

CORPORATION OF THE TOWNSHIP OF O'CONNOR
BY-LAW NUMBER 2021-08

Being a by-law to regulate open-air burning of materials and to govern the issuance of fire permits in the Township of O'Connor.

WHEREAS Fire Protection and Prevention Act, S.O. 1997, c. 4, s. 7.1(1) states that a Council of a municipality may pass by-laws for:

- (a) Regulating fire prevention, including the prevention of the spreading of fires;
- (b) Regulating the setting of open-air fires, including establishing the times during which open-air fires may be set;
- (c) Designating private roads as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle parked or left along any of the fire routes at the expense of the owner of the vehicle;

AND WHEREAS the Ontario Fire Code, under O. Reg 213/07 regulates that: Open-air burning shall not take place unless:

- (a) It has been approved, or
- (b) The open-air burning consists of a small, confined fire that is
 - (i) used to cook food on a grill, barbecue or spit,
 - (ii) commensurate with the type and quantity of food being cooked, and
 - (iii) supervised at all times.

AND WHEREAS Fire Protection and Provincial Act, S.O. 1997, c 4, section 28(1) regulates that:

Every person is guilty of an offence if he or she:

- (a) Hinders, obstructs or interferes with the Fire Marshal, an assistant to the Fire Marshal or a fire chief in the exercise of his or her powers and duties;
- (b) Prevents an inspector from entering land or premises under section 19 or 20, refuses to answer questions on matters relevant to the inspection or provides the inspector with information, on matters relevant to the inspection, that the person knows, or ought reasonably to know, to be false or misleading;
- (c) Subject to subsection (2) contravenes any provisions of this Act or the regulations; or
- (d) Refuses or neglects to obey or carry out the directives of the Fire Marshal, an assistant to the Fire Marshal or a fire chief given under the authority of this Act, 1997, c. 4, s.28(1); 2002, c.18, Sched. N. s.6.;

AND WHEREAS open-air fires which may escape from control constitute a danger and expense for persons and property within the Corporation of the Township of O'Connor;

AND WHEREAS the Council of the Corporation of the Township of O'Connor deems it expedient to enact a by-law to regulate the open-air burning of materials and to govern the issuance of fire permits;

NOW THEREFORE the Council of the Corporation of the Township of O'Connor enacts as follows:

By-law 2021-08 (cont'd)

1. In this by-law:
 - (a) "Act" means the Fire Protection and Prevention Act, S.O. 1997,
 - (b) "Approved" means approved by the Chief Fire Official, and/or his or her designate.
 - (c) "Brush piles" mean branches, limbs, stumps, slash piles or parts thereof.
 - (d) "Campfire" shall mean an "Open-Air Burn", having a maximum fuel volume of 1 metres x 1 metres x 1 metres height. (3.3 feet x 3.3 feet x 3.3 feet), that is set and maintained solely for the purposes of cooking food, providing warmth or recreational enjoyment
 - (e) "Chief Fire Official" means the Chief of the Fire Department of the Corporation of the Township of O'Connor or his/her designate.
 - (f) "Conditions" relate to any factor which could increase the fire hazard such as wind velocity, degree of humidity, or proximity of the site to flammable material.
 - (g) "Corporation" means the Corporation of the Township of O'Connor.
 - (h) "Council" means the Council of the Corporation of the Township of O'Connor.
 - (g) "Debris" means surface litter (leaves, needles) and combustible wood products.
 - (h) "Field/Crop burning" means burning in whole or in part, of areas of agricultural land and products.
 - (i) "Fire Department" means the Fire Department of the Corporation of the Township of O'Connor.
 - (j) "Fire Season" means the period from the 1st of April to the 31st day of October in each year. The Chief Fire Official may declare any period between the 1st day of January and the 31st day of March, both inclusive or between the 1st day of November and the 31st day of December, both inclusive, in any year, to be a fire season.
 - (k) "Incinerator" means container meeting the requirements as specified in Section 5 of this by-law.
 - (l) "Officer" means Municipal Chief Fire Official, Municipal By-law Officer, members of the Ontario Provincial Police, and/or fire Officers and Conservation Officers of the Ministry of Natural Resources and Forestry.
 - (m) "Open-Air Burning" means burning of brush, field/crop, grass, and or windrows. (A campfire is exempt).
 - (n) "Windrows" means refuse from land clearing, bulldozed into piles or rows, consisting of soil/gravel, trees, roots, stumps and brush.
2. Except under the authority of a fire permit, no person shall ignite fireworks during a fire season in or within 300 metres of a forest or woodland.
3. Every person who starts a fire outdoors or is in charge of a fire outdoors shall:
 - (a) Keep the permit at the site of the burning operation conducted under the permit.
 - (b) The permittee/person in charge of the burning operation conducted under the permit shall produce and show the permit to any officer whenever requested by that officer.

By-law 2021-08 (cont'd)

- (c) Not start a fire earlier than 2 hours before sunset and it is to be extinguished 2 hours after sunrise the following day or earlier. Burning at any other times requires permission from the Chief Fire Official.
 - (d) Not start a fire if winds are in excess of 15 km/hr.
 - (e) The amount to be burned at any one time shall not exceed 1/10 acres or 2 piles.
 - (f) A campfire shall be built on bare rock or sand or other non-combustible material and be at least 4 metres (12' feet) from any flammable material. The space above the fire is at least 4 metres (12' feet) from vegetation. The flame length does not exceed 1 metre (3.3 feet) in height and 1 metre (3.3 feet) in diameter.
 - (g) All slash and land clearing debris shall be in piles or windrows, separated by a distance of at least 30 feet (10 metres). Windrows shall be in sections not exceeding 20 feet (7 metres) in length.
 - (h) Permittee/person in charge shall have at the location of the fire a minimum of 2 persons present and firefighting equipment in serviceable condition.
 - (i) The Permittee/person in charge shall not be under the influence of alcohol or drugs.
 - (j) The permittee shall assume full responsibility for the burning operation conducted under the permit.
4. Subject to Section 3, an application for a fire permit shall be made on-line using the BurnPermits.com Application.
5. No person shall operate an outdoor incinerator unless:
- (a) The incinerator is an enclosed device constructed entirely of non-combustible material;
 - (b) The incinerator is at least five metres from any forest or woodlands;
 - (c) The incinerator is at least two metres from any combustible materials; and
 - (d) The outlet of the incinerator is covered with a screen having mesh size of not more than five millimetres.
6. An Officer is authorized to order any person to put out any fire where it poses a danger to life or property.
7. The Municipal Chief Fire Official, Municipal By-Law Officer, Members of the Ontario Provincial Police and/or a Fire Officer and Conservation Officer of the Ministry of Natural Resources and Forestry are authorized to enforce this by-law.
8. Compliance:
- (a) Every person setting fire in the open-air shall comply with all lawful direction of an officer.
 - (b) Where in the opinion of the Chief Fire Official, a potential fire danger exists, the Chief Fire Official may suspend, refuse or rescind any permit.
9. Nothing in this by-law shall be deemed to authorize any burning or other act, which contravenes the Fires Protection and Prevention Act, S.O. 1997, the Ontario Fire Code, under O. Reg.213/07, and the Environmental Protection Act R.S.O. 1990, c.

By-law 2021-08 (cont'd)

E.19, or any regulations made thereunder.

10. It is declared that if any section, subsection or part or parts thereof of this by-law be declared by any court of law to be bad, illegal or ultra vires, such section, subsection or part or parts shall be deemed to be severable and all parts hereto are declared to be separate and independent and enacted as such.
11. The provisions of this by-law shall apply to the whole of the Corporation of the Township of O'Connor.
12. Penalty:
 - (a) Section 28 (3) An individual convicted of an offence under subsection (1) is liable to a fine of not more than \$50,000 for a first offence and not more than \$100,000 for a subsequent offence, or to imprisonment for a term of not more than one year, or to both. 2019, c. 7, Sched. 29, s. 2 (1).
 - (b) Section 28 (4) A corporation convicted of an offence under subsection (1) is liable to a fine of not more than \$500,000 for a first offence and not more than \$1,500,000 for a subsequent offence. 2019, c. 7, Sched. 29, s. 2 (1).
13. Accounts:
 - (a) All accounts rendered by the Corporation for services (including expenses by the Corporation) as referred to in Section 12, shall be paid within thirty (30) days of the billing.
 - (a) If payment is not made by the owner in accordance with the provisions of Section 13 (a), the Corporation may recover the expense incurred by action, or the same may be recovered in like manner as municipal taxes.
14. No Person shall indemnify and save harmless The Township of O'Connor and its employees from any and all claims, demands, causes of action, costs or damages that the township may suffer, incur or be liable for resulting from the Open-Air Burning as set out in this By-law whether with or without negligence on the part of the Permit Holder, the Permit Holder's employees, directors, contractors and agents.
15. Terms and Conditions are outlined in Schedule "A" hereto attached.
16. All by-laws or parts thereof and all or any resolutions of the Council of the Corporation of the Township of O'Connor inconsistent with this by-law are hereby revoked.
17. This by-law comes into force and takes effect as of April 1, 2021.
18. By-law Number 2004-09 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME IN OPEN COUNCIL AND FINALLY PASSED THIS 22nd DAY OF MARCH, 2021.

The Corporation of the
Township of O'Connor

J. Vezina _____
Mayor

Lorna Buob _____
Clerk-Treasurer

CORPORATION OF THE TOWNSHIP OF O'CONNOR
BY-LAW NUMBER 2021-08

SCHEDULE "A"

TERMS & CONDITIONS

GENERAL PROVISIONS:

1. The permittee shall keep the fire permit at the site of the burning operation conducted under the permit.
2. The person in charge of the burning operation conducted under the fire permit shall produce and show the permit to any officer whenever requested by that officer.
3. The fire may not be started until two (2) hours before sunset, and is to be extinguished no later than two (2) hours after sunrise the following day. Burning at any other times, requires the permission of the Fire Chief.
4. No person shall operate an outdoor incinerator unless,
 - (a) the incinerator is an enclosed device constructed entirely of non-combustible material;
 - (b) the incinerator is at least five metres away from any forest or woodlands;
 - (c) the incinerator is at least two metres away from any combustible materials; and
 - (d) the outlet of the incinerator is covered with a screen having a mesh size of not more than five millimetres.
5. The amount to be burned at any one time shall not exceed 1/10 acres or 2 piles.
6. All slash and land-clearing debris shall be in piles or windrows, separated by a distance of at least 30 feet. Windrows shall be in sections not exceeding 20 feet in length.
7. The permittee shall have at the location of the fire a minimum of 2 persons present and firefighting equipment in serviceable condition.
8. The permittee/person in charge shall not be under the influence of alcohol or drugs during the burning operation.
9. The permittee shall assume full responsibility for the burning operation conducted under the fire permit.

OTHER CONDITIONS TO THE FIRE PERMIT:

1. No burning in winds greater than 15 km/hr.
2. The permittee shall have enough firefighting equipment at the burning site to control the fire at all times.
3. As a minimum, the permittee shall have readily accessible on site, 20 litres of water and a portable carrying device or garden hose connected to a water source capable of reaching the burn site and one (1) shovel having a pointed blade with a minimum blade of six inches (6") wide and nine inches (9") long.
4. This Fire Permit is only valid for the burning of grass, brush, paper and other clean wood waste or woody debris.
5. The permittee must ensure that the smoke from the burning operation does not interfere with the movement of vehicular traffic or any other person.

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SCHEDULE "A"

TERMS & CONDITIONS (cont'd)

ADMINISTRATION AND ENFORCEMENT

The fire season runs from April 1st to October 31st, being subject to extension. With, the exception of fires for cooking or warmth, a fire permit is required before starting a fire outdoors during the fire season. A fire permit may be revoked at any time at the absolute discretion of the Chief Fire Official for the municipality.

Every person who starts a fire outdoors and is in care of a fire outdoors shall comply with the terms and conditions that are outlined on the Fire Permit issued.

PENALTIES

As outlined in the Township of O'Connor By-law #2021-08, Section 12. being a by-law to provide for the regulation of open-air burning of materials and to govern the issuance of fire permits under the Fire Protection and Prevention Act S.O. 1997 and the Ontario Fire Code.

- (a) Section 28 (3) An individual convicted of an offence under subsection (1) is liable to a fine of not more than \$50,000 for a first offence and not more than \$100,000 for a subsequent offence, or to imprisonment for a term of not more than one year, or to both. 2019, c. 7, Sched. 29, s. 2 (1).
- (b) Section 28 (4) A corporation convicted of an offence under subsection (1) is liable to a fine of not more than \$500,000 for a first offence and not more than \$1,500,000 for a subsequent offence. 2019, c. 7, Sched. 29, s. 2 (1).

Nothing in the Township of O'Connor By-law #2021-08 shall be deemed to authorize any burning or other act, which contravenes the Fire Protection and Prevention Act, S.O. 1997, the Ontario Fire Code, under O. Reg. 213/07, and the Environmental Protection Act R.S.O. 1990, c E. 19, or any regulation made thereunder.