

**THE CORPORATION OF THE TOWSHIP OF CHISHOLM**

**BY-LAW 2022-05**

*Being a by-law to amend By-law 2012-29 being a by-law to establish Open-Air Burning Procedures.*

**WHEREAS** pursuant to Section 7.1 (1)(a) and (b) of the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended, a Council of a municipality may 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** Section 391(1) of the *Municipal Act*, S.O. 2001, Chapter 25, a municipality may pass by-laws imposing fees or charges on any class or persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** the *Municipal Act*, 2001, S.O. 2001, c.25 s.130 permits a municipality to regulate matters for the purposes related to the health, safety, and well-being of the inhabitants of the municipality; and

**AND WHEREAS** the Council of the Corporation of the Township of Chisholm deems it essential to regulate the setting of open-air fires.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CHISHOLM ENACT AS FOLLOWS:**

1. For the purposes of this by-law, the following definitions shall apply:
  - (a) "Agricultural Waste" shall include any animal fecal deposits or manure, and animal carcasses;
  - (b) "Approved" means as approved by the Chief Fire Official or and/or designate;
  - (c) "By-Law Enforcement Officer" means the Township's By-Law Enforcement Officer and/or designate;
  - (d) "Campfire" means a small contained fire that does not exceed one metre in height and one metre in diameter, is supervised at all times and used to cook food or to provide warmth within an approved location under the conditions and terms of the by-law;
  - (e) "Chief Fire Official" means the Municipal chief fire officer or Assistants to the Fire Marshal, or a member or members of the fire department appointed by the Municipal Fire Chief;
  - (f) "Domestic Waste" shall include kitchen waste, food, scraps, cloth, rags, clothing, plastics and any other materials which contents include any of the aforementioned;
  - (g) "Fire Chief" means the Assistant to the Fire Marshal who is the Municipal chief fire officer or a member or members of the fire department appointed by the chief officer;
  - (h) "Incinerator" means an enclosed approved device used to burn approved refuse and detailed in Schedule 'B' of this by-law; and
  - (i) "Industrial Waste" shall include used automobile and truck bodies, tires, oil, grease, paint, cloth, rags, plastics or other material which contents include any of the aforementioned.
2. This by-law shall apply to all land within the geographical limits of the Township of Chisholm and to the setting of open-air fires on any such land.
3. This By-Law shall be enforced by the municipal by-law enforcement officer, the Township of Chisholm Fire Chief, or by any sworn member of the Ontario Provincial Police Service.
4. A fire wholly contained within a permanent or portable barbecue that is used for the preparation of food for human consumption shall not be deemed an open-air fire for the purposes of this by-law.

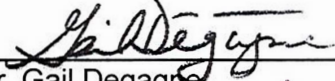
5. No person(s) or owner(s) of land shall:
  - (a) set a fire or permit the setting of a fire, or having set or permitted the setting of a fire, permit a fire to continue to burn without first having obtained a fire permit, in the form attached hereto as Schedule "A" or in accordance with Schedule "B" from the Chief Fire Official or designate, and in accordance with the provisions of the permit and this by-law;
  - (b) set a fire or permit the setting of a fire or allow a fire to burn no earlier than 6:00 p.m. and no later than 6:00 a.m. during the fire season, defined as **the period from the first day of April to the last day of October**;
  - (c) set a fire or allow a fire to burn in any highway, park, walkway, public land, or upon any land owned by the Corporation of the Township of Chisholm without having first obtained permission to do so from the Chief Fire Officer or designate;
  - (d) burn industrial waste, agricultural waste, domestic waste, petroleum products, rubber, painted lumber, mixed demolition debris or anything else that will cause excessive smoke or fumes;
  - (e) set a fire or allow a fire to burn on any land of which he/she is not the registered owner, without the written permission of the registered owner; and
  - (f) no person shall start a fire or permit the setting of a fire or allow a fire to burn in a Restricted Fire Zone; or in contravention of a fire ban as declared by the Chief Fire Official when conditions warrant, as in accordance with Schedule "C".
  
6. Where a fire permit is issued to an applicant pursuant to this by-law, the owner shall be jointly and severally responsible for any damage or injury to persons or property with respect to the setting of a fire or permitting a fire to burn, and to insure that:
  - (a) Only dry material is burned (including leaves);
  - (b) The fire is kept at least six metres from any dwelling and/or structure;
  - (c) The fire is attended until it is completely extinguished;
  - (d) Sufficient equipment and resources are available to control the fire and prevent any adverse effect;
  - (e) Incinerators meet the standard set by Schedule "B" and may be inspected by members of the Township of Chisholm Fire Department; and
  - (f) No damage to property or injury to persons results from the fire.
  
7. Where a fire permit is issued pursuant to this by-law, no person shall:
  - (a) Set a fire or permit a fire to burn if wind speed or direction will cause a danger to any person or structure, or decrease visibility on a highway; and
  - (b) Set a fire or permit a fire to burn which creates smoke and odours that cause discomfort to people residing in the area.
  
8. General Exemption – Campfires
 

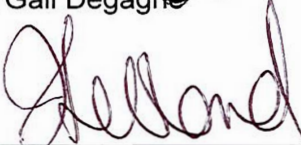
Recreational campfires for cooking or warmth are permitted during the day, provided:

  - (a) there is no Restricted Fire Zone or municipal fire ban;
  - (b) the fire is less than one metre high by one metre wide;
  - (c) the fire is contained on and within non-combustible surfaces;
  - (d) the fire is at least three metres from any forest area, and the area within the three-metre radius is free of flammable material.
  - (e) the space immediately above the fire installation is at least three metres from any overhanging vegetation; and
  - (f) all other restrictions applying to permitted fires (Sections 5 and 6) are met.
  
9. Any fire permit may be cancelled or suspended at any time by the Chief Fire Official or designate.
  
10. Notwithstanding the provisions of sections 4 and 5, the Chief Fire Official may, upon application, approve the setting of a fire subject to the supervision of the Chief Fire Official or designate.

11. Notwithstanding the provisions of sections 4 and 5, the Chief Fire Official may, upon application, issue an industrial/commercial/municipal permit for limited daytime burning, under such conditions as the Chief Fire Official may set.
12. If the Township of Chisholm Fire Department responds to a fire set or permitted to burn in violation of this by-law, the person who set the fire or allowed it to burn and the owner of the land, if the owner permitted the fire to be set or allowed it to burn, shall pay upon demand the department's costs incurred in 15-minute increments at the rate established by the Ministry of Transportation Ontario ("MTO rate").
13. If any person fails to pay the fees set out above, the amount in default may, in addition to any other remedies Chisholm may have, be recovered by the Corporation of the Township of Chisholm in like manner as municipal taxes in accordance with Section 398 (2) 2 of the *Municipal Act* S.O. 2001, c.25, against the owner of the land if the owner set the fire, allowed the fire to burn or permitted the fire to be set or to burn in contravention of this by-law, or any permit issued under this by-law.
14. Every person contravening a provision of this by-law may be charged with an offence under the *Provincial Offences Act*, as set out in Schedule "D".
15. By-law 2012-19 is hereby repealed.
16. This by-law will come into force on the date of passing.

Read a first, second and third time and enacted and passed this 25<sup>th</sup> day of January, 2022.

  
\_\_\_\_\_  
Mayor, Gail Degagne

  
\_\_\_\_\_  
CAO Clerk-Treasurer, Jennistine Leblond

Schedule "A" to By-Law 2022-05

TOWNSHIP OF CHISHOLM  
20\_ FIRE PERMIT

Permission is hereby granted to:  
NAME:

ADDRESS:

TELEPHONE:

To start a fire upon the following lands:

LOT: \_\_\_\_\_ CONCESSION/PLAN: \_\_\_\_\_  
CIVIC ADDRESS:

In the TOWNSHIP OF CHISHOLM for the purpose of:

- Brush burning                       Land clearing                       Incinerator

From and including the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ to and including the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

CONDITIONS:

1. Do not permit more than four (4) cubic meters of material to be burned at any one time.
2. **Do not ignite any fire between 6:00 a.m. and 6:00 p.m. (Including burning barrels!)**
3. A minimum of one (1) person must be in constant attendance of the fire. Never leave fire unattended.
4. The permittee must have enough firefighting equipment on hand to control the fire at all times (e.g. shovels, pales, axes, hose).
5. Permit only valid for burning of grass and wood or by-products of wood.
6. No burning in winds greater than 15 km/h.
7. Incinerator fires must be burned in an enclosed device covered by screen mesh with openings less than 5 millimeters. The incinerator must be at least 5 meters from any forest, at least 2 meters from flammable material, and must be monitored by a responsible person until the fire is out.

The applicant agrees to comply with the provisions of By-law No. 2022-05, and agrees to assume all responsibility for any damages occurring from the fire for which this permit is issued.

Date of issue: \_\_\_\_\_

Signature of applicant: \_\_\_\_\_

Signature of Issuing Officer: \_\_\_\_\_

**Industrial/Commercial/Municipal Permit**

The Chief Fire Official or delegate may issue an industrial/commercial/municipal permit for limited daytime burning provided all the conditions in the standard permit are met (with the exception of the prescribed hours), as well as any other conditions the Chief Fire Official may require, including but not limited to weather conditions, additional supervision, or a site visit and changes to the site.

## Schedule "B" to By-Law 2022-05

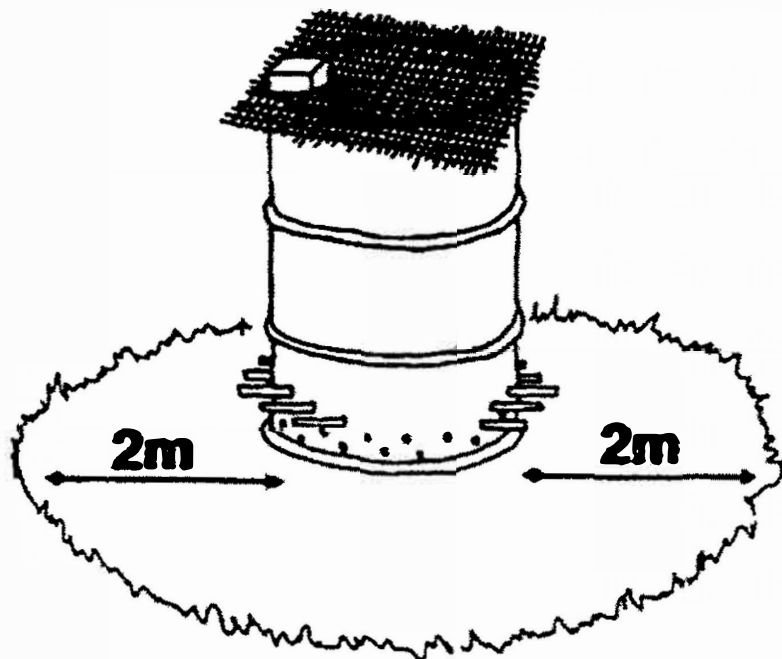
### How to Build a Safe Incinerator

If you burn forest litter or wood debris often, build and use a good incinerator.

1. Select a site at least five metres from anything that could catch on fire, like trees, overhanging branches, buildings or piles of debris. Clean an area two metres around the incinerator down to mineral soil.
2. Use a metal barrel in good condition.
3. A heavy metal mesh must be put on top of the incinerator. Mesh size must be less than five mm. Weight the screen with a rock or brick to stop it from falling off your incinerator. Without a mesh cover, a hot fire can spread burning sparks.
4. Material will burn more quickly and cleanly if the incinerator has good air flow. To create this, punch holes about seven centimeters above the bottom of the barrel. Punch a few more holes slightly higher and insert steel rods or pipes to support the material to be burned.
5. Keep a shovel, rake and water nearby.
6. Monitor any fire burning in the incinerator.

### Put that fire out!

Every person who starts a fire is responsible to ensure it is out. Remember, coals can smoulder for hours and hot embers and sparks can be blown by the wind, easily setting fire to dry grass or twigs. Where possible, dispose of used charcoal or ashes in a pit. Drown hot coals thoroughly, and then cover them with sand or gravel.



## **Schedule "C" to By-Law 2022-05**

### **Total and Partial Fire Bans**

Where, in the opinion of the Chief Fire Official or designate, burning restrictions are required, burning may be limited or restricted in two steps:

**Partial Fire Ban:** Permits for brush burning and land clearing shall be revoked, additional permits shall not be issued. Campfires and incinerators shall be restricted to the time between 6:00 p.m. and 6:00 a.m.

**Total Fire Ban:** In addition to the partial fire ban, all open burning, including campfires and incinerators will be restricted.

**Organized campgrounds:** Organized campgrounds that meet the requirements of Ontario Reg. 207/96 under the Forest Fires Prevention Act RSO 1990 may apply to the Chief Fire Official for permission to operate campfires during a fire ban. Consideration will be given on a case-by-case basis.

## **Schedule "D" to By-Law 2022-05**

### **Set fines for POA Offences**

- (a) Setting fire without permit – Section 5 (a) -- \$200.00.
- (b) Setting fire during restricted hours – Section 5 (b) -- \$200.00.
- (c) Setting fire on highways, parks, public land or municipally-owned property – Section 5 (c) \$200.00.
- (d) Burning of restricted items – Section 5 (d) -- \$200.00.
- (e) Setting of fire when not the registered owner – Section 5 (e) -- \$200.00.
- (f) Setting of fire in Restricted Fire Zone – Section 5 (f) -- \$300.00.
- (g) Burning of items other than dry material – Section 6 (a) -- \$200.00.
- (h) Fire too close to dwelling or structure – Section 6 (b) -- \$300.00.
- (i) Fire is left unattended – Section 6(c) -- \$300.00.
- (j) Sufficient equipment to extinguish fire is not available – Section 6 (d) -- \$300.00.
- (k) Damage to property or injury to person due to setting of fire – Section 6 (f) -- \$300.00.
- (l) Decrease in visibility on any highway or cause danger to person or structure – Section 7 -- \$300.00.
- (m) Causing discomforting odour – Section 6 (b) -- \$200.00.