

**Corporation of the Township of Douro-Dummer
By-Law Number 2008-29**

Being a By-law for prescribing the conditions for setting fires in the Township of Douro-Dummer.

Whereas Section 130 of the Municipal Act 2001, provides that a municipality may regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety and well-being of the inhabitants of the municipality;

And Whereas it is deemed that the regulating of setting fires in the municipality is directly related to the health, safety and well-being of the inhabitants of the municipality:

And Whereas under Section 35(1) of the Fire Protection and Prevention Act, 1997, the Fire Marshal, a Fire Chief or an assistant to the Fire Marshal may issue an order to pay the costs incurred by the Province of Ontario or a Municipality.

Now Therefore, the Council of the Corporation of the Township of Douro-Dummer enacts as follows:

Section 1

Definitions in this By-Law

- 1.1 "Municipality" means the geographic area of the Township of Douro-Dummer
- 1.2 "Fire Chief" means the Fire Chief of the Township of Douro-Dummer appointed under Section 6(1) of the Fire Protection and Prevention Act, 1997 and anyone delegated authority by Section 6(6) thereof.
- 1.3 "Open air fire" means any fire which is set outside of a building. A permit is not required for a small, confined fire, supervised at all times, which is used to cook food on a grill or barbeque.
- 1.4 "Tools" means anything that would prevent a fire from spreading, i.e. water, broom, rake, or shovel.

- 1.5 "Physical irritation or inconvenience" refers to the smoke from fire that could cause physical discomfort to neighbours. An inconvenience could be smoke fouling the area or dirtying a neighbours property.
- 1.6 "Permit" means written authority provided by a Fire Chief or designate.
- 1.7 "Unauthorized or illegal fire" means any fire that is too large, too close to buildings, too close to a bush lot or property line, burning hazardous materials (see Section 2.1), causes physical or emotional harm due to smoke or is permitted to burn without a special circumstances burning permit.
- 1.8 "Designate" means those persons designated by the Fire Chief as having the authority to exercise powers of the Fire Chief for the purposes of this by-law.
- 1.9 "Competent adult" means a person 18 years of age or older who is mentally and physically capable of safely handling open fires.

Section 2

Requirements

- 2.1 No person shall burn out of doors any hazardous materials, i.e. plastics, rubber, chemicals, petroleum products, paint or painted material.
- 2.2 No person shall set any fire out of doors except in the presence of a competent adult. This person shall be in constant attendance at any burning operation so as to prevent same from spreading to, or endangering other properties.
- 2.3 No person shall set a fire in an area where it may spread due to grass or other vegetation or strong winds.
- 2.4 No outside fire which causes physical irritation or inconvenience to others will be permitted.
- 2.5 Any person who starts a fire shall ensure that he/she has adequate tools to contain the fire.
- 2.6 No open burning shall be within 10 metres of any building, property line, or wood lot.
- 2.7 No outside open fire shall be larger than 2 cubic metres, unless a special circumstances burning permit has been issued by the Fire Chief or designate.
- 2.8 Any person wanting to have a fire larger than 2 cubic metres, must maintain a minimum separation distance of 150 metres between the fire and any building, wood lot or property line and will need a special circumstances burning permit issued by the Fire Chief or a designate. This minimum separation distance may be reduced by the Fire Chief or designate following a site inspection and the detailing of special measures to be taken to reduce the potential for the fire to cause damages.
- 2.9 Any assistant to the Fire Marshal may order any fire to be extinguished or rescind any burning permit if in their opinion:
 - (a) The fire is a physical irritation or inconvenience to others.
 - (b) The fire is too large.
 - (c) There is non-compliance with the required distances.
- 2.10 Where open burning is not allowed or desirable, an incinerator can be used. Such incinerator shall:
 - (a) Be enclosed on all sides
 - (b) Be constructed of non-combustible materials
 - (c) Have a heavy duty screen with a mesh size not greater than 5 millimetres (1/4 inch)

(d) Be situated no less than 5 metres from any building, property line, or wood lot.

2.11 Anyone wanting a special circumstance burning permit must allow 5 days to have the site inspected in situations where a site inspection is deemed necessary by the Fire Chief or designate.

2.12 The Fire Chief or in his absence, his deputy or assign, may issue an order at his discretion to restrict or ban any fire in the Township of Douro-Dummer if, in his opinion, climatic conditions are such that a severe or extreme risk of fire may exist which could pose a threat to public safety or property. A fire ban shall mean that all outdoor fires are prohibited unless otherwise exempted within this by-law.

2.13 The landowner is responsible for fire suppression and costs associated with suppression.

2.14 During the fire season, no person shall start a fire outdoors for cooking or warmth unless all of the following conditions are met:

1. The site of the fire is bare rock or other non-combustible material
2. The fire is at least one metre from any flammable material.
3. The space above the one metre area around the fire is at least three metres from vegetation.
4. The fire does not exceed one metre in height and one metre in diameter. O.Reg. 230/00, s.4.

Campfires for cooking or warmth shall not be larger than 1 metre in height and diameter and no call in or permit is required.

Fires between 1 and 2 metres in height and diameter can only be burnt between 2 hours before sunset to 2 hours after sunrise.

Fires larger than 2 metres in height and diameter (see Section 2.7 & 2.8)

Exemption

2.15 A campground is referred to in subsection 8.2(3) and section 8.4 of Ont. Regulation 207/96, as amended, under the Forest Fire Prevention Act and offers camping or cabin/cottage rental facilities to the public on a temporary basis and upon meeting all the following criteria, shall be exempt from the restrictions of this by-law.

1. The campground allows camping only in cabins and designated campsites, and all sites are accessible by motor vehicle as defined in the *Highway Traffic Act*.
2. The campground allows campfires only between 2 hours before sunset to 2 hours after sunrise.
3. The campground clearly posts the hours that 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 which can be taken to any campsite or cabin within 10 minutes. Adequate equipment determination shall be the decision of the Fire Chief or his designate.
6. The campground has staff on site at all times who are instructed in the location and use of the equipment described in section 2.15.5.
7. The campground has reliable two-way telecommunications equipment to allow it to obtain assistance if a fire escapes control.

Section 3

Penalties

3.1 Any person who contravenes any of the provisions contained in this by-law is guilty of an offence and on conviction is liable to a fine as provided for in Section 61 of the Provincial Offences Act.

Section 4

By-Law Repealed

4.1 By-law Number 2004-29 is hereby repealed in its entirety.

Section 5

Effective Date

5.1 This By-Law shall come into force and take effect upon final passage by the Corporation of the Township of Douro-Dummer.

Passed in open Council this 18th day of March, 2008.

Original signed by J. Murray Jones
Reeve, J. Murray Jones

Original signed by Linda G. Moher
Clerk, Linda G. Moher