WHEREAS the Fire Protection and Prevention Act, 1997, C.O. 1997, c.4, Section 7.1, as amended, states that 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 part 2 of the Ontario Fire Code, O. Reg. 388/97, provides that open air burning shall not be permitted unless approved, or unless such burning consists of a small contained fire, supervised at all time, and used to cook food on a grill or barbecue;

AND WHEREAS the Council of the Township of Laurentian Valley is desirous of enacting a by-law to regulate the setting of fires;

NOW THEREFORE The Council of the Corporation of the Township of Laurentian Valley enacts as follows:

1. DEFINITIONS 
For the purposes of this by-law
1.1 "Approved" means approved by the Chief Fire Official or his designate;

1.2 "Ban" on Open-Air fires means a restriction or prohibition on Open-Air fires issued by the Chief Fire Official or his/her designate;

1.3 "Barbecue" shall mean a portable or fixed device, including a Hibachi, a permanent structure designed and intended solely for the cooking of food in the open air and other similar devices designed and intended solely for the cooking of food in the open air, but does not include devices designed for personal warmth.

1.4 "Building" means any structure used or intended for supporting or sheltering any use or occupancy, but does not include a non-enclosing open-sided structure.

1.5 "Burning Permit" means a written conditional authorization issued by the Chief Fire Official or his/her designate, to set or maintain a Fire or Recreational Fire as per any restrictions and conditions contained in this By-Law or as may be specified on the Burning Permit itself.

1.6 "Burning Safety Plan" means procedures and facilities provided by the Applicant and/or Owner, and shall include provisions for facilitating emergency vehicle access and response, and Open-Air fire safety and control, and protection of the environment.

1.7 "Chief Fire Official" shall mean the Fire Chief of the Township or his/her designate;

1.8 "Combustible" shall mean any material, combination of materials, or arrangement of materials in which any portion thereof is susceptible to catch fire when exposed to heat, flame, or other burning materials;

1.9 "Dangerous Condition" shall mean:
1.9.1 a lack of precipitation, which in the opinion of the Chief Fire Official increases the risk of the spread of fire;

1.9.2 winds, which in the opinion of the Chief Fire Official increases the risk of the spread of fire; or,

1.9.3 any other condition declared by the Chief Fire Official to be a dangerous condition, from time to time, which increases the risk of the spread of fire.
1.10 “Exempt” means that, under specified conditions, a particular type or configuration of Open-Air Fire does not require a Burning Permit as set out in Section 3 of this By-Law.

1.11 “Fire” means any fire set in the open air by any person within the boundaries of the Township, except a Recreational Fire.

1.12 “Fire Dispatch” shall mean the fire dispatch service of the Township with the number to call for notification as set out on the Burning Permit.

1.13 “Fire Permit” shall mean a permit issued by the Chief Fire Official or designate signifying permission to set a Fire and establishing the conditions under which the permit is granted.

1.14 “Incineration Device” means a device that is operated and Regulated (licensed) under a Certificate of Approval from the Ontario Ministry of the Environment and is not subject to the requirements of this By-Law.

1.15 “Made Safe” means that all reasonable and prudent steps are taken to guard against injury to persons or property due to the fire and may include, but not be limited to erecting barriers and signs; grading of property; demolition of unstable structures; and the removal of residue left from the burning process.

1.16 “Municipal Law Enforcement Officer” means that person, or persons, appointed by The Corporation of the Township of Laurentian Valley for the purpose of enforcing the provisions of this By-Law and related provincial offences by authority of the Ontario Police Services Act, 1990, Chapter P. 15, Section 15.

1.17 “Open-Air Fire” means,

1.17.1 any fire set outdoors, i.e. not in an enclosed building, or

1.17.2 any fire set in a device or appliance located outside of a building;

1.17.3 but does not include:

1.17.3.1 fires in devices installed outside of a building and that are used as a source of heat or power for the building or that are ancillary to a manufacturing process, and provided that such device is certified for the purpose by a recognized and appropriate agency.

1.18 “Permit” shall mean a permit issued by the Chief Fire Official or designate signifying permission to set a Fire or a Recreational Fire and establishing the conditions under which the permit is granted.

1.19 “Permit Holder” shall mean any person who is a land owner that has been granted a permit for Fire by the Township or Chief Fire Official.

1.20 “Person” shall mean any individual, association, firm, partnership, corporation, agent or trustee and their heirs, executors or other legal representatives of a person.

1.21 “Recreational Fire” shall mean an Open-Air Fire that is set and maintained solely for providing warmth and recreational enjoyment.

1.22 “Recreational Fire Permit” shall mean a permit issued by the Chief Fire Official or designate signifying permission to set a Recreational Fire and establishing the conditions under which the permit is granted.

1.23 “Responsible Person” means any adult person (18 years of age or older) who, in the opinion of the Municipal Law Enforcement Officer, capable of exercising the required judgment and capable of performing the necessary actions to control a fire and prevent its unwanted spread.

1.24 “Structure” means anything constructed or erected, the use of which requires location on or in the ground.
1.25 “Township” shall mean The Corporation of the Township of Laurentian Valley.

2. RESTRICTIONS ON BURNING:
2.1 No person shall set or maintain an Open-Air Fire except;
   2.1.1 a Fire for which a Permit has been obtained; or
   2.1.2 a Recreational Fire for which a Permit has been obtained; or
   2.1.3 An Exempt Fire as described in Section 3 of this By-Law

3. EXEMPT FIRES
The following types of Open-Air Fires are Exempt and such fires may be set and
maintained anywhere in the Township of Laurentian Valley provided that the conditions in
this by-law are fully met;

3.1 Cooking Fires
   3.1.1 A charcoal, compressed gas, or wood fire, that is only large enough for the
   purpose, and is confined within a barbecue or grill that is constructed of
   metal, ceramic, stone, or masonry, and that is exclusively designed for and
   being used for the cooking of food for human consumption.

3.2 Construction or Maintenance Activities
   3.2.1 An appliance of a portable nature which requires an open flame for the
   heating of a material during a construction or maintenance process,
   provided such appliance is safe to operate, and provided that it is not
   operated in such a manner as to create a fire hazard, and provided that the
   fire is attended at all times by a Responsible Person to supervise it until
   extinguished.

3.3 Other Flaming Devices
   3.3.1 Candles, citron torches and similar items, and small fireworks under 50 mm
   in diameter provided that all of the following conditions are met:
   3.3.1.1 such devices are not operated in or near dry vegetation; and
   3.3.1.2 such devices are not operated in any other place conducive to the
   development or the spread of fire or explosion, and
   3.3.1.3 consumer (family) fireworks and licensed fireworks displays where
   permitted by by-law.

3.4 Tri-Township Fire Department
   3.4.1 Any Open-Air Fire set by the Tri-Township Fire Department for the
   purposes of education, training, or other Tri-Township Fire Department
   activity.

3.5 Special Events
   3.5.1 Any special event initiated and administered by the Township as authorized
   by Council and under the advisement of the Chief Fire Official, shall be
   Exempt from the provisions of this By-Law with respect to Open-Air Fires
   for the duration of a specified event.

4.0 GENERAL CONDITIONS ON FIRES, RECREATIONAL FIRES AND EXEMPT
FIRES
Any person who sets or maintains an Open-Air Fire shall be a Responsible Person and
must take all necessary steps to ensure that all of the following conditions are met in
addition to any other conditions set out in this by-law:
4.1 Smoke
   4.1.1 The smoke or other emissions from the Fire shall not travel to a
   neighboring property to such an extent or degree that, in the opinion of a
Municipal Law Enforcement Officer, it may cause discomfort to persons, loss of enjoyment or normal use of the property, interference with normal conduction of business, or damage to property.

4.1.2 The smoke or other emissions from the Fire shall not travel across any public roadway to the extent or degree that, in the opinion of a Municipal Law Enforcement Officer, it may cause a public safety hazard to any person traveling on the roadway.

4.2 Clearances
4.2.1 Burning is prohibited in any location where the conditions exist such that there is a reasonable probability of such fire spreading to a building, structure, grass or other Combustible vegetation or material.

4.3 Material Restricted
4.3.1 Except as may be more specifically restricted elsewhere in this by-law, only the materials listed on Schedule “A” may be burned.

4.4 Supervision
4.4.1 Constant supervision of the fire shall be maintained by a Responsible Person, with the necessary means immediately available to extinguish the fire or limit its spread; and having the means readily at hand to summon the fire department;

4.5 Extinguishment
4.5.1 At the completion of the burn the fire shall be completely extinguished and the burn site shall be Made Safe before it is left unattended.

5. BURNING PERMITS
5.1 The Chief Fire Official, or designate, shall issue written Burning Permits to owners of property permitting the owner to set a Fire and to burn Schedule “A” materials, which shall comply with all of the following conditions:
5.1.1 Burning is prohibited on any public road allowance or municipal property unless such burning is being conducted by authorized employees or authorized agency of the Township of Laurentian Valley
5.1.2 Fires must be located at least 60 metres (196.8 feet) away from any building, Combustible structure, Combustible vegetation, accumulation of Combustible materials, unless written approval is received from the Chief Fire Official or designate.
5.1.3 The size of any pile of material to be burned shall not exceed 1.36 sq. metres (14.64 sq. ft) in area and 1 metre (3.28 ft) in height unless written approval is received from the Chief Fire Official or designate.
5.1.4 Burning is not permitted sooner than two (2) hours before sunset, and all persons shall extinguish an Open-Air fire no later than two (2) hours after sunrise, unless written approval is received from the Chief Fire Official or designate.
5.1.5 The holder of a Burning Permit is required to advise Fire Dispatch one-half (½) hour before any burning commences.

6. RECREATIONAL FIRES
6.1 Every person shall comply with all of the following conditions for a Recreational Fire:
6.1.1 obtain a Permit from the Chief Fire Official or designate;
6.1.2 no material other than commercially produced charcoal, briquettes or clean, dry seasoned wood may be burned;

6.1.3 recreational fire pits shall be no larger than 50.8 centimetres (20 inches) by 50.8 centimetres (20 inches) in size by 50.8 centimetres (20 inches) in height;

6.1.4 the dimension of the fuel being burnt shall not be greater than the size of the container or fire pit and shall be totally confined within the container or pit at all times.

6.1.5 a Recreational Fire pit shall be confined to a location that provides for a minimum distance of 3 metres (9.84 ft) from adjacent properties;

6.1.6 Recreational Fires shall be confined to an area that is a minimum of 10 metres (32.80 ft.) horizontally from any structure or accumulation of combustible materials.

6.1.7 an effective extinguishing agent of sufficient size and with the capability of extinguishing the fire shall be at the site of the burning and be immediately available for use;

6.1.8 Recreational Fires shall be attended, controlled and supervised at all times by a Responsible Person and shall be completely extinguished before the fire site is vacated.

6.1.9 Pay the prescribed fee as set out in Schedule "B"

6.1.10 The fee collected as set out in Schedule "B" is non-refundable regardless of whether or not the privileges granted under the permit have been exercised. No adjustment or refund of fee shall be provided due to suspension or revocation of any Burning Permit.

7. **PROHIBITIONS**

7.1 Notwithstanding any provisions herein, no person shall set or maintain an Open-Air Fire:

7.1.1 in contravention of the *Ontario Fire Code*, the *Forest Fire Prevention Act*, the *Environmental Protection Act* or any other statutory requirements of the Province of Ontario; or

7.1.2 on any highway or other public property of the Township without written permission of the Township; or

7.1.3 in any park owned or operated by the Township without written permission of the Township; or

7.1.4 in the front or side yard of any commercial or industrial zoned property within the Township; or

7.1.5 when, in the opinion of the Chief Fire Official or designate any other Dangerous Condition, as defined in this By-Law, exists; or

7.1.6 for commercial purposes or gain; or

7.1.7 utilizing combustible material not originating from the Permit Holder’s property."

8. **BURNING OF RUBBISH PROHIBITED**

8.1 No one shall install, use, and maintain an unlicenced Incineration Device for the burning of garbage or other refuse in any class or classes of building that was erected after September 1966.
9. **FIRE BAN**

9.1 Despite the existence of valid Burning Permits, the Chief Fire Official, or designate, may issue a Ban on any or all Open-Air Fires, or may suspend without recourse any or all Burning Permits and cause to be extinguished any or all Open-Air Fires, until such conditions as the Chief Fire Official, or designate, may indicate are met.

10. **GENERAL PROVISIONS**

10.1 The Permit Holder or any Person who sets or maintains an Open-Air Fire, shall be held responsible and shall be liable with respect to the provisions, conditions, and penalties contained in this By-law.

10.2 The Chief Fire Official, or designate, shall have the right to enter at all reasonable times upon any property in order to ascertain whether this by-law is being obeyed, and carry into effect the By-law;

10.3 Any Municipal Law Enforcement Officer of the Township shall be responsible to enforce this By-Law;

10.4 Permit fees are outlined in Schedule “B” attached to and forming part of this By-law;

10.5 The fee collected for each Burning Permit is non-refundable regardless of whether or not the privileges granted under the permit have been exercised. No adjustment or refund of fee shall be provided due to suspension or revocation of any Burning Permit.

10.6 The Burning Permit shall specify as precisely as possible the civic or street address of the location of the intended fire. Separate Burning Permits will be required for properties at different addresses.

10.7 Any Burning Permit holder who is in violation of this By-law shall have the Burning Permit summarily revoked and all fires shall be immediately extinguished or shall be caused to be extinguished.

10.8 Burning Permits are non-transferable.

11. **BURNING SAFETY PLAN**

11.1 Every applicant for a Burning Permit shall submit a Burning Safety Plan for review by the Chief Fire Official or designate if the applicant is unable to comply with the specifications and standards set out in this By-Law.

11.2 Compliance with the submitted Burning Safety Plan may be a condition of issuance of a Burning Permit, if the Burning Safety Plan is approved.

11.3 The applicant for a Burning Permit shall pay the fee for review of the Burning Safety Plan. The fee for review of the Burning Safety Plan is non-refundable and is due and payable regardless of whether or not a Burning Permit is issued or whether or not privileges granted under any Burning Permit have been exercised.

12. **COSTS FOR FIRE SUPPRESSION EQUIPMENT**

12.1 If the contravention of this By-law results in fire suppression or fire safety personnel and vehicles being dispatched to respond, the person in control of the Open-Air Fire and/or the Permit Holder and/or property owner may be charged, at the discretion of the Township, for the cost of such response according to the rates attached as Schedule “B” to this By-law. However, nothing in any schedule of rates shall be construed as limiting the rights of the Township to seek restitution or other direct or consequential damages or costs incurred beyond those listed.
12.2 The quantity and type of fire vehicles and personnel dispatched to respond for the purposes of extinguishing, controlling, or investigating any Open-Air fire are at the discretion of the Chief Fire Official or designate.

12.3 The Township shall have a lien on the land for the amount spent on the services specified in Schedule “B”, and the amount shall be deemed to be municipal real taxes and shall be added to the collector’s roll and shall be collected in the same manner and with the same priorities as municipal real property taxes pursuant to the Municipal Act, 2001, as amended.

13. OFFENCE
13.1 Every person who knowingly provides false or misleading information for the purposes of obtaining a Burning Permit is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.

13.2 Every person who contravenes any provisions of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.

14. VALIDITY
14.1 In the event that any of the provisions of this By-law are deemed ultra-vires by any Court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

15. REPEAL
15.1 That By-Law 00-08-57 of The Corporation of the Township of Laurentian Valley is hereby repealed in its entirety.

16. EFFECTIVE DATE
16.1 This By-Law shall not come into force and effect until the final passing thereof.

READ A FIRST AND SECOND TIME this 4th day of April, 2006.

READ A THIRD AND FINALLY PASSED this 4th day of April, 2006
SCHEDULE “A”

Authorized Materials That May be Burned Under This By-Law

All materials other than those listed below are specifically prohibited from being burned

• wood and wood by-products that have not been chemically treated or painted or stained

• white or brown: paper and cardboard for the purposes of starting an authorized fire

• dry: brush, stumps, hay, straw, and grass and other dry yard or natural agricultural materials but not including animal wastes and parts of animals unless such animals are diseased

• natural or petroleum gases or liquids used as appliance fuels

• charcoal materials intended for B-B-Q use

• other clean burning Combustible materials that may be specifically Approved by the Chief Fire Official or his/her designate
SCHEDULE "B"

Fees that May be Collected or Charged Under the Provisions of this By-Law

1. Fire Permit
   No Charge

2. Recreational Fire Permit with a 12 month expiration date:
   No Charge

3. Review and Approval of Burning Safety Plan (does not include Burning Permit cost):
   a) Fire Permit
      $ 25.00 including GST
   b) Recreational Fire Permit
      $25.00 including GST

4. Response rates for fire vehicles:
   Per fire vehicle for the first hour or any part thereof
   $175.00
   Per fire vehicle for each additional ½ hour or part thereof
   $85.00

5. Police officers and guards:
   wages and expenses as incurred

6. Other costs incurred by the Township:
   wages and expenses as incurred