

**THE CORPORATION OF THE
MUNICIPALITY OF TRENT LAKES**

BY-LAW NUMBER 2015- 072

**BEING A BY-LAW FOR PRESCRIBING THE TIME
FOR SETTING FIRES IN THE MUNICIPALITY OF
TRENT LAKES AND THE PRECAUTIONS TO BE
OBSERVED.**

WHEREAS Section 10(2), of the Municipal Act, S.O. 2001, Chapter 25 provides that a municipality may pass by-laws respecting the health, safety and well-being of persons, and the protection of persons and property;

AND WHEREAS Section 391(1), of the Municipal Act, S.O. 2001, Chapter 25 provides that a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it, and for costs payable by it for services or activities provided or done by or on behalf of any other municipality;

AND WHEREAS Section 446, of the Municipal Act, S.O. 2001, authorizes entry onto property to enforce municipal By-laws;

AND WHEREAS The Ontario Fire Code O. Reg. 388/97 Section 2.4.4.4. (1) provides that open-air burning shall not take place unless

- (a) it has been approved, or
- (b) the open-air burning consists of a small, confined fire that is
 - (i) used to cook food on a grill, barbecue or spit,
 - (ii) commensurate with the type and quantity of food being cooked, and
 - (iii) supervised at all times.

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Municipality of Trent Lakes hereby enacts as follows:

TITLE

This By-law shall be known and may be cited as the "Open-Air Burn By-law." In the text of the By-law, it is referred to as "this By-law."

1. DEFINITIONS

In this By-law:

- 1.1 **'By-law Enforcement Officer'** shall mean a By-law Enforcement Officer appointed by By-law of the Municipality of Trent Lakes.
- 1.2 **'Adverse effect'** shall mean one (1) or more of:
 - (a) impairment of the quality of the natural environment for any use that can be made of it;
 - (b) injury or damage to property or to plant or animal life;
 - (c) harm or material discomfort to any person;
 - (d) an adverse affect on the health of any person or the impairment of the safety of any person;
 - (e) rendering any property or plant or animal life unfit for use by man;
 - (f) loss of enjoyment of normal use of property;
 - (g) interference with the normal conduct of business, and

(h) obstruction of a traveled portion of any public or private driveway or roadway.

1.3 **'Open-air burn or fire'** shall mean any fire started which has or has not been authorized by the issuance of a Fire Permit under this By-law or by written permission of the Fire Chief or his/her designate.

2. GENERAL PROVISIONS

2.1 The fire season shall be the period from the first day of January to the last day of December each year and during that period:

2.2 Any person wishing to burn in the Municipality shall obtain an annual permit.

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

2.4 Any person who sets an open-air fire without first obtaining the necessary permit or without leaving the necessary information on the Burn Hot Line shall be liable for a fine of \$450.00, and if the services of the Fire Department are necessary, suppression costs shall be charged.

2.5 Any person wishing to burn in the Municipality shall phone the Municipality Burn Hot Line and leave their name, address, phone number, and the date and time of when they intend to be burning.

2.6 No person shall start a fire outdoors during the fire season for the purpose of burning combustibles, brush, leaves or discarded wood products unless:

- (a) the fire is supervised at all times and a responsible person is available to tend the fire until it is extinguished.
- (b) the material is burned in a single pile that is less than 0.61 metres x 0.61 metres x 0.61 metres (2 feet x 2 feet x 2 feet);
- (c) the material is burned between the hours of 6:00 p.m. and 8:00 a.m. from the first day of April to the last day of October each year. No daytime burning shall be permitted between 8:00 a.m. and 6:00 p.m. between the first day of April to the last day of October each year;
- (d) the fire is at least 7.62 metres (25 feet) from any flammable materials and 7.62 metres (25 feet) from any property boundary line and;
- (e) the person tending the fire shall have at the location of the fire, personnel and firefighting equipment in a serviceable condition such as a hose or pails of water, rakes, shovels, etc., available to contain the fire;
- (f) no more than one (1) controllable fire per residence on property;
- (g) no fire shall contain rubber tires, plastic products, shingles, painted wood or other building materials that are known to create extensive smoke.

2.7 No person shall burn wood, brush, leaves or any substance in an incinerator unless:

- (a) the incinerator is an enclosed device constructed entirely of non-combustible material;
- (b) the incinerator is at least 7.62 metres from any forest or woodland;
- (c) the incinerator is at least 7.62 metres from any flammable materials;

- (d) the outlet of the incinerator is covered by a screen having a mesh size of not more than 5 millimeters.
- 2.8 Notwithstanding the provisions of Section 5 hereof, with regards to an Industrial Permit requirement, the Chief Fire Official may, upon application, approve the setting of any fire subject to the fire site being viewed by the Fire Chief of the Municipality of Trent Lakes or their designate. The Fee for an Industrial Fire Permit is \$25.00.
- 2.9 Notwithstanding the provisions of Section 5 thereof, open-air fires may be set when such burning consists of a small confined fire, supervised at all times and is used to cook food on a grill or a barbeque.
- 2.10 No person shall set a grass fire.
- 2.11 All persons setting an open-air fire in the Municipality of Trent Lakes shall:
 - (a) be responsible for any damage to property or injury to persons occasioned by the said fire;
 - (b) be liable for costs incurred by the fire department, including personnel, equipment and apparatus necessary and called in to extinguish the said fire.
- 2.12 No open air fire shall be maintained when the wind is in such direction or intensity so as to cause any or all of the following:
 - (a) a decrease in visibility on any highway or roadway;
 - (b) a rapid spread of fire through grass or a brush area;
 - (c) an adverse effect to the health of any person or to the environment.
- 2.13 No open-air fire shall be set when the Fire Index Level rises to a level where it is determined to be a danger due to a drought or dry period. If this condition does occur there will be Public Service Announcements via news media.

3. ENFORCEMENT

- 3.1 The enforcement of this By-law shall be assigned to those employees or contract workers that have been designated by Council as By-law Enforcement Officers.
- 3.2 Any person charged with the responsibility of enforcing this By-law, upon having probable cause, may enter upon land at any reasonable time for the purpose of carrying out an inspection to determine compliance with this By-law. Such power of entry is subject to the provisions of the "Power of Entry By-law" and all relevant By-laws of the Municipality of Trent Lakes as may be amended from time to time, and as governed by Sections 435, 436, 437, 438 of the Municipal Act, S.O. 2001, c. 25.
- 3.3 Where the owner, lessee or occupant of lands is in default of taking corrective measures as set out in the notice issued under this By-law, The By-law Enforcement Officer, in addition to all other available remedies, may cause the property to become compliant with this By-law.
- 3.4 For the purpose of Section 4.3 employees or agents of the Municipality may enter the property at any reasonable time without

a warrant in order to cause the property to become compliant with this By-law.

- 3.5 Where a person fails to do a matter or thing as directed or required by an Officer or other person pursuant to this By-law or other Municipality of Trent Lakes Bylaw or the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the matter or thing may be done by the Municipality at that person's expense which associated costs may be added to the tax roll of the person to be collected in the same manner as property taxes.

4. PENALTY

- 4.1 Every person who contravenes any provision of this By-law is guilty of an offence and shall upon conviction thereof forfeit and pay a penalty of not more than Five Thousand Dollars (\$5,000.00) exclusive of costs and every such fine is recoverable under the Provincial Offences Act R.S.O. 1990, c. P.33, s. 61.

5. REPEAL

- 5.1 That By-law No. B2003-49 is hereby repealed.

6. EFFECTIVE DATE

- 6.1 That this By-Law shall come into force and take effect on the date of its final passing.

READ A FIRST TIME THIS 11th DAY OF AUGUST, 2015.

READ A SECOND TIME THIS 11th DAY OF AUGUST, 2015.

READ A THIRD TIME AND FINALLY PASSED THIS 11th DAY OF AUGUST, 2015.

Bev Matthews, Mayor

Robert V. Angione, Clerk

**The Corporation of the
Municipality of Trent Lakes**

By-law Number 2017-053

**A By-Law to Amend By-law B2015-072, 'A By-law for
Prescribing the Time for Setting Fires in the Municipality
of Trent Lakes and the Precautions to be Observed'**

Whereas Council of the Municipality of Trent Lakes adopted By-law B2015-072 being, 'A By-law for Prescribing the Time for Setting Fires in the Municipality of Trent Lakes and the Precautions to be Observed';

And Whereas Council deems it desirable to amend By-law B2015-072;

Now Therefore the Council of the Corporation of the Municipality of Trent Lakes enacts as follows:

That By-law B2015-072 be amended by adding the following subparagraphs:

- 1.4 'Burn Ban' means a time frame declared by the Fire Chief when no open air burning is permitted within the Municipality of Trent Lakes.
- 1.5 'Consumer Fireworks' means outdoor low hazard fireworks generally used for recreational purposes such as showers, fountains, golden rain, lawn lights, pin wheels, roman candles, volcanoes and sparklers, as outlined in the *Explosives Act*, R.S.O., 1985, c.E-17.
- 1.6 'Flying Lantern' means a small hot air balloon made of paper, with an opening at the bottom where a small fire is suspended.
- 2.14 No person shall discharge, fire, set off, or cause to be set off a flying lantern within the Municipality of Trent Lakes.
- 2.15 No person shall discharge consumer fireworks during an imposed burn ban.

That this by-law shall come into force and take effect on the date of its passing.

Read a first and second time this 16th day of May, 2017.

Read a third time and finally passed this 16th day of May, 2017.

Bev Matthews, Mayor

Kari Stevenson, Clerk