

**Corporation of the
Township of Havelock-Belmont-Methuen**

By-law Number 2017 – 075

Being a by-law to Regulate Open Air Burning in the Township of
Havelock-Belmont-Methuen

WHEREAS Section 11(2) of the *Municipal Act, 2001, S.O. 2001, c.25*, provides that a municipality may pass by-laws with respect to the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property; and

WHEREAS Section 7.1(1) of the *Fire Prevention and Protection Act, 1997, S.O. 1997, c.4*, provides that the council of a municipality may pass by-laws with respect to 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 the Council of the Corporation of the Township of Havelock-Belmont-Methuen deems it necessary and prudent to set regulate activities governing open air fires to protect persons and property within the limits and boundaries of the municipality from open air fires that potential may burn out of control.

NOW THEREFORE the Council of the Corporation of the Township of Havelock-Belmont-Methuen enacts as follows:

SECTION 1: DEFINITIONS

1. For the purpose of this By-Law:

“Approved Device” means any commercially manufactured instrument for the purpose of containing a recreational fire, including but not limited to a chiminea or other fire-containing implement that is approved by the Underwriters Laboratories of Canada (ULC) and/or the Canadian Standards Association (CSA).

“Built Up Area” means the Village of Havelock, subdivisions and surrounding hamlets including but not limited to Cordova Mines, Blairton and the Sama Park area.

“Campground” is as described in the *Forest Fires Prevention Act, (FFPA) R.S.O. 1990, c. F.24, O. Reg. 207/96* being that campground allows camping only in cabins and designated campsites, and all are accessible by motor vehicle as defined in the Highway Traffic Act. Campground fires do not require a permit.

“Fire Chief” is as defined and appointed in the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4 and means the Manager of Fire and Emergency Measures for the Township of Havelock-Belmont-Methuen and as defined or designate.

“Occupant” means the person or persons residing in the premises which he/she does not own.

“Open Air Burning or Fire” shall mean the ignition or incineration by fire of combustibles for the purpose of burning grass, clean wood, other combustibles in any open place, yard, field, or construction area, which is not enclosed by a building or structure and includes fires in barrels and Fire Pits in an area of ground not to exceed 3 metres x 3 metres x 1 metre (10 feet x 10 feet x 3 feet).

“Owner” means the person or persons listed as the landowner on the most current Property Tax Assessment Roll.

“Permit” means written authority provided by the Fire Chief or his/her designate.

“Recreational Fire” means an open-air fire that burns with an area that is no larger than 60 centimetres (24 inches) in diameter provided such fire is used for warmth, cooking food (camp fire), or for the burning of non-prohibited materials. A permit is not required for a recreation fire, but shall be supervised at all times.

“Special Events” shall mean event, the duration of which is temporary in nature and which is limited to one or more of the following uses: exhibition, a fair, a carnival, a regatta a religious or music festival, or a recreational competition.

“Tenant” means the person(s) renting premises

“Township” means the Corporation of the Township of Havelock-Belmont-Methuen and the geographic area thereof.

SECTION 2: ADMINISTRATION

1. The Township of Havelock-Belmont-Methuen Fire Services shall be exempt from the provisions of this by-law with the respect to open-air burning.
2. Campgrounds are exempted. The following criteria is specific to Campgrounds and reference from the *Forest Fires Prevention Act, (FFPA) R.S.O. 1990, c. F.24, O. Reg. 207/96* shall apply, but is still under the authority, control, and penalties administered by the Township of Havelock-Belmont-Methuen.

Campgrounds shall be exempt from the provisions of this by-law, when meeting the FFPA regulations as outlined in Schedule B to this by-law.

3. The Fire chief shall administer this By-Law in its entirety.

SECTION 3: REQUIREMENTS

- 1 All persons setting an Open Air Fire in the Township must first obtain a Permit from the Fire Department. Should any such fire spread, resulting in the attendance of the Fire Department, the penalties as set out herein will apply to the Owner and/or Tenant/Occupant of the property.
2. All persons setting an Open Air Fire in the Township shall be responsible for any damage to property or injury to person occasioned by the said fire.
3. No open air burning shall be permitted when the wind is in such direction or 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 a brush area;
 - c. public nuisances by creating negative health effects on neighbouring residents.
4. Where in the opinion of the Fire Chief or his designate, a potentially dangerous situation exists due to fire, smoke, weather, environmental or health concerns the Fire Chief may rescind, suspend or cancel any or all burning permits and may declare a complete fire ban.
5. All fires shall be maintained in accordance with Schedule "A" attached hereto and forming part of this by-law.

SECTION 4: VIOLATIONS AND PENALTIES

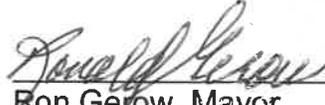
1. A penalty may be issued at the discretion of the Fire Chief when any or all of the following conditions apply:
 - a. An alarm is activated.
 - b. Emergency equipment and fire personnel is dispatched.
 - c. Damage occurs to life or property.
 - d. The Owner and/or Tenant/Occupant is not in possession of a valid permit.
 - e. Hazardous material/house hold waste or other material as described in Schedule A are being burnt.
 - f. A Township burn ban is in effect.
2. All person setting, maintaining or allowing to burn a fire and all owners of the property upon which a fire is set, maintained or allowed to burn in the open air shall:
 - a. Be responsible for any damages to property occurred by said fire.

- b. Be liable for the cost of any/all firefighting equipment and personnel necessary to extinguish said fire, including neighboring fire departments.
3. Such cost shall be calculated in accordance with the current fee structure established by the Ministry of Transportation Ontario (MTO)
 - a. Per vehicle for first hour – current MTO rates.
 - b. Per vehicle per half hour thereafter – current MTO rates.
4. Times shall be calculated from the receipt of the alarm through to the time the responding equipment and personnel are back in service.

THEREFORE the Council of the Corporation of the Township of Havelock-Belmont-Methuen enacts as follows:

1. That By-Law No. 2008–55 be, and is hereby repealed in its entirety.
2. That this By-Law shall become effective upon the final passing thereof.

Read a first, second, and third time and finally passed in Open Council this 4th day of July, 2017.



Ron Gerow, Mayor



Robert V. Angione, Clerk

Schedule "A"

1. All persons shall obtain a permit from the Fire Chief or his/her designate before lighting a fire in the open air.
 - a. Exemption of recreational fire.
2. The permit shall show the following details:
 - a. Name of Applicant – indicating owner, occupant or tenant.
 - b. Address of property of proposed fire.
 - c. Open air fire burning conditions.
3. This Permit is not valid when winds are greater than 10 km/h (7 mph), or if a burn ban is in effect.
4. Material to be burned shall be limited to wood or wood by-products.
 - a. No hazardous materials shall be burnt. This includes all plastics, petroleum products, rubber, paint, painted materials, etc.
 - b. No household waste shall be burnt.
 - c. No open air fire to exceed 3 m x 3 m x 1 m (10ft x 10ft x 3ft).
5. Open air fires are prohibited two (2) hours before sunset until two (2) hours after sunrise any day, unless by special permission.
 - a. This does not apply to Recreation/Campfires
6. All person setting, maintaining or allowing to burn a fire and all owners of the property upon which a fire is set, maintained or allowed to burn in the open air shall:
 - a. Be responsible for any damages to property occurred by said fire
 - b. Be liable for the cost of any/all firefighting equipment and personnel necessary to extinguish said fire, including neighboring fire departments.
7. The fire shall be maintained and supervised at all times
8. Adequate means of extinguishing the fire shall be available at all times at the site during burning, and until the fire is completely out.
9. Fires within a built up areas must be in an Approved Device, be contained to prevent the spreading of fire, and be a minimum of 12 meter (40ft) from any structure or property boundaries for campfires only, and not exceeding 60 cm (24in) in diameter.

Schedule "B"

Forest Fires Prevention Act, R.S.O. 1990, c. F.24 O. Reg. 230/00: OUTDOOR FIRES. Reference: Section

8.7 A campground referred to in subsection 8.2 (3) and section 8.4 offers camping facilities to the public on a temporary basis and meets all of the following criteria:

1. *The campground allows camping only in cabins and designated campsites, and all are accessible by motor vehicle as defined in the Highway Traffic Act.*
2. *The campground does not allow campfires between 10 a.m. and 7 p.m.*
3. *The campground clearly posts the hours campfires will be allowed.*
4. *The campground has printed information on safe campfires and provides it to all of its guests.*
5. *The campground has adequate equipment to control and extinguish a fire that can be taken to any campsite or cabin within 10 minutes.*
6. *The campground has on site at all times staff who are instructed in the location and use of the equipment described in paragraph 5.*
7. *The campground has reliable two-way telecommunications equipment to allow it to obtain assistance if a fire escapes control.*

8.4 No person shall set a wood fire in a permanent fire installation in a campground described in section 8.7 in a restricted fire zone unless all of the following conditions are met:

1. *The fire is contained in,*
 - i. *an above ground fire grate or fireplace that is designed to burn wood safely and that cannot be moved to an unsafe location, or*
 - ii. *a pit in the ground that has fireproof walls and is designed to burn wood safely.*
2. *The fire is at least three metres from any forest or woodland, and the area within the three metre radius is completely free of flammable material.*
3. *The space immediately above the fire installation is at least three metres from any overhanging vegetation.*
4. *The owner or operator of the campground expressly permits the fire to be set during a time when the campground is in a restricted fire zone.*

8.2 (3) No person shall use a portable or permanent charcoal installation for cooking or warmth in a restricted fire zone in a campground described in section 8.7 unless all of the conditions in subsection (1) are met and all of the following conditions are met:

1. *The installation is designed to use commercially produced charcoal as fuel.*
2. *Commercially produced charcoal is used as the fuel.*
3. *The owner or operator of the campground expressly permits a charcoal installation to be used during a time when the campground is in a restricted fire zone.*