure treated or painted lumber, tires, upholstered furniture, synthetic fabrics, diapers, hazardous waste, as defined in the *Environmental Protection Act, R.S.O. 1990, c. E. 19*, and all other similar and like materials, but shall not include untreated wood and wood fiber products, such as non-laminated paper, cardboard and boxboard, brush, tree limbs, leaves, and branches.

“Highway” means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles, and includes the area between the lateral *property* lines thereof; and, except as otherwise provided, includes a portion of a highway.

“Maintain” means to allow an *open air fire* to continue to burn.

“Material to be Burned” means the total volume of the materials contained in the fire.

“Municipal Law Enforcement Officer” or **“MLEO”** means a *person* appointed by the *Township* under Section 15 of the *Police Services Act, R.S.O. 1990, c. P.15*.

“Normal Farming Practice” means a practice that:

- i) Is conducted in a manner consistent with proper and acceptable customs and standards, as established and followed by similar agricultural operations under similar circumstances, or
- ii) Makes use of innovative technology in a manner consistent with proper advanced farm management practices.

“Nuisance” means smoke, smell and/or airborne sparks or embers, alone or in combination, that is likely to, or does, disturb others, *reduce visibility* on highways, and/or produce an *adverse effect*, inconvenience, or discomfort to others in the vicinity of the *open air fire*.

“Open Air Fire” means the burning of material such as untreated wood and wood fibre products such as non-laminated paper, cardboard and boxboard, brush, tree limbs, leaves, and branches where the flame is not wholly contained, and includes *campfires, recreational fires, brush fires, agricultural/land clearing fires*, and *outdoor fireplaces*, but does not include *barbeques*.

“Operator Certification” means certification in the safe and efficient maintenance and operation of *air curtain burn boxes* from a manufacturer of *air curtain burn boxes*.

“Organic Soil” means a soil composed primarily of decomposed or partly decomposed plant and animal materials. As such, it contains more than 30% organic matter by dry weight. The total depth of the organic material must exceed 40 centimetres if the soil is moderately to well decomposed (mesic or humic), or 60 centimetres if the material is poorly decomposed (fabric).

“Outdoor Fireplace” means a commercially manufactured, non-combustible, enclosed container designed to hold a small fire for decorative purposes, the size of which does not exceed 1 metre in any direction, and includes, but is not limited to, a chiminea.

“Owner” shall mean a *person* who is shown on the relevant Parcel Register maintained by the Province of Ontario as the owner and any *person* in legal possession of a *property*, and also includes a *person* for the time being who manages the *property* or receives rent for it, or who pays municipal taxes on the *property*, whether on their own account or as an agent or trustee of any other *person*, who would carry out the aforementioned duties if the *property* were let, and shall also include a lessee or occupant of the *property*.

“Permit” means a permit issued by the *Township* to conduct an *open-air fire* for a specified time period.

“Permit Holder” means a *person* to whom a *permit* has been issued by the *Township*.

“Person” means any individual, association, firm, partnership, corporation, agent or trustee and the heirs, executors, or other legal representative of a person to whom the context can apply according to law.

“Prohibited Materials” includes *household waste*, rubber, rubber products, plastic, plastic products, waste petroleum products, and any material which is prohibited by the *Environmental Protection Act*, as amended.

“Property” means a parcel of land located within the *Township*, and described on the last revised assessment roll with a separate roll number.

“Recreational Fire” means a *fire* in an *outdoor fireplace*, as defined.

“Reduce Visibility” means interference, of any kind and for any length of time, with the ability of motor vehicle operators to see people, objects, or other vehicles on a *highway*.

“Set” means to light an *open air fire*.

“Township” means The Corporation of the Township of North Dundas, or the geographic area of the Township of North Dundas, as the context requires.

3.0 INTERPRETATION

- 3.1 Unless otherwise specified, words importing the singular include the plural, and vice versa, words importing gender shall include all genders, and the

past, present or future tense (or other related form) of a defined term shall have the same meaning as said term.

- 3.2 This By-law includes the Schedules attached hereto and the Schedules are hereby declared to form part of this By-law.
- 3.3 It is declared that if any Section, Subsection, part or parts thereof be declared by any Court of Law to be bad, illegal, or ultra vires, such Section, Subsection, part or parts shall be deemed to be severable, and all parts hereof are declared to be separate and independent and enacted as such.

4.0 PROHIBITIONS

- 4.1 No *person*, including the *owner* of a *property*, shall:
 - 4.1.1 *Set, maintain* or allow to continue burning any *open air fire*, excluding *Campfires and Recreational Fires*, unless that *person* has obtained the necessary *permit* from the *Township*, and has ensured the fire is *set* and *maintained* in compliance with any rules or limits included in such *permit*;
 - 4.1.2 Burn on lands used for institutional, industrial, or commercial purposes, save and except in accordance with a *permit* issued under this By-law; and/or
 - 4.1.3 Burn on a *highway* or land that is owned by the *Township* without a *permit*.
- 4.2 No *person* shall *set, maintain* or allow to continue burning an *open air fire*, other than a *campfire* or *recreational fire*, in any rural or urban settlement area, as set out in Schedule "A" attached hereto.
- 4.3 No *person* shall *set, maintain* or allow to continue burning any *open air fire*, excluding *campfires, recreational fires* and the use of an *air curtain bum box*, when a *fire ban* on *open air fires* has been issued by Ottawa Fire Services or North Dundas Fire Services.
- 4.4 No *person* shall *set, maintain* or allow to continue burning any *open air fire* when the wind is in such a direction or intensity to cause:
 - 4.4.1 The possible spread of the fire beyond the approved burn site;
 - 4.4.2 *Reduced visibility* on any *highway*;
 - 4.4.3 Excessive smoke; and/or
 - 4.4.4 *A nuisance*.
- 4.5 No *person* shall burn when fog is present.
- 4.6 Other than *brush fires* or *agricultural/land clearing fires*, as set out in Sections 8 and 9, no *person* shall *set* or allow an *open air fire* to burn, such as a *grass fire*. *Fires* shall only be *set* or allowed to burn in a container, apparatus, or physical construction that is capable of controlling the spread of *fire*.
- 4.7 No *person* shall ignite any *agricultural/land clearing fire* or *brush fire* before sunrise.
- 4.8 No *person* shall *set* or *maintain* any *agricultural/land clearing fires* or *brush fires* after sunset on the same day of ignition.

5.0 PROHIBITED MATERIALS

5.1 No *open air fire* shall be used to burn, or otherwise involve, *prohibited materials*, which includes:

- 5.1.1 Any rubbish, demolition materials, metal, tires, rubber, plastic, fiberglass, cloth, asphalt products, shingles, insulation, electrical wiring, painted or treated wood, *composite wood waste*, or other materials that contain any of the aforementioned;
- 5.1.2 Any animal fecal deposits, manure, and animal carcasses;
- 5.1.3 Any residential waste, such as food scraps and household trash;
- 5.1.4 Any commercial, industrial, manufacturing, or construction waste;
- 5.1.5 Any flammable or combustible liquids, oils, paints, solvents, chemicals, explosives, radioactive, infectious, and other hazardous materials; and
- 5.1.6 Any recyclable material except for reasonable minimal amounts of paper and/or cardboard used solely for the purpose of starting an *open air fire*.

6.0 APPLICATION FOR AN OPEN AIR FIRE PERMIT

6.1 Any *person* eighteen (18) years of age or older may apply for an *open air fire permit* prior to the proposed date of the first *open air fire* in the same calendar year. The named *permit holder* is responsible for ensuring the conditions outlined in this By-law are adhered to at all times. The *Township*, employees or agents thereof, in issuing this *permit*, do not assume any responsibility or liability for any hazardous conditions created by the *permit holder* which result in damage to a *person* or *property* of any third *person*. The *Fire Chief* shall have the final authority for approving and issuing, or denying this application for a *permit*. Notwithstanding any matters included in a *permit*, any *fire* must comply with all applicable municipal and provincial laws and regulations.

6.2 Any application for a *permit* shall include:

- 6.2.1 The name, address and phone number of the applicant;
- 6.2.2 The municipal address of the location of the proposed *open air fire*. A *farming business* may offer multiple locations to reflect their agricultural *property* and must specify a nearby crossroad or another 9-1-1 number in the vicinity;
- 6.2.3 The *owner's* written consent to the *open air fire*, if the applicant is not the *owner* of the *property* (Schedule "D", attached hereto);
- 6.2.4 The applicable *open air fire permit* fee; and
- 6.2.5 Such other information as may be required by the *Fire Chief* or *MLEO*.

6.3 Subject to Sections 6.1 and 6.2, a *person* who operates a *farming business* may apply for an agricultural *open air fire permit*.

6.4 An *open air fire permit* will not be issued if:

- 6.4.1 The application is incomplete;

- 6.4.2 There are reasonable grounds to believe that the *open air fire* may cause *adverse effects*; or
- 6.4.3 There are reasonable grounds to believe that the *open air fire* will result in a breach of this By-law, the *FPPA*, or any other provincial or federal statute.

7.0 CONDITIONS FOR PERMIT ISSUANCE

- 7.1 No *permit holder* shall undertake to *set* or *maintain* any *open air fire* except in accordance with the provisions of this By-law, all applicable municipal, provincial, federal laws and regulations, and the conditions of the *permit*.
- 7.2 A *permit* issued under Section 6 is valid on the date of issue, and for the balance of the calendar year in which the *permit* is issued.
- 7.3 A daily *activation number* is required each time a *permit holder* wants to burn. The *permit holder* must call 613-580-2880, Ottawa Fire Dispatch 24/7, prior to *setting* an *open air fire*. The *permit holder's* name, address, permit number, and the date and time of the intended burn shall be provided in order to obtain an *activation number* for that day. The *permit holder* must call and advise Ottawa Fire Dispatch once the *fire* has been *extinguished*.
- 7.4 An electronic or paper copy of the burn *permit* and daily *activation number* must be provided to the *Fire Chief* or *MLEO* on demand.
- 7.5 No *permit holder* shall *set* or *maintain* an *open air fire* unless the *permit holder*.
 - 7.5.1 Is a *person* eighteen (18) years of age or older who *maintains* constant watch and control over the *open air fire* at all times from the time of the *setting* of the *fire* until it has been fully *extinguished*;
 - 7.5.2 Produces their *permit* upon being so directed by the *Fire Chief* or *MLEO*;
 - 7.5.3 Immediately *extinguishes* the *fire* upon being so ordered by the *Fire Chief* or *MLEO*;
 - 7.5.4 Complies at all times with the requirements of Section 7 and, where applicable, in Sections 8, 9, and 10; and;
 - 7.5.5 Has equipment and personnel capable of controlling, or *extinguishing* the *fire*, such as rakes, shovels, or water, immediately available for use at the site of the *open air fire*.
- 7.6 The *Fire Chief* or *MLEO* may attach such additional conditions to a *permit* as deemed necessary to ensure public safety.
- 7.7 A *permit* for an *open air fire* is not transferable to another *person* or to a new location.

8.0 GENERAL REQUIREMENTS – BRUSH FIRES

- 8.1 No *person* shall *set*, *maintain* or allow to continue burning any *brush fire*, unless that *person* has obtained a *permit* from the *Township*.
- 8.2 No *permit holder* shall *set* or *maintain* a *brush fire*:

- 8.2.1 At a distance of less than 25 metres from any *building*, hedge, fence, overhead wiring, *highway*, or other combustible material;
- 8.2.2 Where the size of the *open air fire* will exceed the limits set by this By-law or in any *permit*;
- 8.2.3 That is *set* or *maintained* with the aid of flammable or combustible liquids of any kind; and
- 8.2.4 That uses fuel other than untreated wood and wood fibre products such as non-laminated paper, cardboard and boxboard, brush, tree limbs, leaves, and branches, paper, and sisal twine.

9.0 GENERAL REQUIREMENTS – AGRICULTURAL/LAND CLEARING FIRES

- 9.1 No *person* shall *set*, *maintain* or allow to continue burning any *agricultural/land clearing fires*, unless that *person* has obtained a *permit* from the *Township*.
- 9.2 Once a *permit* has been issued for an *agricultural/land clearing fire*, the *owner* or *permit holder* must contact the area *Fire Chief* prior to ignition of the *fire*. The area *Fire Chief* will have three (3) business days to inspect and/or discuss the burn site, and ensure measures are in place to meet the requirements of this By-law. When the *Fire Chief* has approved the burn site, the *owner* or *permit holder* may activate the *permit* provided that:
 - 9.2.1 Every *person* who *sets* a *fire* under the provisions of this subsection shall file an application with the *Township*, as per Section 6, that indicates who will keep watch until the *fire* is completely *extinguished*, and shall provide sufficient personnel, appliances, and equipment to prevent the *fire* from becoming a *nuisance* or dangerous to life or *property* (*adverse effect*);
 - 9.2.2 Burning shall not be carried out within 75 metres from any *buildings*, structures, standing timber or any other flammable or combustible material, other than burn piles, as set out in Section 9.2.5;
 - 9.2.3 Burning shall not be carried out within 30 metres of the burn site's *property* line or *highway*;
 - 9.2.4 No pile of *material to be burned* shall exceed 10 metres in diameter, or 5 metres in height;
 - 9.2.5 The minimum distance between burn piles shall be not less than 30 metres from the perimeter of one burn pile to the next;
 - 9.2.6 Windrows are not permitted for burning purposes;
 - 9.2.7 The burning of any substance which produces heavy black smoke when burned, such as rubber tires, petroleum products or bale wrap, is prohibited;
 - 9.2.8 No burning shall be carried out where, due to climatic conditions or other hazards, including the presence of *organic soil*, it would be unsafe to do so; and
 - 9.2.9 A *fire* may be *set* within 200 metres, but not less than 75 metres, of any residence not owned by the *permit holder*, provided

advance written permission is obtained from the *owner* of such residence, and submitted to the *Township*.

- 9.3 A daily *activation number* must be obtained for each day the burn continues on the approved site. No further consultation with the area *Fire Chief* is required, provided that no other material has been added to the original burn site.
- 9.4 *Agricultural/land clearing fires* shall only be permitted on *property* zoned "Agricultural (AG)" or "Rural (RU)," in the applicable *Township Zoning By-law*.

10.0 GENERAL REQUIREMENTS – AIR CURTAIN BURN BOXES

- 10.1 No *person* shall *set, maintain* or allow to continue burning a *fire* in any *air curtain burn box*, unless that *person* has obtained a *permit* from the *Township*.
- 10.2 Only *air curtain burn boxes* from a manufacturer of *air curtain burn boxes* may be used within the *Township*.
- 10.3 An *air curtain burn box* shall be operated according to manufacturer's specifications, and in a manner which minimizes emissions of air contaminants into the atmosphere. If the *air curtain burn box* is equipped with an internal combustion engine to power the unit, the engine shall be a compression-ignition engine or spark-ignition engine that is certified to the most stringent emissions standard in effect for the applicable horsepower range at the time the application for the *permit* is submitted to the *Township*.
- 10.4 Once a *permit* has been issued, the *permit holder* must contact the area *Fire Chief* prior to ignition of the *air curtain burn box*. The area *Fire Chief* will have three (3) business days to inspect and/or discuss the burn site, and ensure measures are in place to meet the requirements of this By-law. When the *Fire Chief* has approved the burn site, *permit holder* may activate the *permit*.
- 10.5 The *permit holder* will contact the *Township* during regular business hours for an authorization number which, once issued, will be valid for 7 days. The *Township* will contact Ottawa Fire Services to inform them of the *permit* and the valid *authorization number*.
- 10.6 The owner/operator of an *air curtain burn box* shall comply with the following when operating an *air curtain burn box*:
 - 10.6.1 When conducting a cold start, the operator shall use a propane torch, drip torch, or flare to ignite the material inside the *air curtain burn box*. No accelerants (e.g. gasoline, diesel fuel, kerosene, turpentine, etc.) shall be used.
 - 10.6.2 Only land clearing debris and branches shall be burned in an *air curtain burn box*.
 - 10.6.3 Materials shall be loaded into the *air curtain burn box* such that they do not protrude above the air curtain.
 - 10.6.4 The *air curtain burn box* shall be supervised at all times (while materials are being burned or flames are visible inside the *air curtain burn box*) by a *person* who has received *Operator Certification*.

- 10.6.5 Burning shall not be carried out within 30 metres of the burn site's *property* line or any *highway*.
- 10.6.6 After the last *material to be burned* has been added, airflow shall be maintained until all material within the *air curtain burn box* has been reduced to coals, and flames are no longer visible.
- 10.6.7 Wood ash removed from the *air curtain burn box* shall be handled, stored, and disposed of in a manner which minimizes entrainment into the atmosphere.
- 10.7 Notwithstanding anything else contained herein, an *air curtain burn box* may only be operated on a *property* zoned "Agricultural (AG)" or "Rural (RU)," as defined in the applicable *Township Zoning By-law*.

11.0 GENERAL REQUIREMENTS – CAMPFIRES AND RECREATIONAL FIRES

- 11.1 *Persons setting campfires and/or recreational fires* are not required to obtain a *permit*.
- 11.2 *Campfires and recreational fires* are exempt from issued *fire bans* in the *Township*.
- 11.3 A *campfire or recreational fire* shall be *set and maintained* in accordance with the following:
 - 11.3.1 The *material to be burned* will consist only of materials defined in Section 2.1 under "*open air fire*," but shall not include leaves, grass or yard waste;
 - 11.3.2 The *fire* shall be completely surrounded on all sides and underneath by non-combustible material;
 - 11.3.3 The *fire* shall be located a minimum distance of 3 metres from any *highway, building, hedge, fence, overhead wiring, vegetation, and/or other combustible material*;
 - 11.3.4 The *fire* shall be at least 3 metres from the *property* line;
 - 11.3.5 The flame does not exceed 1 metre in height and 1 metre in diameter;
 - 11.3.6 The *fire* shall not create any *adverse effect*;
 - 11.3.7 A *person* conducting any *campfire or recreational fire* shall have adequate means on hand and ready for immediate use to control and extinguish the *fire* at the burn site; and
 - 11.3.8 The *fire* must be completely *extinguished* before the burn site is left unsupervised.
- 11.4 A *campground owner* is responsible for:
 - 11.4.1 Any and all violations of this By-law which occur on *property* owned by the *campground owner*, and is liable for recovery of any fees for response to and/or *extinguishment* of any *open air fire* or any *fires* caused by an *open air fire* originating on said *property*; and

- 11.4.2 Ensuring all *campfires* within the *campground* meet all requirements contained in Section 11, and the provisions of any applicable municipal and provincial laws and regulations.

12.0 ORDER TO EXTINGUISH

- 12.1 If the *Fire Chief* or *MLEO* is satisfied that this By-law has been contravened, the *Fire Chief* or *MLEO* may issue a verbal Order to *Extinguish* which will require the *owner* or *person* contravening this By-law to immediately *extinguish* the *fire*.
- 12.1.1 Following the issuance of a verbal Order to *Extinguish*, a written copy of said Order will be served, as soon as practicable, on the *owner* or *person* to whom it is directed.
- 12.2 An Order to *Extinguish* shall set out:
- 12.2.1 The municipal address of the *property* on which the *fire* is located;
- 12.2.2 The date of the inspection;
- 12.2.3 The contravention of the By-law;
- 12.2.4 That the *fire* is to be *extinguished* immediately; and
- 12.2.5 A notice that, if the *fire* is not *extinguished* immediately, the *Township* may *extinguish* the *fire* at the expense of the *owner* and the cost of the work may be recovered by adding the amount to the *owner's* tax roll.
- 12.3 Should an *owner* or *person* default in complying with an Order to *Extinguish*, the *fire* may be extinguished at the expense of the burn site's *property owner*. The *Township* may enter on land at any reasonable time for the purpose of *extinguishing* a *fire* under Subsection 12.1.
- 12.4 The power of entry under this Section shall be exercised by an employee, officer or agent of the *Township*. The *person* exercising the power of entry must, on request, display or produce proper identification, and may be accompanied by a *person* under their direction.
- 12.5 The *Township* may recover the costs of *extinguishing* the *fire* from the *person* directed to do so by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes. The costs will include interest, calculated at a rate of fifteen percent (15%) for the period commencing on the day the *Township* incurs the costs and ending on the day the costs, including interest, are paid in full. The amount of the costs, including interest, constitutes a lien on the land upon the registration of a notice of lien in the Land Registry Office.

13.0 INDEMNIFICATION

- 13.1 Any *owner* or *permit holder* who *sets* or *maintains* a *fire* shall indemnify and save harmless the *Township* from any and all claims, demands, causes of action, losses, costs or damages that the *Township* may suffer, incur or be liable for resulting from said *fire* whether with or without negligence on the part of the *owners* or *permit holder*, its employees, directors, contractors, and agents.

14.0 REVOCATION

- 14.1 A *permit* issued to a *person* under this By-law may be revoked immediately by the *Fire Chief* or *MLEO* if, in the opinion of the *Fire Chief* or *MLEO*, an *adverse effect* exists on or near the approved burn site. Revocation shall be effective upon the *Fire Chief* or *MLEO* providing verbal notice to the *permit holder*.
- 14.2 A *permit* issued to a *person* under this By-law may be revoked by the *Fire Chief* or *MLEO* if the *permit holder* fails to comply with the requirements of the *permit* and any other provisions of this By-law. Revocation shall be effective upon the *Fire Chief* or *MLEO* providing verbal and/or written notice to the *permit holder* or their agent.
- 14.3 Upon receiving notice of revocation per Section 14.1 or 14.2, the *permit holder* shall immediately *extinguish* the *fire* in question.

15.0 EXEMPTIONS

- 15.1 Any *person* serving as part of the *Township Fire & Emergency Services*, or as their agent or employee, shall be exempt from the provisions of this By-law with respect to *open air fires* provided any *fire* is *set* for the purposes of training, educating individuals in fire safety, or research.
- 15.2 Professional fire prevention and suppression trainers shall be exempt from the provisions of this By-law with respect to *open air fires set* for the purposes of fire safety training.
- 15.3 Any *person* may make application in writing to the *Fire Chief* for special approval of an *open air fire* with religious, cultural or environmental significance, as an exception to the provisions of this By-law. Any such application shall include:
 - 15.3.1 A description of the purpose, reason and intent of the request;
 - 15.3.2 The location and size of the *fire*;
 - 15.3.3 The date and time of the *fire*;
 - 15.3.4 A list of safety measures and supervision arrangements; and
 - 15.3.5 A site diagram including distances showing the *fire* location relative to *buildings*, trees, shrubs, hedges, fences, overhead obstructions, flammable materials and *property* lines.

16.0 LIABILITY AND RECOVERY OF COSTS

- 16.1 Any *person* who *sets* or *maintains* an *open air fire* which contravenes any provision of this By-law, and any *owner* of the lands or *property* on which such a *fire* is *set* or *maintained*, shall be responsible for *extinguishing* said *fire*, and shall be jointly and severally liable for any damage to *property* and/or injury to *persons* caused by the *fire*.
- 16.2 In addition to any fines or penalties established herein, any *person* who *sets* or *maintains* a *fire* in the open air which contravenes any provision of this By-law, and any *owner* of the lands or *property* on which such an *open air fire* is *set* or *maintained*, shall be jointly and severally liable to the *Township* for:

- 16.2.1 All fees prescribed by the *Township*, fees and charges for By-law enforcement, fire department personnel, vehicles and apparatus (in accordance with current Ministry of Transportation of Ontario rates), and equipment that responds to investigate and/or *extinguish* the *fire*;
 - 16.2.2 All costs incurred by the fire department in *extinguishing* the *fire*, including water usage, supplies, mutual aid or other reciprocal agreement fees;
 - 16.2.3 Any costs associated with the procurement of specialized equipment or contractors necessary for the *extinguishment* of the *fire*; and
 - 16.2.4 Any other incidental expenses in connection with *extinguishing* the *fire*.
- 16.3 All fees and charges payable under this By-law are due and owing to the *Township* within thirty (30) days after the mailing or delivery of the invoice, and any fees or charges not paid by the due date shall bear interest thereon at the prescribed rate, calculated monthly from the due date until paid in full.
- 16.4 All fees and charges payable under this By-law constitute a debt to the *Township* which may be added to the collector's roll of the lands upon which the *fire* was *set* or *maintained*, and the amount owing may be collected in the same or in like manner as municipal property taxes.

17.0 ADMINISTRATION AND ENFORCEMENT

- 17.1 The *Fire Chief*, *MLEO*, and any *person* so appointed by the *Township* shall have the authority to administer this By-law in its entirety.
- 17.2 The *Fire Chief* may revoke any or all *permits*, or refuse to issue *permits*, where, in the opinion of the *Fire Chief*, 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 fire* burn site.
- 17.3 The *open air fire permit* fee will be as set out in Schedule "A" of the *Township Fees and Charges By-law*, and may be amended from time to time.

18.0 OFFENCE

- 18.1 Every *person* who contravenes any provision of this By-law is guilty of an offence.
- 18.2 Every *person* who is convicted of an offence shall be liable to a fine in accordance with the provisions of the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended, for each offence committed.
- 18.3 The set fines for an offence under this By-law are set out in Schedule "B" attached hereto.
- 18.4 Where a *person* has been convicted of an offence under this By-law:
- 18.4.1 The Ontario Court of Justice; or
 - 18.4.2 Any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the *person* convicted, issue an order prohibiting the continuation or repetition of the offence or

the doing of any act or thing by the *person* convicted directed towards the continuation or repetition of the offence.

19.0 SEVERABILITY

19.1 If a court of competent jurisdiction declares any provision, or part of a provision, of this By-law to be invalid or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every other provision of this By-law, authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

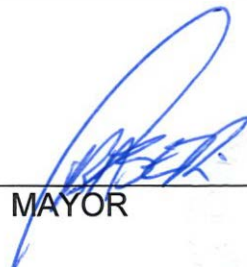
20.0 EFFECTIVE DATE

20.1 This By-law shall come into force on the 1st day of January, 2020.

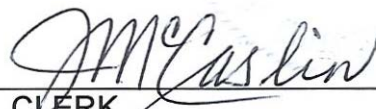
21.0 REPEAL

21.1 That By-law No. 66-2000 hereby be repealed in its entirety.

READ and passed in Open Council, signed and sealed this 13th day of August, 2019.



MAYOR

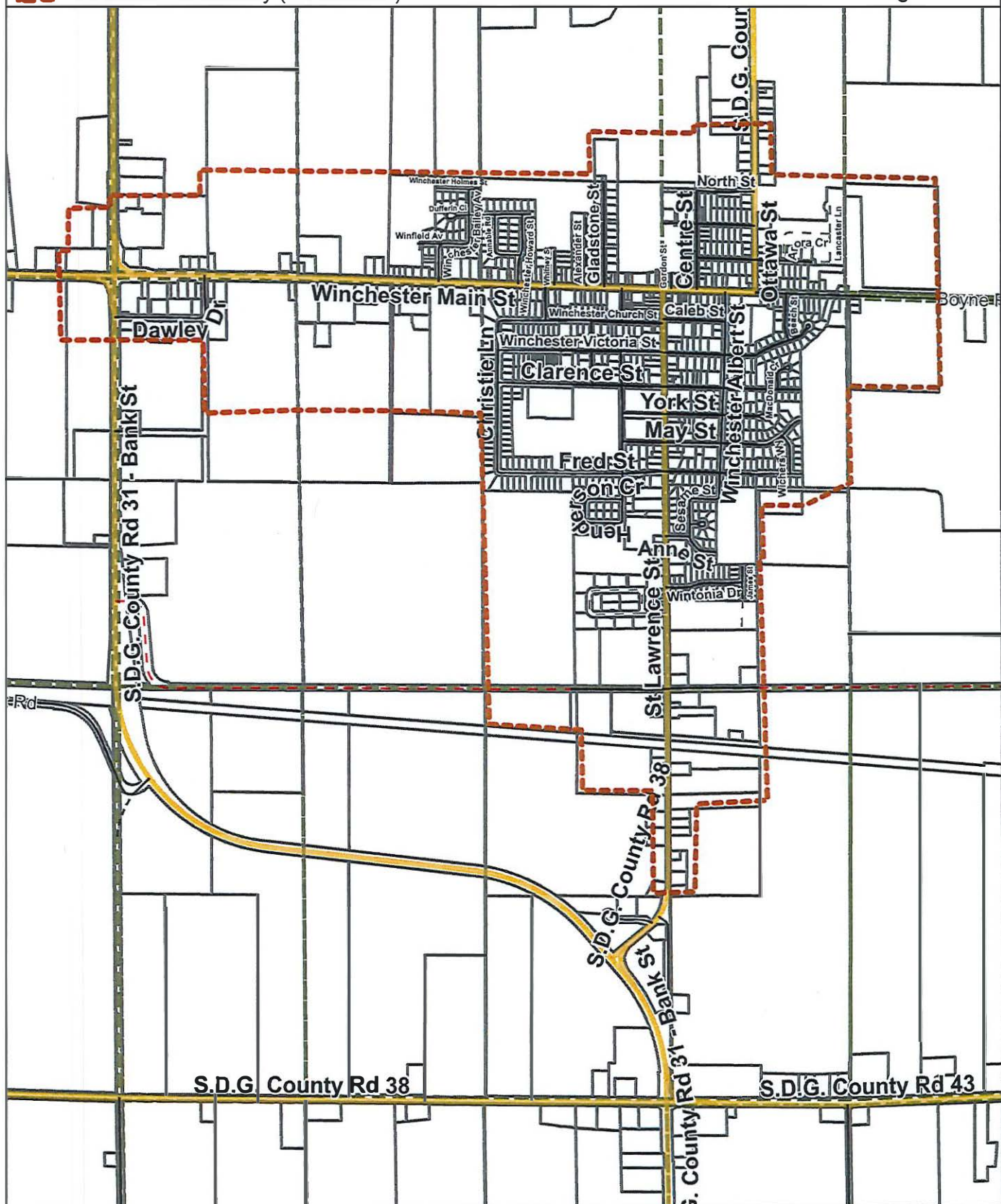


CLERK


SCHEDULE "A"
BY-LAW No. 2019-41

Settlement Boundary (Winchester)

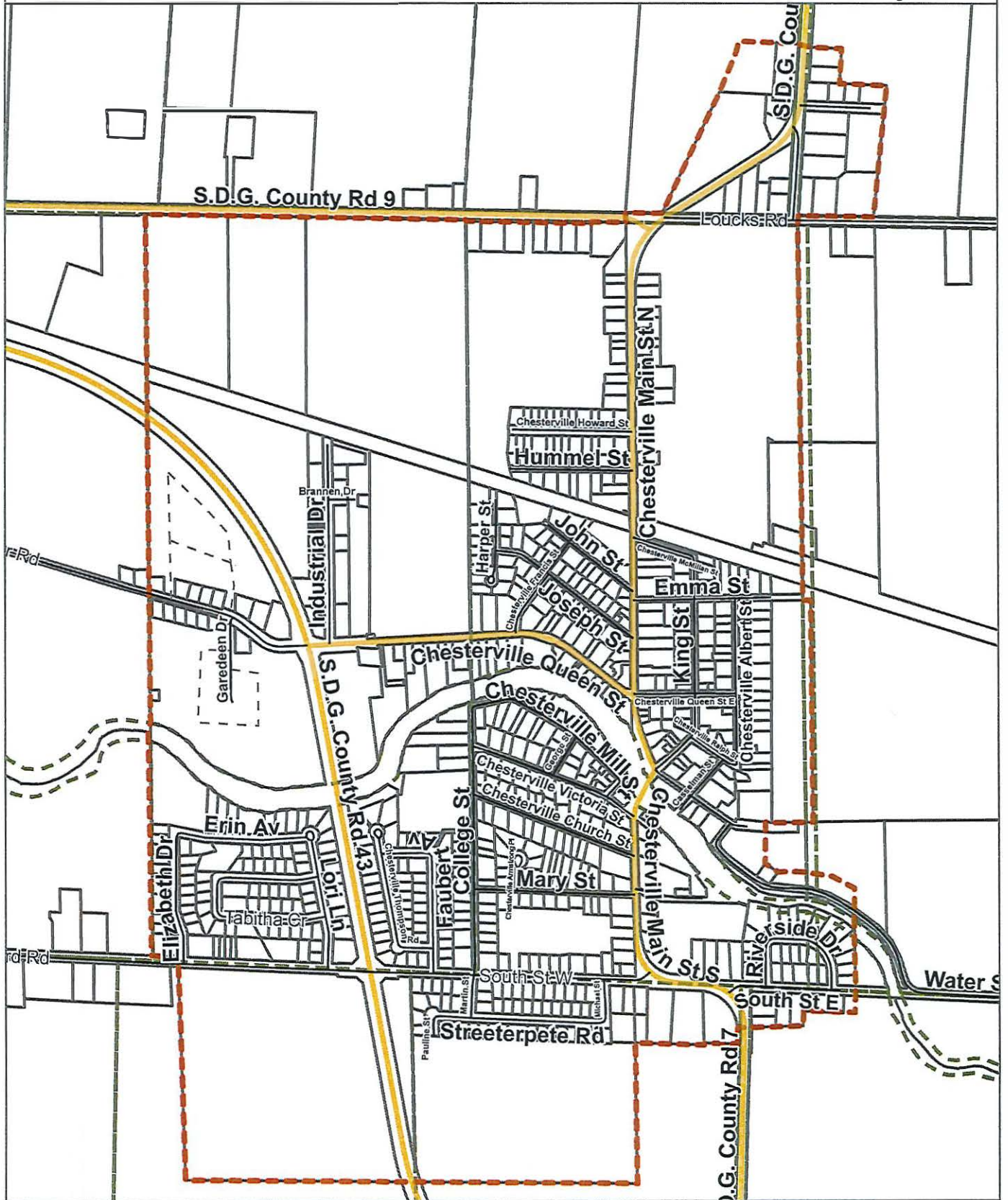
Page 1 of 5



SCHEDULE "A"
BY-LAW No. 2019-41

 Settlement Boundary (Chesterville)

Page 2 of 5



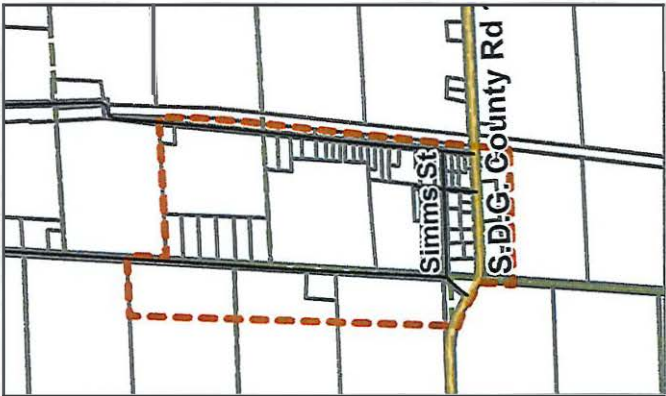
SCHEDULE "A"
BY-LAW No. 2019-41

 Settlement Boundary

Hallville



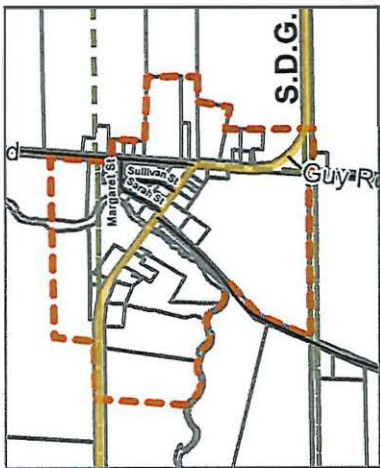
Mountain




South Mountain



Inkerman

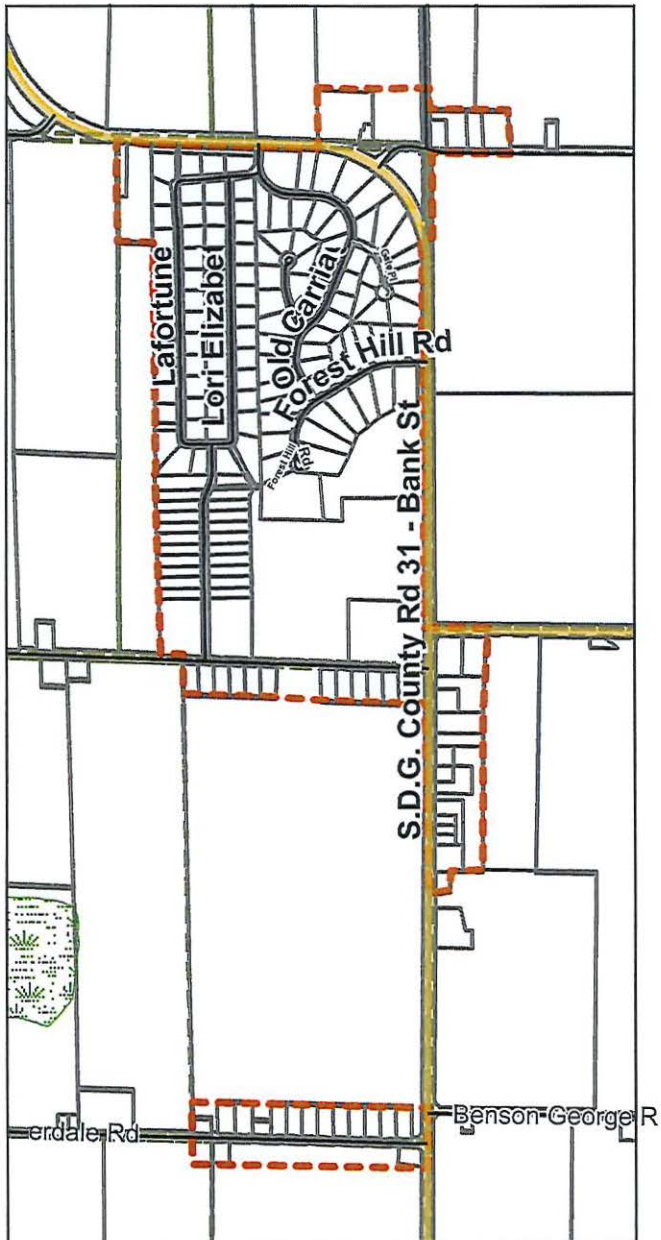


SCHEDULE "A"
BY-LAW No. 2019-41

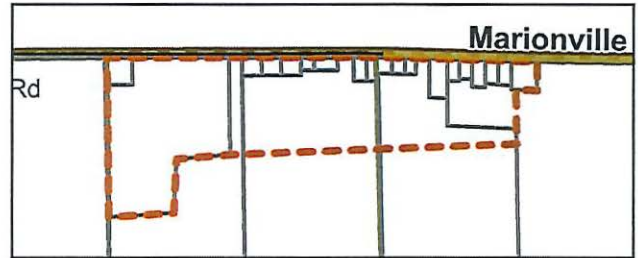
 Settlement Boundary

Page 4 of 5

Harmony



Marionville




Ormond



Winchester Springs

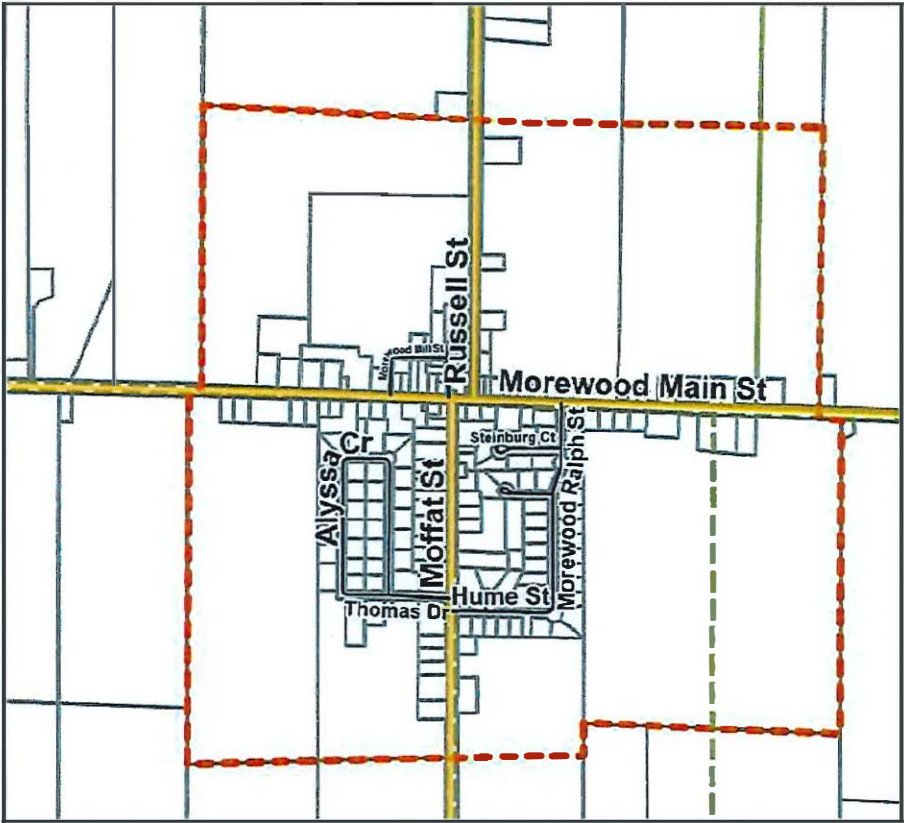


SCHEDULE "A"
BY-LAW No. 2019-41

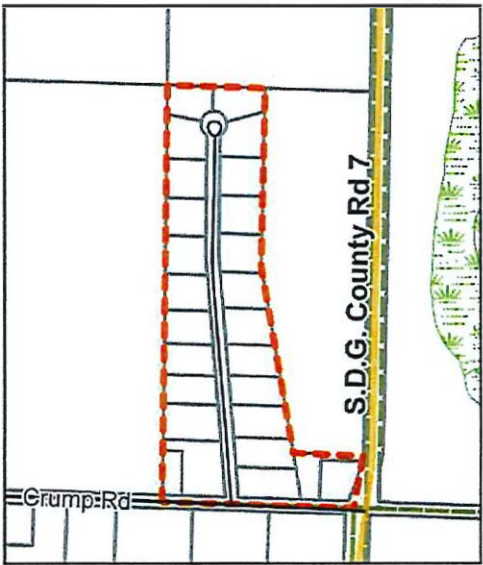
 Settlement Boundary

Page 5 of 5

Morewood



Thibault Court



Gibeault Road



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. 2019-41 of the Corporation of Township of North Dundas attached hereto is the set fine for that offence. This Order is to take effect on November 19th, 2019.

Dated at Ottawa this 19th day of November 2019.



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

SCHEDULE "B"
BY-LAW No. 2019-41: OPEN AIR BURN BY-LAW
THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS
PART I PROVINCIAL OFFENCES ACT

Item	Column 1	Column 2	Column 3
	Short Form Wording	Provision creating or defining offence	Set Fine
1	Open Air Burn – Fail to comply with permit conditions	Sec. 4.1.1	\$500.00
2	Open Air Burn – Prohibited area (institutional, industrial, or commercial) - no permit	Sec. 4.1.2	\$500.00
3	Open Air Burn – Prohibited area (highway or Township property) - no permit	Sec. 4.1.3	\$500.00
4	Open Air Burn – During Open Air Fire Ban	Sec. 4.3	\$1,000.00 ^{\$750.00} JD
5	Open Air Burn – Cause reduced visibility	Sec. 4.4.2	\$500.00
6	Open Air Burn – Cause excessive smoke	Sec. 4.4.3	\$350.00
7	Open Air Burn – Cause nuisance	Sec. 4.4.4	\$250.00
8	Open Air Burn – Fog present	Sec. 4.5	\$250.00
9	Open Air Burn – Uncontained fire	Sec. 4.6	\$250.00
10	Open Air Burn – Brush/Agricultural/Clearing Fire set before sunrise	Sec. 4.7	\$300.00
11	Open Air Burn – Brush/Agricultural/Clearing Fire not extinguished by sunset	Sec. 4.8	\$300.00
12	Burn Prohibited Material	Sec. 5.1	\$500.00
13	Open Air Burn – Fail to obtain Daily Activation Number	Sec. 7.3	\$250.00
14	Open Air Burn – Fail to produce valid Permit/ Daily Activation Number upon request	Sec. 7.4	\$250.00
15	Open Air Burn – Fail to maintain constant watch and control	Sec. 7.5.1	\$500.00
16	Open Air Burn – Fail to immediately extinguish fire upon order of Fire Chief or MLEO	Sec. 7.5.3	\$500.00
17	Open Air Burn – Fail to have sufficient onsite extinguishing devices or personnel	Sec. 7.5.5	\$500.00
18	Brush Fire – No permit	Sec. 8.1	\$350.00

 NOV 19 2019

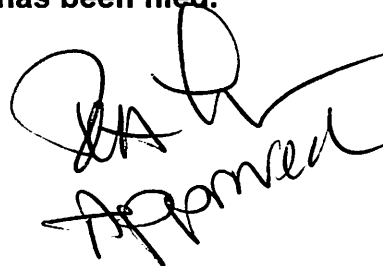
19	Brush Fire – Less than 25 meters from any building, hedge, fence, overhead wiring, highway, or combustible material	Sec. 8.2.1	\$350.00
20	Brush Fire – In excess of By-law/permit limits	Sec. 8.2.2	\$350.00
21	Brush Fire – Set/maintained with combustible/flammable liquid	Sec. 8.2.3	\$500.00
22	Brush Fire – Prohibited Materials	Sec. 8.2.4	\$500.00
23	Agricultural and Land Clearing Fire – No permit	Sec. 9.1	\$750.00 \$1,000.00
24	Agricultural and Land Clearing Fire – Fail to contact Fire Chief prior to ignition	Sec. 9.2	\$500.00
25	Agricultural and Land Clearing Fire – Burn within 75 metres from any building, structure, standing timber or any other flammable or combustible material	Sec. 9.2.2	\$400.00
26	Agricultural and Land Clearing Fire – Burn within 30 metres of property line or highway	Sec. 9.2.3	\$400.00
27	Agricultural and Land Clearing Fire – Burn pile exceeding 10 metres in diameter, or 5 metres in height	Sec. 9.2.4	\$500.00
28	Agricultural and Land Clearing Fire – Burn pile within 30 metres of another burn pile	Sec. 9.2.5	\$500.00
29	Agricultural and Land Clearing Fire – Prohibited Materials	Sec. 9.2.7	\$750.00 \$1,000.00
30	Agricultural and Land Clearing Fire – Burn in unsafe conditions	Sec. 9.2.8	\$500.00
31	Agricultural and Land Clearing Fire – Burn within 200 metres of a residence (no permission from owner)	Sec. 9.2.9	\$500.00
32	Agricultural and Land Clearing Fire – Fail to obtain Daily Activation Number	Sec. 9.3	\$250.00
33	Air Curtain Burn Box Fire – No permit	Sec. 10.1	\$750.00 \$1,000.00
34	Air Curtain Burn Box Fire – Operation of Non-Manufacturer Curtain Burner	Sec. 10.2	\$750.00 \$1,000.00
35	Air Curtain Burn Box Fire – Fail to operate according to manufacturer's specifications	Sec. 10.3	\$500.00
36	Air Curtain Burn Box Fire – Fail to contact Fire Chief prior to ignition	Sec. 10.4	\$250.00
37	Air Curtain Burn Box Fire – Fail to obtain Township Authorization Number	Sec. 10.5	\$250.00
38	Air Curtain Burn Box Fire – Set fire using accelerant	Sec. 10.6.1	\$500.00
39	Air Curtain Burn Box Fire – Burn materials other than land clearing debris and branches	Sec. 10.6.2	\$500.00

NOV 19 2019

JB

40	Air Curtain Burn Box Fire – Materials protruding above air curtain	Sec. 10.6.3	\$250.00
41	Air Curtain Burn Box Fire – Fail to supervise by certified operator	Sec. 10.6.4	\$500.00
42	Air Curtain Burn Box Fire – Burn within 30 metres of property line or highway	Sec. 10.6.5	\$250.00
43	Air Curtain Burn Box Fire – Fail to reduce materials to coals/no flame	Sec. 10.6.6	\$250.00
44	Air Curtain Burn Box Fire – Improper disposal of ash	Sec. 10.6.7	\$500.00
45	Campfire/Recreational Fire – Burn materials not defined under Section 2.1, or leaves, grass or yard waste	Sec. 11.3.1	\$250.00
46	Campfire/Recreational Fire – Fail to completely surround fire with non-combustible material	Sec. 11.3.2	\$200.00
47	Campfire/Recreational Fire – Burn within 3 metres of any highway, building, hedge, fence, overhead wiring, vegetation, or other combustible material	Sec. 11.3.3	\$200.00
48	Campfire/Recreational Fire – Burn within 3 metres of property line	Sec. 11.3.4	\$250.00
49	Campfire/Recreational Fire – Flame exceeding 1 metre in height and/or 1 metre in diameter	Sec. 11.3.5	\$200.00
50	Campfire/Recreational Fire – Burn causing adverse effect	Sec. 11.3.6	\$300.00
51	Campfire/Recreational Fire – Fail to have adequate means of control or extinguishment at the burn site	Sec. 11.3.7	\$300.00
52	Campfire/Recreational Fire – Fail to completely extinguish fire	Sec. 11.3.8	\$300.00

The general penalty provisions for the offences listed above are sections 18.1 and 18.2 of By-law No. 2019-41, a certified copy of which has been filed.

RSJ 
Approved

NOV 19 2019

**SCHEDULE “C”
BY-LAW NO. 2019-41
THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS**

FIRE DEPARTMENT EMERGENCY NUMBER: 911

Township Office: 613-774-2105
Township Fax: 613-774-5699

THE APPLICANT AGREES TO COMPLY WITH THE PROVISIONS OF BY-LAW NO. 2019-41, AS AMENDED, AND AGREES TO ASSUME ALL RESPONSIBILITY FOR ANY DAMAGES OCCURRING FROM THE FIRE FOR WHICH THIS PERMIT IS ISSUED.

All persons setting an open air fire in the Township of North Dundas shall first obtain an open air fire permit from the Township office located at 636 St. Lawrence Street, Winchester, ON.

PERMISSION IS HEREBY GRANTED TO:

NAME:
ADDRESS:
TELEPHONE NO:

FOR THE PURPOSE OF HAVING AN OPEN AIR FIRE:

DATE OF FIRE:
LOCATION (CIVIC OR ROLL #): <div style="text-align: right;"><input type="checkbox"/> AS ABOVE <input type="checkbox"/> OWNER AUTHORIZATION ATTACHED</div>
SIZE OR AREA OF FIRE:
MATERIAL(S) TO BE BURNED:
METHOD(S) OF EXTINGUISHMENT:
PERSON(S) SUPERVISING FIRE:
RESPONDING FIRE STATION: <input type="checkbox"/> MOREWOOD <input type="checkbox"/> MOUNTAIN <input type="checkbox"/> WINCHESTER <input type="checkbox"/> CHESTERVILLE

In consideration of the granting of the open air burn permit, I hereby release and forever discharge and agree to indemnify and save harmless The Corporation of the Township of North Dundas, its Fire Department, servants and agents from any and all action, cause of action, claims and demands for damages, loss or injury to persons or property sustained by any person(s) in consequence of open air burning.

I HAVE READ AND UNDERSTAND THE ABOVE, AS WELL AS THE CONTENTS OF OPEN AIR BURN BY-LAW NO. 2019-41, AND ACKNOWLEDGE THAT OPEN AIR BURNING IS A HIGH RISK ACTIVITY.

SIGNATURE _____

DATE _____

SCHEDULE “D”
BY-LAW No. 2019-41
THE CORPORATION OF THE TOWNSHIP OF NORTH DUNDAS

OWNER AUTHORIZATION FORM

If the applicant is not the owner of a land that is the subject of an open air burn permit application, the written authorization of the registered owner must be included with the application.

REGISTERED OWNER DETAILS:

NAME(S):	
ADDRESS:	
PHONE:	EMAIL:

PROPERTY DETAILS:

CIVIC ADDRESS:	
ROLL NUMBER:	
LOT #:	CONCESSION #:
PART #:	REFERENCE PLAN #:

I/We _____, being the registered owner(s) of the above-referenced property, hereby authorize _____ to prepare and submit An open air burn permit application for said property. In doing so, I/we acknowledge that, if issued, the permit may have one or more conditions attached to it, and understand that violations of these conditions may result in the revocation of the permit by the Fire Department. I understand further that cost recovery measures may be implemented by The Corporation of the Township of North Dundas as outlined in By-law No. 2019-41 and that outstanding amounts of any invoices relating to cost recovery may be applied to the taxes for the property if they are not addressed by the recipient.

In consideration of the granting of the open air burn permit, I hereby release and forever discharge and agree to indemnify and save harmless The Corporation of the Township of North Dundas, its Fire Department, servants and agents from any and all action, cause of action, claims and demands for damages, loss or injury to persons or property sustained by any person(s) in consequence of open air burning, said burning being the subject of the permit application.

I HAVE READ AND UNDERSTAND THE ABOVE, AS WELL AS OPEN AIR BURN BY-LAW NO. 2019-41, AND ACKNOWLEDGE THAT OPEN AIR BURNING IS A HIGH RISK ACTIVITY.

Date

Signature of Registered Owner

Signature of Registered Owner