

**THE CORPORATION OF THE UNITED TOWNSHIPS
OF DYSART, DUDLEY, HARCOURT, GUILFORD,
HARBURN, BRUTON, HAVELOCK EYRE AND CLYDE**

By-Law 2024-26

**BEING A BY-LAW FOR REGULATING OPEN AIR FIRES IN
THE MUNICIPALITY OF DYSART ET AL**

Whereas Section 7.1(1) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended, provides that a Council of a municipality may pass by-laws,

- (a) Regulating fire prevention, including the prevention of the spreading of fires;
- (b) Regulating the setting of open-air fires, including establishing the times during which open air fires may be set;

And whereas Section 7.1(4) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended, provides a municipality may appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether by-laws enacted in accordance with this section are being complied with. 2001, c. 25, s. 475(3).

And whereas Section 436 of the Municipal Act, 2001 S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out inspections to determine compliance with a by-law, or an order made under a by-law, or court order made under Section 431 of the Municipal Act, 2001 S.O. 2001, c.25, as amended;

And whereas the Forest Fire Prevention Act, R.S.O. 1990, c. F.24, subsection 21.1 (5) as amended provides for cost recovery for expenses incurred by the Municipality associated with controlling or extinguishing of an open air fire;

And whereas the Forest Fire Prevention Act, R.S.O. 1990, O. Reg 207/96 serves as a guideline for establishing this by-law;

Now therefore The Council of the Corporation of the United Townships of Dysart et al hereby enacts as follows:

Part 1 – Definitions

“Applicant” means a person, organization, company or group that makes application to the Chief Fire Official for permission to set or conduct an open-air burning in combination with:

- a) entrance permit,
- b) demolition permit,
- c) building permit or
- d) contractor business number.

“Approved Propane Appliance” means any propane fixture, appliance, apparatus or device that uses propane as a source of fuel for light, heat or cooking and is a CSA or ULC listed fixture, appliance, apparatus or device. Approved Propane Appliances shall not be modified or used for anything other than for the purpose recommended by the manufacturer. Approved Propane Appliances must be equipped with a solid lid and an on/off valve that can be easily operated and valve must be accessible.

“Barbeque” means an appliance or structure designed and intended solely for the cooking of food in the open air, including a hibachi, and any other similar commercially manufactured device designed and intended solely for the cooking of food in the open air, but does not include devices predominantly designed for personal warmth, fire pits or campfires.

“Burn Permit” means a permit issued to an approved applicant by the Chief Fire Official or designate to set a fire in the open air for a specified time period.

"Chief Fire Official" means the Fire Chief and/or his/her designate.

"Day Burning" means the use of open air fire from 7 am to 7 pm.

"Fire Ban" Temporary measure put in place by municipality or MNRF to restrict open air fires when extreme fire conditions may exist. This measure is put into place in order to help prevent human caused fires.

"Fire Pit" means a fire burn area specifically designed for open air fires.

"Municipality" means the Corporation of the Municipality of Dysart et al and the geographic area thereof.

"Non-Combustible Surface" is bare rock, mineral soil, or other non-combustible material extending at least two meters in all directions from outer edge of fire or appliance.

"Noxious Materials" includes, but is not limited to petroleum products, tires, plastics, rubber products, drywall, tar, asphalt products, treated lumber and wood.

"Open Air Fire" means any fire or burning practice, either flaming or smoldering, conducted outside a building. This includes but is not limited to a campfire, bonfire, charcoal barbecue, fires in burn barrels, an incinerator or a recreational fireplace, an outside wood burning furnace or a stove.

"Owner" means the registered owner of the land on which the open-air fire occurs, and includes a trustee acting on behalf of the registered owner, the estate of a registered owner and a person with a leasehold interest in the land;

"Responsible Person" means any adult person (18 years of age or older) who, in the opinion of the Chief Fire Official or his designate, is capable of exercising the required judgment and who is capable of performing the necessary actions to control a fire and prevent its unwanted spread.

"Slash" is the accumulation of limbs, leaves, pine needles and miscellaneous fuel left by natural debris and forest management activities, such as thinning, pruning, and timber harvesting. Slash piles are created by gathering these materials into manageable, isolated piles that can later be burned in a safe manner.

"Smog Alert" means an alert issued by the Ministry of the Environment with respect to air quality.

"Spark arrester" is a device which prevents the emission of flammable debris from a chimney, usually a fine metal mesh or grid with holes not larger than 6mm.

"Wood waste" means, tree trunks, tree branches, brush, or untreated wood products.

"Yard Waste" includes but is not limited to grass, leaves, trees, brush trimmings, spent flowers, garden plants, weeds, pine needles, hay, straw and sawdust.

PART 2 – GENERAL PROVISIONS

2.1 No person shall set, maintain, or cause to be set or maintained, Open Air Fire except as authorized by this By-law.

2.2 No person shall set, maintain, or cause to be set or maintained, Open Air Fire on any roadway, highway, park, easement, beach, or other public property owned or operated by the Municipality of Dysart et al without prior permission from the Municipality.

2.3 No person shall set, maintain, or cause to be set or maintained, Open Air Fire between the hours of 7am and 7pm and between the dates of April 1st to October 31st. except as outlined in Part 3.

2.4 Every person setting, permitting to be set, maintaining, or permitting to be maintained, an Open-Air Fire shall comply with the following conditions:

- a) a responsible person is available and in attendance at all times until the fire is completely extinguished,
- b) the material is burned in a single pile that is less than two (2) meters in diameter and less than two (2) meters high,
- c) only burn wood or by-products of wood,
- d) not burn noxious materials,
- e) fire must be at least three (3) meters from combustible materials, property line, buildings, fences, trees and roadway,
- f) the responsible person has tools and/or extinguishing agent adequate to contain and completely extinguish the fire,
- g) the fire must be completely extinguished before the burn site is vacated.

2.5 No person in the Municipality shall set or permit a flying lantern or any other device designed to carry an open flame as an airborne light, also known as sky lanterns, Chinese Lanterns, wish lanterns, sky candles or fire balloons.

2.6 Burning will not be permitted during the following environmental conditions:

- a) if it is foggy,
- b) if a Smog Alert has been declared,
- c) if wind direction or intensity causes a decrease in visibility on any highway or roadway, rapid spread of fire through grass or a brush area and/or,
- d) wind speed, as reported by Environment Canada for the Haliburton County area is in excess of 30 Km/hr.

2.7 The responsible person allows, at any reasonable time, an Officer to inspect the location or proposed location of the open-air burning.

2.8 Only one fire may be permitted at any one time, on one property, unless there is sufficient space, supervisory personnel, fire extinguishing capability and the Chief Fire Official has approved more than one fire.

2.9 The Chief Fire Official may, upon application, approve the setting of any fire subject to the fire being supervised by the Chief Fire Official of the Municipality or a designate.

PART 3 – OPEN AIR FIRES FOR COOKING OR WARMTH

3.1 Open Air Fires may be set between the hours of 7am and 7pm and between the dates of April 1st to October 31st, when such burning consists of a small-confined fire, supervised at all times and is used to cook food on a grill or a barbecue, or is for personal warmth. In addition to the provisions of this by-law an open-air fire for cooking and/or warmth must be:

- a) smaller than .6 meters in diameter,
- b) must comply with all conditions of this Bylaw,
- c) must be confined within a fire pit or appliance,
- d) must be completely extinguished when cooking is complete,
- e) fires for cooking and warmth are not permitted during a fire ban.

PART 4 - BURN PERMITS

4.1 The Municipality may issue written burn permits to authorized applicants, permitting a responsible person to burn approved materials between the hours of 7am and 7pm and between the dates of April 1st to October 31st under the following conditions:

- a) a responsible person is available and in attendance at all times until the fire is completely extinguished,
- b) the material is burned in a single pile that is less than two (2) meters in diameter and less than two (2) meters high,
- c) fire must be at least 3 meters from combustible materials, property lines, buildings, fences, trees and roadways,
- d) only burn wood or by-products of wood, not burn noxious materials,
- e) the person tending the fire has tools and/or extinguishing agent adequate to contain and completely extinguish the fire,
- f) the fire must be completely extinguished before the burn site is vacated and
- g) all burn permits are suspended during a fire ban.

4.2 Burn permits must be approved by the Chief Fire Official prior to open air fire commencing. An inspection of the burn site may be required prior to burn permit approval.

4.3 Burn permits may have additional restrictions as imposed by the Chief Fire Official.

4.4 Burn permits will be in effect for 7 days.

4.5 Burn permits are not transferable. Only the Person or Persons to whom the Burn Permit has been issued or such other Person or Persons as has been designated on the Burn Permit shall be permitted to burn and such Persons must be present at the burn site at all times until the fire has been completely extinguished.

4.6 Every person and property owner who applies for and receives a Burn Permit acknowledges having read and understood the rules specified in this By-law and assumes all responsibility and liability in connection with the open-air fire burning Permit.

4.7 A Burn Permit may be cancelled without refund or suspended at any time by the Chief Fire Official and immediately upon receiving of such cancellation or Suspension, the permit holder shall extinguish any fire started under the permit.

4.8 Fees associated with obtaining a burn permit are payable to the Municipality of Dysart et al as per the established Municipality of Dysart et al Fees By-law.

PART 5 - FIRE BAN

5.1 No person shall set, maintain or cause to be set or maintained Open Air Fire, even if a Burn Permit has been issued under this By-law, when a fire ban has been issued by the Chief Fire Official.

5.2 Wood fueled boilers utilized as a heat source are exempt from a Fire Ban if;

- a) boiler is located on a non-combustible surface,
- b) open flame is contained in a firebox within the boiler,
- c) chimney has a spark arrester in the cap.

5.3 Approved fuel fired appliances may be used for cooking during a fire ban if;

- a) appliance is equipped with a solid lid and an on/off valve that can be easily operated and valve must be accessible,
- b) appliance is on a non-combustible surface,
- c) appliance is monitored by a responsible person
- d) appliance is shut off when cooking is complete.

Part 6 – Slash Piles

6.1 In accordance with the restrictions of section 2.6 will be allowed outside of the MNRF fire season (November 1st to March 31st) and responsible person must notify Chief Fire Official or designate prior to ignition and upon completion of burn.

PART 7 – PENALTIES AND COSTS

7.1 Any person and/or owner setting, maintaining or allowing to be set or maintained, an open-air fire and in contravention of the terms of this by-law shall:

- a) be responsible for any damages to property or person occasioned by said fire and;
- b) be liable for the cost of any firefighting equipment and personnel attending and/or extinguishing said fire, including aid from neighboring departments, as per established Municipality of Dysart et al Fees By-law and;
- c) be liable for any costs or expenses owed by the Municipality to the crown (MNRF) for controlling or extinguishing said fire.

7.2 The Chief Fire Official is authorized to order any person to extinguish any fire or to cause such a fire to be extinguished when there is a breach of any of the provisions of this By-law or where, in his sole discretion, there is a danger of such fire spreading or otherwise endangering life, health or property and the person shall comply with any such order.

PART 8 - FORCE AND EFFECT

This By-law shall come into force and effect immediately upon passage.

PART 9 – REPEAL

9.1 By-Law 2019-25 is hereby repealed.

READ a first, second and third time and passed this 26 day of March, 2024.

Mayor Murray Fearrey

Clerk Mallory Bishop

THE MUNICIPALITY OF DYSART ET AL
SCHEDULE "A" TO BY-LAW NO. 2024-26

DAILY BURN PERMIT FOR OPEN AIR FIRES

Permission is hereby granted to:

Applicant Name: _____

Applicant Address: _____

Applicant Telephone No. _____

Contractor business number or building permit number _____

For the purpose of having an Open Air Fire:

Start Date: _____

Finish Date: _____

Burn Location (911 address): _____

Name of burn supervisor: _____

Phone # of burn supervisor: _____

Material to be burned: _____

Means of extinguishment available: _____

THE APPLICANT AGREES TO COMPLY WITH THE PROVISIONS OF BY-LAW NO. 2024-26
AND AGREES TO ASSUME ALL RESPONSIBILITY FOR ANY DAMAGES OCCURRING
FROM THE FIRE FOR WHICH THIS PERMIT IS ISSUED

Signature of Applicant

Date

Signature of Property Owner

Date

Chief Fire Official or Designate

Date

BURNING PERMIT RULES

Pursuant to this by law every person obtaining a burn permit for setting, permitting to be set, maintaining, or permitting to be maintained, an Open Air Fire shall comply with the following conditions:

- a) the material is burned in a single pile that is less than two (2) meters in diameter and less than three (2) meters high,
- b) burn only wood or by-products of wood,
- c) not burn noxious material,
- d) ensure that the fire is (3 Meters) distance away from property lines, buildings, fences, trees and roadways,
- e) ensure that the means of extinguishing the fire, designated in the burn permit, is available at the site, at all times during the fire,
- f) ensure a responsible person is available and in attendance at all times until the fire is completely extinguished,
- g) will abide by the conditions of Municipality By- law 2024-26,
- h) will be subject to charges for fire department response, for any contraventions of By-law 2024-26.
- i) Keep permit on site of open air fire.

I acknowledge reading the above conditions,

(applicant signature) _____