

THE CORPORATION OF THE MUNICIPALITY OF MCDOUGALL

BY-LAW NO. 2003-18

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BEING A BY-LAW TO ESTABLISH PRESCRIBED TIMES FOR SETTING OF  
OPEN-AIR FIRES, PRECAUTIONS TO BE TAKEN AND FOR ISSUING  
PERMITS FOR BURNING IN THE MUNICIPALITY OF MCDOUGALL

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WHEREAS S.O. Section 390 of the Municipal Act, 2001, Revised, Section 475 (3) (b), provides that the Council may pass by-laws for prescribing the times that fires may be set and the precautions to be observed by persons setting out fires;

NOW THEREFORE, the Council of the Corporation of the Municipality of McDougall enacts as a by-law the following:

1. **DEFINITIONS:**

- 1.1 For the purposes of this by-law the following definitions shall apply;
- 1.2 "Fire Department" means the McDougall Fire Department;
- 1.3 "Fire Season" means April 1 to October 31 of each year;
- 1.4 "Fire Permit" means a permit issued by the Municipality pursuant to this By-law;
- 1.5 "Municipal Employee" means an officer, servant or other employee of the municipality, including a volunteer fire fighter;
- 1.6 "Municipality" means the Corporation of the Municipality of McDougall;
- 1.7 "Permittee" means person who is at least eighteen (18) years of age and who has been issued and possesses a valid fire permit(s) by the Municipality;
- 1.8 "Chief Fire Official" means the Fire Chief as defined in the Fire Protection and Prevention Act or designate.
- 1.9 "Open Air Fire" means fires that are set outdoors and are not contained in the confines of a cooking device; fires that are set for the purposes of disposing of wood debris, including fires set in outside incinerators; Open air fire can not be more than 2 meters by 2 meters by 2 meters high; does not include campfires / recreational fires for the purposes of cooking or warmth or socialising;
- 1.10 "Campfire/recreational fire", means a small fire set for the purpose of cooking, warmth or socialising. Can be best described as a fire no greater than 1 meter by 1 meter by 1 meter high. Burn permit not required for this type of fire.
- 1.11 "Fire Ban" means a complete ban of all open fires and suspension of all issued fire permits. A Fire Ban is enacted by the Chief Fire Official or designate within the Municipality by the authority of the Fire Protection and Prevention Act.

2. **REGULATION OF OPEN-AIR FIRES**

- 2.1 No person shall start a fire outdoors unless conditions will allow the fire to burn safely from ignition to extinguishment.
- 2.2 No person who starts an open-air fire or, if the person who started the fire is not present, a person in charge of and tending the open-air fire, shall take all necessary steps to tend the fire, keep the fire under control, and extinguish the fire before leaving the site.
- 2.3 Open air fire shall be extinguished when the wind is in such direction or intensity so as to cause one or both of the following:
  - a) A decrease in visibility on any highway or road, or
  - b) The rapid spread of fire through grass or a brush area.

- c) Have an adverse impact on other people or property
- 2.4 Any person who is issued a permit for an open-air fire shall have the permit available at the site at all times during the fire.
- 2.5 **Burning of materials such as rubber tires, paint, asphalt material, chemical wastes, synthetic or man-made materials or any other materials considered to create excessive smoke or smell is not permitted.**

### 3. PERMITS

- 3.1 No person shall set out fires in open-air without first procuring a fire permit from the Municipality. Permits may be procured from the Administration office, the Chief Fire Official or designate or the Landfill or Transfer Station attendant or By-Law Enforcement Officer. Permits are valid for 1 week (seven consecutive days).
- 3.2 A person who has obtained a fire permit (see Schedule A) pursuant to this section shall ensure that:
  - 3.2.1 Fire permits are required for all open-air burning during the fire season of April 1 – October 31 of each year;
  - 3.2.2 The fire is attended by a responsible person until the fire is out;
  - 3.2.3 The material to be burned shall be limited to piled wood, brush and discarded wood products;
  - 3.2.4 The pile is less than 2 meters in diameter and less than 2 meters high;
  - 3.2.5 The fire is ignited no sooner than 2 hours before sunset or later and extinguished 2 hours after sunrise of earlier;
  - 3.2.6 The fire is at least 3 meters from any flammable materials;
  - 3.2.7 The person attending the fire has the means of extinguishing the fire, as recorded on the fire permit and the fire permit is to be kept on site for the duration of the fire.
- 3.3 A person may be issued a permit to burn grass and leaves provided that:
  - 3.3.1 The fire is attended by a responsible person until the fire is out;
  - 3.3.2 The area to be burned is less than .5 hectare;
  - 3.3.3 The length of flaming edge is less than 30 meters;
  - 3.3.4 The fire is ignited 2 hours before sunset or later and extinguished 2 hours after sunrise of earlier;
  - 3.3.5 The person tending the fire has the means of extinguishing the fire, as recorded on the fire permit, available at the site at all times during the fire.
- 3.4 DAYTIME OPEN-AIR BURNING may be authorised with a one-day permit:
  - 3.4.1 Daytime one-day permits will only be issued at the Administration Office under the authority of the Chief Fire Official or designate;
  - 3.4.2 Generally, daytime burning permits are only issued to contractors or businesses;
  - 3.4.3 The permittee must provide the day and hour when the fire is to be set out;
  - 3.4.4 Upon issuing a one-day daytime burning permit, the Administration Staff or Chief Fire Official or designate shall contact McDougall Fire Dispatch and the MNR Fire Office and inform them of the address of daytime burn location;
  - 3.4.5 An on site inspection may be done by the Chief Fire Official or designate;

- 3.4.6 Adequate tools and or water to contain the fire, shall be available on the site at all times during the fire, (i.e. Shovels, pails of water brooms or what ever the Chief Fire Official requests.);
  - 3.4.7 The fire must be attended to until fire is completely extinguished;
  - 3.4.8 The pile is less than 2 meters in diameter and less than 2 meters high;
  - 3.4.9 The fire is at least 5 meters from any flammable materials;
  - 3.4.10 For larger burns, the Chief Fire Official or designate, may require the attendance of the McDougall Fire Department at the scene of such a fire, with a charged fee as per paragraph 6.3.1, for crews of 10 or less paid by the permittee.
- 3.5 Any person obtaining a fire permit shall provide the following information:
- 3.5.1 Municipal address and nearest access road to where the fire is to be set out;
  - 3.5.2 The means and ways of extinguishing the fire;
- 3.6 Burning permits are not required from November 1st to April 30th of each year, as per the Municipality of McDougall Open-Air Fire By-law and the Provincial Forest Fires Prevention Act. However, in times of severe environmental conditions, The Province of Ontario or the Fire Chief may extend the season requiring the issuing of fire permits for open-air fires.
- 3.7 Fire Permits may be suspended at any time during the Fire Season and or a Fire Ban be enacted by the Chief Fire Official or designate.

#### 4. INCINERATORS

- 4.1 Any person operating an incinerator for open air burning may apply for an annual permit.
- 4.2 The Chief Fire Official or designate MAY conduct an inspection of the incinerator before issuing the permit, OR at any other time during the fire season with notification to the property owner;
- 4.3 Such an incinerator may be ignited 2 hours before sunset or later and extinguished 2 hours after sunrise of earlier; except for a business or contractor which may operate an incinerator during day time hours; and must be:
  - 4.3.1 A metal barrel in good condition (or an enclosed device);
  - 4.3.2 At least 2 meters from any building or forest;
  - 4.3.3 At least 2 meters from flammable material;
  - 4.3.4 Used to burn wood and wood by-products only;
  - 4.3.5 Covered by mesh having openings less than 5 mm in size;
  - 4.3.6 Monitored by a responsible person until out, and the person monitoring the fire shall have adequate tools and/or water to contain the fire available at the site at all times during the fire.
  - 4.3.7 shall not be placed under overhead wires;
  - 4.3.8 Incinerator / incinerator barrel must be constructed as per approved design. SEE SCHEDULE B.

#### 5. NO PERMIT NEEDED FOR COOKING OR WARMTH

- 5.1 A permit will not be required for open-air fires if set for camping or recreation and consists of a small contained fire, used to cook food on a grill or barbecue, or is for personal warmth;
- 5.2 The fire must be situated on bare rock or other non-combustible material or mineral soil;

- 5.3 Surrounded by at least 1 meter of non-combustible material; and at least 2 meters from any flammable material;
- 5.4 The pile is less than one meter in height and less than one meter in diameter;
- 5.5 Supervised by a responsible person at all times and that person must have adequate tools and/or water to contain the fire available at the site at all times during the fire (such as shovel, corn broom, garden hose, 25 litre pail of water, easy access to a lake, etc.).

## 6. LIABILITIES OF THE PERMIT HOLDER

### The permit holder:

- 6.1 Shall be totally responsible and liable for any damage to property occasioned by the said fire, whether or not approval has been issued; and also
- 6.2 Shall be liable for the cost of any fire fighting equipment and personnel necessary and called in to extinguish the said fire;
- 6.3 On occasion where the vehicles, equipment and personnel of the fire department respond to a fire call on a property within the municipality and no permit has been obtained, and /or the permit holder has allowed the fire to become uncontrolled, the permit holder may be liable for the cost of the fire department callout;
  - 6.3.1 Fee for response under paragraph 6.3 shall be as follows:
    - 6.3.1.1 \$350.00 for each fire department vehicle attending for the first hour;
    - 6.3.1.2 \$175.00 for each fire department vehicle attending for every additional half hour or part hour thereof;
    - 6.3.1.3 \$350.00 for responding to a call where services are not required.
- 6.4 It is the responsibility of the Chief Fire Official or designate to initiate any fire restrictions.
- 6.5 In the case of fire restriction due to weather, etc. The onus is on the permit holder to contact the municipality to determine if any fire restriction is in effect.

## 7. GENERAL PROVISIONS

- 7.1 During a municipal fire ban or a restricted fire zone, no open-air fires are allowed. All existing fire permits are suspended;
- 7.2 Notification of Fire Ban will be done through the municipal postings, signs and local radio;
- 7.3 The Chief Fire Official or designate or Municipal Law Enforcement Officer, at their discretion, may issue a first time warning if the person setting out the fire agrees to immediately extinguish the fire as quickly as possible;
- 7.4 As a provision, the Chief Fire Official or designate may authorise out of the ordinary open air fires for extenuating circumstances for major projects or activity not previously considered. At such time, each case will be considered by specific merits.
- 7.5 This By-law may be cited as the "Municipality of McDougall Open-Air Fire By-Law".

## 8. PENALTIES

- 8.1 Every person who contravenes any of the provisions of this By-Law is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty

of not more than five thousand dollars (\$5,000) exclusive of costs, and every such fine is recoverable under the Provincial Offences Act, R.S.O. 1990, cP.33.

9. That this By-Law shall come into effect and take force on the date of its passing.

10. That By-Law No. 98-08 be repealed.

11. If any section, clause or provision of this By-law is for any reason declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the By-Law as a whole or in part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-Law shall remain in full force and effect until repealed.

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