

# THE CORPORATION OF THE TOWNSHIP OF GREATER MADAWASKA

## BY-LAW NUMBER 81-2016

---

Being a By-Law for Establishing Requirements to Conduct Open Air Burning  
in the Township of Greater Madawaska

---

**WHEREAS** the Fire Protection and Prevention Act, 1997, Ontario, Section 7.1 provides that a municipality may pass by-laws,

- (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.

And to appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether by-laws enacted in accordance with this section are being complied with;

**AND WHEREAS** the Municipal Act S.O 2001, Ontario, section 391.1 authorizes a municipality to impose fees or charges on persons for services or activities provided or done by, or on behalf of it;

**AND WHEREAS**, the Council of the Corporation of the Township of Greater Madawaska deems it expedient to exercise the powers vested in it by the said Acts;

**NOW THEREFORE**, the Council of the Corporation of the Township of Greater Madawaska enacts as follows:

### **1.0 DEFINITIONS**

In this By-Law,

**Approved Pit** means an area of ground that has been completely cleared of combustible material and lined with sand or mineral soil that will extend a minimum of 30cm (12 inches) beyond the limit of the fuel used for a Camping Fire.

**Authorized Agent** means any person authorized by the Fire Chief or the Council of the Township to carry out those duties.

**Burn Barrel** means a receptacle used to burn debris with an open outlet covering mesh equal to or less than 5 mm.

**Campfire** means an open air fire having a maximum fuel volume of 1 metre x 1 metre x 1 metre (3 feet x 3 feet x 3 feet), that is set or maintained in an approved pit or outdoor fireplace and is used solely for the purposes of cooking food, providing warmth or recreational enjoyment.

**Council** means the elected Council of the Corporation of the Township of Greater Madawaska.

**Household Waste** means any solid waste, composed of garbage or rubbish, which normally originates in a private home.

**Incinerator** means an enclosed chamber constructed for the purpose of burning materials with an outlet covering mesh equal to or less than 5 mm.

**Open Air Fire** means a fire set in the open air for the purpose of burning brush or other approved combustible material, and includes fires in incinerators and pits, but does not include cooking fires, campfires and barbeques.

**Outdoor Furnace** means, but is not limited to, any enclosed device, appliance or structure that is designed, intended and/or used to provide heat and/or hot water to any associated structure, that operates by burning wood or any other fuel specifically meant for that device.

**Permit** means a permit issued by the Township of Greater Madawaska signifying permission to set or maintain or allow being set or maintained, an open air fire, and establishing the conditions under which the permission is granted.

**Person** includes an association, firm, partnership or corporation.

**Prohibited Materials** means any materials such as, but not limited to, household waste, petroleum products, plastics, rubber products, painted lumber, household contents or any other item that could cause noxious or toxic smoke or fumes.

**Township** means the Corporation of the Township of Greater Madawaska.

**Village/hamlet** means the Village of Calabogie as set out in Schedule "C".

## **2.0 GENERAL REGULATIONS**

- a. A Permit from the Township or its authorized agent, is required year-round to set, maintain or allow to be set or maintained, any open air fire that is not a camping fire as defined in this By-Law and maintained within an approved pit.
- b. A Permit is not required for a campfire.
- c. During the Provincial Fire Season (1<sup>st</sup> day of April to the 31<sup>st</sup> day of October), pursuant to Ontario Regulation 207/96, the fire shall be started no earlier than two hours before sunset, and extinguished no later than two hours after sunrise the following day. No daytime burning.
- d. Burning of any prohibited materials as defined in this By-Law is not allowed.
- e. Do not burn any materials where the smoke impedes visibility on any public thoroughfare.
- f. Do not burn standing vegetation including grass.
- g. Keep the fire 10 metres (30 feet) away from a building or wooded area, or 5 metres (15 feet) away from any other flammable material.
- h. Burn only a single pile at any one time
- i. Ensure the pile is less than 2 metres in diameter and 2 metres high.
- j. No open air fire, with the exception of a campfire, is allowed within the geographical limits of municipal villages or hamlets as described in Schedule C.

## **3.0 FIRE BANS**

**3.1** The Fire Chief or authorized agent may, at any time, and in the exercise of his/her sole discretion, issue a fire ban prohibiting the setting of any and all open air fires within any area of the Township based on local conditions.

**3.2** While a **Level One (1)** fire ban is in effect, no person shall at any time set, maintain or allow any open air fire other than:

- campfires as described in definitions
- enclosed barbeques fueled by propane or charcoal
- outdoor furnaces
- fireworks, chimineas, chinese lanterns, ban busters
- or at the discretion of the Fire Chief or authorized agent

**All Fire Permits are suspended; no new Fire Permits may be issued.**

**3.3** While a **Level Two (2)** fire ban is in effect, no person shall at any time set, maintain, or allow any open air fire of any kind other than:

- enclosed barbeques fueled by propane or charcoal
- outdoor furnaces
- or at the discretion of the Fire Chief of authorized agent

**All Fire Permits are suspended; no new Fire Permits may be issued**

**No campfires, fireworks, chimineas, chinese lanterns, ban busters**

**NO BURNING OF ANY KIND**

**3.4** The Fire Chief will assess the need for a total or partial fire ban on a daily basis and will downgrade or cancel the fire ban as soon as possible based on local conditions.

**3.5** Notwithstanding any other provisions of this By-Law, the Fire Chief or agent may revoke any or all permits, refuse to issue permits where one or more of the following conditions exist in respect of, or in proximity to, the proposed open air burning site:

- a. A lack of precipitation that, in the opinion of the Fire Chief, increases the risk of the spread of fire.
- b. Winds that, in the opinion of the Fire Chief, increase the risk of the spread of fire.
- c. The issuance, by the Fire Chief, Fire Marshall, or other fire officials (MNR) in the exercise of his/her statutory powers, of a fire ban.
- d. Any other condition that in the opinion of the Fire Chief will increase the risk of spread of fire.

**3.6** The Fire Chief may, at their sole discretion, refuse to issue a requested fire permit.

#### **4.0 SAFETY**

**4.1** No person shall, at any time, set, maintain or allow being set or maintained an open air fire except where:

- a. Such fire is under constant supervision of a competent person of 18 years or older.
- b. A valid authorized open air burning permit issued by the Municipality is in effect.
- c. All conditions as detailed on the permit have been followed.
- d. Equipment and other resources capable of **controlling** and **extinguishing** open air fires shall be available and maintained at the site until the fire is fully extinguished.

**4.2** Despite an open air burning permit being issued, no person at any time set, maintain or allow to be set or maintained, an open air fire where the weather conditions have changed to create dangerous conditions for the setting of the fire.

**4.3** Where an open air burn under a valid permit has been set and the weather conditions change to the presence of winds in excess of 10 km/hr., the permit holder shall ensure that the fire is extinguished immediately.

**4.4** Every person setting or maintaining a campfire shall ensure that such campfire is set or maintained in an approved pit or appliance.

#### **5.0 ADMINISTRATION AND ENFORCEMENT**

This By-Law shall be administered and enforced by the Fire Chief.

#### **POWERS OF INSPECTION**

**5.1** The Fire Chief, agent or designate, may, at any time, inspect any open air fire to ensure the provisions of this By-Law have been complied with, and the person who is in care and control of the fire shall grant unobstructed access to such fire.

- 5.2** Upon inspection, the Fire Chief, agent or designate:
- a. Is entitled to request and have produced, any relevant permit(s) issued by the Township with respect to the open air fire being inspected.
  - b. May, where there are reasonable and probable grounds that any offence under this By-Law has been committed, order immediate extinguishment. In the case where means of extinguishment are not available, call for resources to extinguish the fire.

## **6.0 PENALTIES**

- 6.1** Any person who contravenes any provision of this By-Law is guilty of an offence and shall be subject to such penalties as laid out in this By-Law and the Provincial Offences Act, R.S.O. 1990, c.P.33 as amended.
- 6.2** In addition to any fines or penalties levied by a court upon conviction, the person(s) responsible for setting, maintaining or allowing to be set or maintained, an open air fire, shall be liable to the Township by way of fees or charges in accordance with Schedule "A" to this By-Law, on account of those costs incurred by the Township in:
- a. Investigating and responding to a complaint made to the Township or fire department by any person acting reasonably and in good faith as to a contravention to this By-Law.
  - b. The dispatching of fire department personnel and vehicles for the purpose of extinguishing the open air fire.
  - c. Where extinguishment requires additional outside resources.
- 6.3** All fees and charges are payable within a reasonable time at Councils' discretion.
- 6.4** All fees and charges payable under this By-Law constitute a debt of the person liable for payment of them to the Township. In the case of a property owner, the Township at its discretion, may attach amount owing to property tax roll and collect in a like manner as municipal taxes.

## **7.0 PENALTY PROVISIONS**

Every person who contravenes, causes, or permits the contravention of any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine, pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

## **8.0 SEVERABILITY**

A decision of a competent court that one or more provisions of this By-Law are invalid in whole or in part, does not affect the validity, effectiveness or enforcement ability of the other provisions or part of provisions of this By-Law

**THAT** This By-Law rescinds By-Law 47-2016

**THAT** this By-Law shall come into force and take effect immediately upon the passing thereof.

**READ** a first and second time this 28<sup>th</sup> day of November, 2016

**READ** a third time and passed this 28<sup>th</sup> day of November, 2016

---

Glenda McKay, Mayor

---

Allison Holtzhauer, CAO/Clerk Treasurer

**Schedule "A"**  
**By-Law 81-2016**

<b>Item</b>	<b>Short Form Wording</b>	<b>Set Fine</b>
1	Set, maintain or allow open fire without permit	\$300
2	Burn prohibited materials	\$250
3	Set or maintain an oversized open air fire	\$250
4	Set or maintain an open air fire within 10m of building	\$250
5	Set or maintain an open air fire within 5m of flammables	\$250
6	Burn restricted materials no special permit	\$500
7	Burn prohibited materials in incinerator	\$250
8	Burn prohibited materials in outdoor furnace	\$250
9	Set or maintain fire with underage supervision	\$250
10	Set or maintain fire with no control measures on site	\$250
11	Set or maintain fire during adverse conditions	\$250
12	Campfire not in approved pit	\$250
13	Set or maintain fire during level 1 fire ban	\$500
14	Set or maintain fire during level 2 fire ban	\$500
15	Set or maintain a campfire during level 2 fire ban	\$500
16	Set or maintain a fire in an incinerator during level 2 fire ban	\$500

## **SCHEDULE "B"**

### **BY-LAW 81-2016**

#### **Schedule of Cost Recovery fees**

##### **First offence - Fire Chief or authorized agent may:**

- set fine as per Schedule "A"
- firefighter wages and employment cost as set out by current Fees & Charges By-law (two hour minimum)
- additional time to be calculated on one half hour increments

##### **Second offence - Fire Chief or authorized agent may:**

- set fine as per Schedule "A"
- contravention of open air burning fee as set out by current Fees & Charges By-law – two hour minimum
- additional time to be calculated on one half hour increments

##### **Third offence - Fire Chief or authorized agent may:**

- set fine as per Schedule "A"
- contravention of open air burning fee as set out by current Fees & Charges By-law – two hour minimum
- additional time to be calculated on one half hour increments
- banned from burning for one calendar year

All amounts for outside agencies required to assist with extinguishment will be added for each offence.

## **SCHEDULE “C”**

### **BY-LAW 81-2016**

The Village of Calabogie, for the purposes of this bylaw, is comprised of the following areas:

Blake Street	508 – 516
Calabogie Road	4709 – 4987 (South side-odd civic numbers only)
Francis Street	1031 – 1074
Gladstone Street	506 – 516
Lanark Road	12600 – 12830
Leclerc Lane	9 – 17
Madawaska Street	1012 – 1020
Mill Street	504 – 729
Mowat Street	13 – 25
Octagon Lane	15 – 33
O’Neill Point Road	22 – 34
Parnell Street	19 – 23
Trailer Lane	8 – 24

Exception is 758 Mill Street (County of Renfrew Garage)