

**THE CORPORATION OF THE TOWNSHIP OF CHATSWORTH**

**BY-LAW NUMBER 2016-07**

**BEING A BY-LAW TO REGULATE THE SETTING OF FIRES**

**AND THE PRECAUTIONS TO BE OBSERVED AND TO**

**REPEAL BY-LAW 2007-38**

WHEREAS the Fire Protection and Prevention Act, 1997, Part II, Article 7.1(1) 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 the Council of the Corporation of the Township of Chatsworth is empowered to enact By-laws to be made applicable to the whole municipality or to one or more defined areas thereof;

AND WHEREAS the Council of the Corporation of the Township of Chatsworth deems it to be in the best public interest and necessary to pass such a By-law;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF CHATSWORTH HEREBY ENACTS AS FOLLOWS:

- 1) By-law 2016-07 BEING A BY-LAW TO REGULATE FIRE PREVENTION INCLUDING THE PREVENTION OF THE SPREADING OF FIRES AND REGULATING OF OPEN FIRES AND FOR IMPOSING FEES OR CHARGES FOR FIRES SET CONTRARY TO THIS BY-LAW
- 2) In accordance with Division B, Part 2 Article 2.4.4.4.(1)(a) of the Ontario Fire Code O/Reg 213/07 as amended only the Chief Fire Official (Fire Chief) and/or designate of the Corporation of the Township of Chatsworth may approve open air burning within the municipal boundaries of the Township of Chatsworth.
- 3) Approval of the Chief Fire Official shall be in the form of a "Permit to Conduct Open Air Burning"
- 4) The Chief Fire Official and/or designate may set conditions specific to the burn site to help ensure the open air burning is done in a safe manner.
- 5) All persons setting an open air fire in the Township of Chatsworth shall:
  - a) be responsible and liable for any damage to property or injury to persons resulting from the fire;
  - b) be liable for costs incurred by the Fire Department, including personnel, equipment and apparatus necessary and called in to extinguish the fire, if said fire gets out of control or is in violation of any condition or term of the Permit to Conduct Open Air Burning.
- 6) All persons setting an open air fire within the boundaries of the Township of Chatsworth shall ensure the fire is conducted in full compliance with all conditions of the "Permit to Conduct Open Air Burning"
- 7) All persons who intend to set a fire in the open air for the disposal of vegetation including brush and tree limbs on farm lands which is normal and incidental to farming purposes is required to have a "Permit to Conduct Open Air Burning" and ensure fire is conducted in full compliance with all the conditions of the "Permit to Conduct Open Air Burning"
- 8) The Chief Fire Official and/or designate may;
  - a) Revoke any "Permit to Conduct Open Air Burning"
  - b) Order any person to extinguish any fire or,
  - c) Cause such a fire to be extinguished

When there is a breach of any of the provisions of this by-law, the terms and conditions of the Permit or where, in the opinion of the Chief Fire Official, there is a danger of such fire spreading or otherwise endangering life or property, the person shall comply with any such order.

- 9) The Chief Fire Official may declare a total ban against any type of open air burning when atmospheric conditions or local circumstances make such fires hazardous.
- 10) A person conducting Open Air Burning without a "Permit to Conduct Open Air Burning" or burning in contravention of terms of the "Permit to Conduct Open Air Burning" may be charged with contravening the Ontario Fire Code in addition to contravening this by-law.
- 11) This By-law may be cited as the "Township of Chatsworth Open Air Burning By-law"
- 12) This by-law shall come into full force and have effect immediately upon the final passing thereof.

Read a first and second time this 2<sup>nd</sup> Day of March 2016

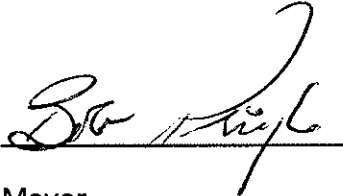
  
\_\_\_\_\_

Mayor

  
\_\_\_\_\_

Clerk

Read a third time and finally passed this 2<sup>nd</sup> Day of March 2016

  
\_\_\_\_\_

Mayor

  
\_\_\_\_\_

Clerk



## Appendix "A"

### Open Air Burning: Permit Information

The **Ontario Fire Code Sentence 2.4.4.4.(1)** states *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*

#### **Interpretation**

**Approved:** means approved by the Chief Fire Official and/or designate. Approval is in the form of a "Permit to Conduct Open Air Burning" issued by the Township of Chatsworth Fire Department.

**Small, confined fire:** used to cook food is defined as a fire reasonably proportioned to the food being cooked, i.e.; a bonfire greater than one meter in diameter is not required to roast marshmallows.

A fire used to cook must be contained in a fire pit or enclosure that is constructed of a non-combustible material such as stones, cement or metal. The enclosure shall be designed to limit the size of the fire to the surface area of one meter square (1m x 1m) or less. The fire must be extinguished immediately after the food has been cooked.

#### **Rural/Farm Operation/ Large Open Air Burn Requirements:**

1. **An Open Air Burn Permit is required for any burn that exceeds 1 meter in diameter and is prohibited in urban or built up areas. See Appendix "C"**
2. Commercial, construction, farm or a special Open Air Burn shall be conducted in daylight hours not less than ½ hour after sunrise and concluding ½ hour before sunset. The fire shall be completely extinguished not later than ½ hour before sunset. Approval to burn after sunset may be granted in circumstances where it is demonstrated to the satisfaction of the Chief Fire Official that it is necessary and may be done safely. The approved hours of the burn shall be specified on the Permit.
3. The maximum burn area shall be contained and not more than 5 meters in diameter and 3 meters in height.
4. The ground surrounding the burn area shall be free of dead grass and similar readily combustible vegetation. (Preferably in a dug pit, plowed field or old foundations)
5. Only wood, dry vegetation and similar materials may be burned. Plastic, rubber, asphalt shingles, household garbage and similar products potentially hazardous to health and the environment shall not be burned.
6. The burn area shall be not less than 25 meters from any structure on the property and 25 meters from trees, combustible vegetation, combustible fences, overhanging tree limbs and overhead wires.
7. An adequate means to control and extinguish the fire, such as a garden hose, buckets of water, portable fire extinguisher, shovels, fire brooms, or heavy equipment with bucket or hoe attachment shall be readily available at all times at the burn site.
8. The Permit Holder shall ensure a responsible adult person is present and attends the fire at all times until completely extinguished.
9. Smoke shall not impair visibility or create a potential hazard for traffic on any street or roadway.
10. Smoke shall not reduce any neighbor's right to enjoy their property. Any complaint about the smoke from a neighbor may result in the extinguishment of the fire, the permit being withdrawn and/or charges being assessed as per the current Township of Chatsworth Fee for Service By-law.

11. The Permit Holder shall ensure the fire **DOES NOT** include any of the products listed below but not limited to and shall not be in contravention of any or all Ministry of Environment regulations:
  - Petroleum based products such as oil or grease
  - Asphalt materials including building materials
  - Aerosol or pressurized containers
  - Wood products with high glue or resin content such as particle board or MDF
  - Any products known to be harmful to the environment
  - Rubber products including tires
  - Plastic products
  - Wood or paper products treated with chemical preservatives
  - Household garbage
12. The Permit Holder shall ensure that Open Air Burning does not contravene rules or regulations set forth by the Ministry of the Environment

**Recreational/Residential Campfire Specific Guidelines:**

1. The burn area shall be contained and not more than 1 meter in diameter, if the burn area is larger than 1 meter in diameter an Open Air Burn Permit is required.
2. Only seasoned (dry) wood shall be burned. Pressure treated wood and glued wood fibre products shall not be burned. **Burning of leaves or other compostable yard waste is prohibited in urban or built up areas. See Appendix "C"**
3. The burn area shall be not less than 5 meters from any structure on the property and 5 meters from trees, combustible vegetation, combustible fences, overhanging tree limbs and overhead wires.
4. The ground surrounding the burn area shall be free of dead grass and similar readily combustible vegetation.
5. An adequate means to control and extinguish the fire, such as a garden hose, buckets of water, portable fire extinguisher, shovels or fire brooms shall be readily available at all times at the burn site.
6. Only paper or kindling (no flammable or combustible liquids) shall be used to start the fire.
7. A responsible adult person is present and attends the fire at all times until completely extinguished.
8. Smoke shall not impair visibility or create a potential hazard for traffic on any street or roadway.
9. Smoke shall not reduce any neighbor's right to enjoy their property. Any complaint about the smoke from a neighbor may result in the extinguishment of the fire and/or charges being assessed as per the current Township of Chatsworth Fee for Service By-law.

**Burn Barrel Guidelines:**

1. **Burn barrels are prohibited in urban or built up areas. See Appendix "C"**
2. The burn materials shall be contained in a non-combustible barrel with a capacity not more than 205 litres.
3. Burning may take place during daylight hours only.
4. The burn barrel shall be not less than 5 meters from any structure on the property and 5 meters from trees, combustible vegetation, combustible fences, overhanging tree limbs and overhead wires.
5. The ground surrounding the burn area shall be free of dead grass and similar readily combustible vegetation.
6. An adequate means to control and extinguish the fire, such as a garden hose, buckets of water, portable fire extinguisher, shovels or fire brooms shall be readily available at all times at the burn site.
7. A responsible adult person is present and attends the fire at all times until completely extinguished.
8. Only wood, dry vegetation and similar materials may be burned. Plastic, rubber, asphalt shingles, household garbage and similar products potentially hazardous to health and the environment shall not be burned.
9. Smoke shall not impair visibility or create a potential hazard for traffic on any street or roadway.

10. Smoke shall not reduce any neighbor's right to enjoy their property. Any complaint about the smoke from a neighbor may result in the extinguishment of the fire and/or charges being assessed as per the current Township of Chatsworth Fee for Service By-law.

**Penalties:**

Any violation of the conditions of the Permit to Conduct Open Air Burning, in the opinion of the Township of Chatsworth Chief Fire Official and/or designate, will result in any or all of the following action(s) being taken:

- Extinguishment of the fire
- Revoking of the Permit to Conduct Open Air Burning
- Refusal of future requests for a Permit to Conduct Open Air Burning
- Assessment of Service Charges as per the current Township of Chatsworth Fee for Service By-law.
- Laying of charge(s) under the authority of the Fire Protection and Prevention Act 1997

**Subsection 28(3)(a)(b) of the Fire Protection and Prevention Act 1997 states:** "An individual convicted of an offence is liable to, (a) in the case of an offence other than one described in clause (b), a fine of not more than \$20,000 or imprisonment for a term of not more than one year, or both; and (b) in the case of an offence for contravention of the fire code, a fine of not more than \$50,000 or imprisonment for a term of not more than one year, or both."

**Subsection 28(4) of the Fire Protection and Prevention Act 1997 states:** "A corporation convicted of an offence under subsection (1) is liable to a fine of not more than \$100,000"

**Subsection 28(5) of the Fire Protection and Prevention Act 1997 states:** "A director or officer of a corporation who knows that the corporation is violating or has violated a provision of the fire code is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both."

**Cost Recovery:**

In the event the fire Service responds to extinguish an Open Air Burn being conducted without a Permit, or in violation of the conditions of the Permit, the full cost of the extinguishment, including labour and equipment costs, as determined by the Chief Fire Official may be charged to the property owner and/or Permit Holder.

**Applications for a Permit to Conduct Open Air Burn are available at:**

- The Township of Chatsworth Municipal Office, 316837 Hwy#6
- The Township of Chatsworth website – [www.chatsworth.ca](http://www.chatsworth.ca)
- The Township of Chatsworth Fire Station, 75 McNab Street

**How to Apply for a Permit to Conduct Open Air Burning:**

- **In person:** The Township of Chatsworth Fire Station is located at: 75 McNab Street, Chatsworth. Monday to Friday between 8:30 am and 4:00 pm.
- **Mail:** Completed applications to the Township of Chatsworth Fire Department, P.O. Box 278 Chatsworth On., N0H 1G0
- **E-mail:** Completed applications to: [chattyfd@hotmail.com](mailto:chattyfd@hotmail.com)
- **Fax:** Completed applications to 519-794-4146 Attention – Fire Chief

**The Permit will be processed upon receipt of application.**

**Township of Chatsworth Fire Department**

**75 McNab Street**

**Chatsworth Ontario N0H 1G0**

**Business: 519-794-3188**

**Fax: 519-794-4146**

**E-mail: [chattyfd@hotmail.com](mailto:chattyfd@hotmail.com)**

**Note:** any person may request a site inspection to conduct Open Air Burning. Such requests will be reviewed by the Chief Fire Official and/or designate and will be subject to cost recovery as per the current Fee for Service By-law.

**To arrange a site inspection, call the fire station @ 519-794-3188. The site visit will be scheduled within 2 business days in most cases.**



**Appendix "B"**

**Township of Chatsworth Application for a  
Permit to Conduct Open Air Burning**

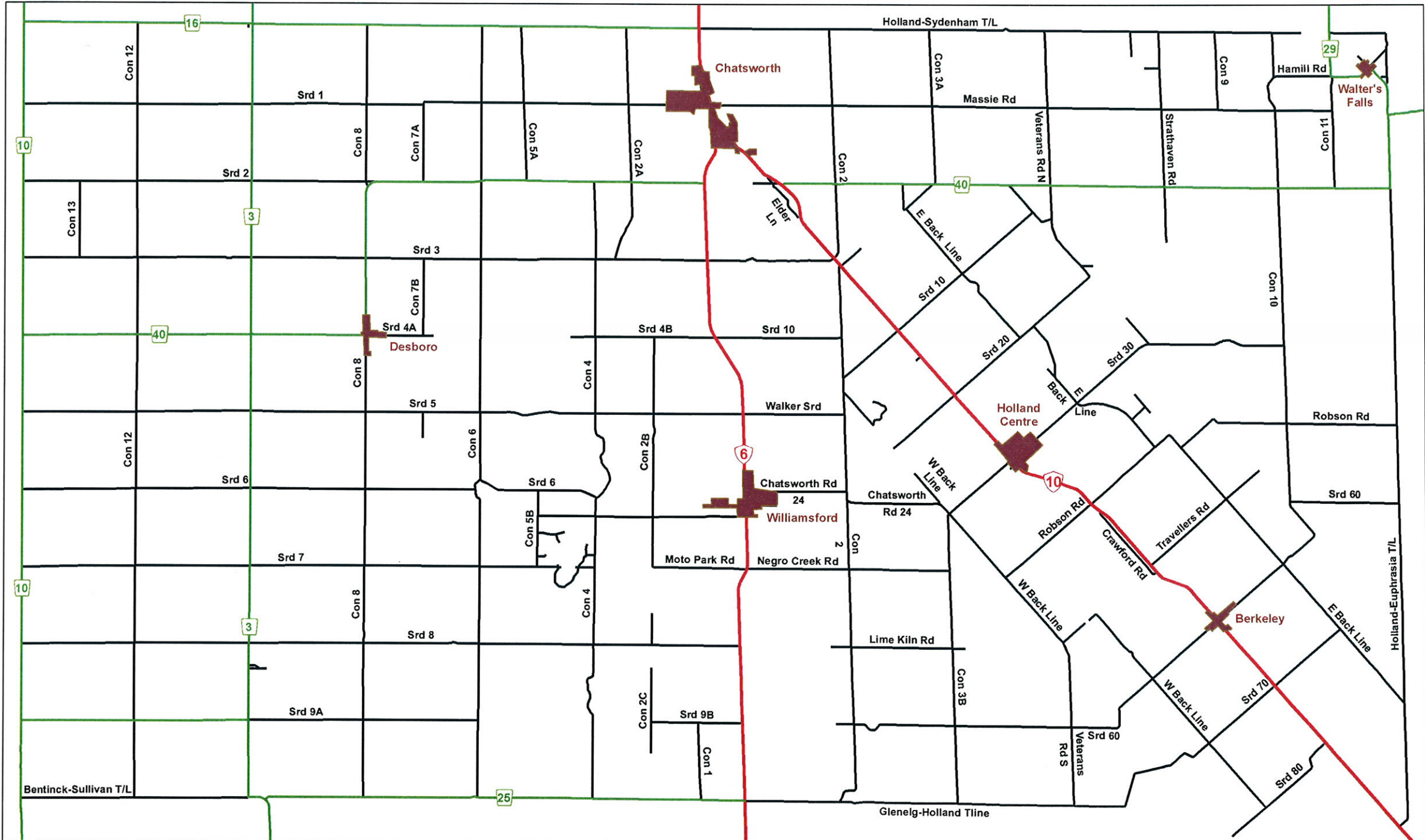
**Please Print**

<b>Date :</b>	<b>Date of Proposed Burn:</b>	<b>Received By:</b>
<b>Address of Proposed Burn:</b>		<b>Property Owner(s):</b>  <b>Phone #:</b>  <b>Cell#:</b>  <b>E-mail:</b>
<b>Name and Address of Applicant and/or person supervising the burn:</b>   <b>Phone #:</b>  <b>Cell #:</b>  <b>E-mail:</b>		
<b>Description of Burn:</b>		<b>Describe and Provide Fire Control Measures:</b>

I have read the requirements for Open Air Burning as stated in the Township of Chatsworth By-law #2016-07 and fully understand these are conditions I shall comply with to have approval for Open Air Burning, Burn Barrel or Campfire.

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_



Data Sources: Township of Chatsworth, County of Grey  
 Projection: NAD 1983 UTM Zone 17N,  
 Date Created: 23/02/2016



### Burn By-Law Restriction Areas



- Burn By-Law Restriction Area
- County Road
- Municipal Road

