

THE CORPORATION OF THE MUNICIPALITY OF HIGHLANDS EAST

BYLAW # 2017-89

Being a By-law for prescribing the Times and Conditions for setting fires in the Corporation of the Municipality of Highlands East and establishing penalties

WHEREAS the Corporation of the Municipality of Highlands East deems it expedient to establish times during which fires may be set in the open air and the precautions to be observed by persons setting out fires;

AND WHEREAS the Fire Protection and Prevention Act, 1997, c. 4 section 7.1 as amended, provides the Council of the Corporation of the Municipality of Highlands East may pass a bylaw to regulate the setting of open air fires, including establishing the times during which open air fires may be set;

NOW THEREFORE, the Council of the Corporation of the Municipality of Highlands East enacts as follows:

PART 1 - DEFINITIONS

1. **Definitions** – in this bylaw:
 - a) “**Municipality**” means the Corporation of the Municipality of Highlands East and the geographic area thereof.
 - b) “**Day Burning**” means the use of open air fire from one half hour after sunrise through to one half hour before sunset
 - c) “**Fire Chief**” means the Fire Chief of the Municipality of Highlands East, appointed under Section 6(1) of the Ontario Fire Code.
 - d) “**Fire Department**” means the Municipality of Highlands East Fire Department.
 - e) “**Fire Season**” means the period from April 1 to October 31 when open fire is more strictly regulated due to the increased hazard and potential for loss.
 - f) “**Incinerator**” means equipment intended for outdoor burning and shall conform to NFPA 82 “Incinerators and Waste and Linen Handling Systems and Equipment. This does **NOT** include a barrel.
 - g) “**Occupant**” means the person(s) residing in premises which he/she does not own.
 - h) “**Open Air Fire**” means any fire which is set outside a building.

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- i) **“Owner”** means the person(s) shown on the latest Assessment Roll.
 - j) **“Permit”** means written authority provided by the Fire Chief or his/her designate, attached hereto as Schedule “A” and forming part of this bylaw.
 - k) **“Tenant”** means the person(s) renting or leasing premises.

PART 2 - GENERAL PROVISIONS

2.1 No “Day Burning”

No person(s) shall start, maintain or allow to burn an **“Open Air Fire”**, from one half hour after sunrise until one half hour before sunset during the period from April 1 to October 31, which is the **“Fire Season”**.

2.2 Notwithstanding 2.1 above, **Day Burning** is allowed under the defined conditions through the issuing of a **“Permit”**.

2.3A permit may be cancelled or suspended at any time by the Fire Chief or his/her designate. Upon receiving notice of such cancellation or suspension, the holder of such permit shall immediately extinguish any fire(s) started under the said permit.

2.4 Notwithstanding the provisions of this by-law, the Fire Chief or his/her designate may upon application, approve the setting of any fire subject to the fire being supervised by the Fire Chief or his/her designate of the Highlands East Fire Department.

PART 3 – SCHEDULES – CONDITIONS FOR OPEN AIR BURNING

THAT the following schedules are attached and form part of this bylaw:

- a) Schedule “A” – Conditions for Open Air Burning

PART 4 - SEVERABILITY OF PROVISIONS

Should any section, subsection, clause or provision of this Bylaw be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Bylaw as a whole or any part thereof, other than the part so declared to be invalid.

PART 5 – SHORT TITLE

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This bylaw may be cited at the "Municipality of Highlands East Open Air Burning Bylaw"

PART 6 – RESCIND

THAT Bylaw number 2013-31 be rescinded in its entirety.

PART 7 - EFFECTIVE DATE

THAT this Bylaw shall take effect upon its adoption.

Read a first, second and third time and finally passed this 6th day of December, 2017.

Dave Burton, Mayor

Robyn Rogers, Deputy Clerk

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Schedule "A" To Bylaw 2017- 89

Conditions for Open Air Fires

1. Permit(s) not required

- a. A permit is not required for a small, confined fire, supervised at all times, subject to the following conditions:
 - i. the fire does not exceed 0.5 cubic metres
 - ii. the flame height does not exceed 1 metre
 - iii. the fire is for cooking purposes or is for personal warmth
 - iv. all other provisions of Schedule "A" is met
 - v. there are no fire bans or "**Fire Season**" restrictions in place

2. Fire Permits

- a. Notwithstanding the above, all persons shall obtain a permit from the Fire Chief or his/her designate before lighting a fire in the open air.
- b. The permit shall show the following details:
 - i. Name of Applicant (indicating whether owner/occupant/tenant)
 - ii. Location of the proposed fire (lot & concession), Ward (Bicroft, Cardiff, Glamorgan or Monmouth), 911street address if available.
- c. All other provisions of Schedule "A" is met.

3. Responsibility

- a. All persons setting an open air fire shall be responsible for any injury or damage to persons or property resulting from the said fire.
- b. All persons obtaining the necessary permit and setting an open air fire shall be responsible for all costs incurred by the Fire Department, if the Department is called to extinguish the said fire. Such costs shall be

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calculated in accordance with the current fee structure established by the Ministry of Transportation (MTO).

- (1) Per vehicle for first hour – based on current MTO rates
- (2) Per vehicle per half-hour thereafter – based on current MTO rates

Times shall be calculated from the receipt of the alarm through to the time the responding personnel and equipment are back in service.

- c. Any person who sets an open air fire without first obtaining the necessary permit or without confirming the date/time of the fire with the Fire Department shall have the fire extinguished by the Fire Department and be charged MTO rates as set out in Section 3, Responsibility, Subsection (b).

4. **Weather Conditions**

No open air burning shall be permitted when the wind is in such a direction or of such intensity that the following conditions occur:

- a. A decrease in visibility on any highway or roadway
- b. A rapid spread of fire through grass or brush area
- c. An adverse effect on neighbouring persons or property
- d. At all times, protection of the environment shall be a primary concern

5. **Materials**

- a. Material to be burned shall be limited to wood or wood by-products
- b. No hazardous materials shall be burnt. This category includes all plastics, petroleum products, rubber, painted or treated materials, etc.
- c. Household waste shall not be burnt

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6. **Supervision**

- a. The fire shall be maintained and supervised at all times
- b. Adequate means of extinguishing the fire shall be available at all times at the site during burning, and until the fire is completely out
- c. The fire shall be at least **10 metres** from any building