

## The Corporation of the Township of Frontenac Islands

### By-Law 2021-18

BEING a By-Law to amend By-Law 16-2013, By Law 91:12 and By-Law 93:6 – a By-Law to regulate open air burning in the Township of Frontenac Islands.

WHEREAS pursuant to Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority under this or any other act; and

WHEREAS pursuant to Section 5(3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a municipal power, including a municipalities capacity, rights, powers, and privileges under Section 8, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

WHEREAS pursuant to Section 7.1(1) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, a Council may pass by-laws regulating the setting of open-air fires; now

THEREFORE, the Council of the Corporation of the Township of Frontenac Islands enacts as follows:

#### 1. Definitions: In this by-law

- (a) “Approved Brush/Yard Waste Fire” means an open-air fire not exceeding 2m (6 ft.) diameter and 2m (6 ft.) in height that is set and maintained for the sole purpose of burning piled wood, brush, or leaves.
- (b) “Approved Incinerator Fire” means a fire set in a container designed for incineration purposes and constructed completely of non-combustible material. There shall be a platform in the bottom of the container with air inlets below the fire to supply adequate combustion air to aid in a more complete and clean burn. Steel mesh with openings not exceeding 5 mm (3/16 inch) shall be placed on the top and/or the exhaust point of the device to serve as a spark arrester.
- (c) “Burn Ban Level 1” means burning is restricted to Camping Fires and Outdoor Fireplaces
- (d) “Camping Fire” means an open-air fire not exceeding 0.6 m (2 ft.) by 0.6 m (2 ft.) by 0.6 m (2 ft.) high that is set and maintained solely for the purposes of cooking food, providing warmth or recreational enjoyment.
- (e) “Firefighter” means a member of the Frontenac Islands Fire Department(s) including the Fire Chief(s)
- (f) “Fire Chief” means the Chief of the Wolfe Island Fire & Rescue or Howe Island Fire & Rescue
- (g) “Open Air Burning” means the burning of any material outside of a building in the open air.
- (h) “Outdoor Fireplace” shall mean a manufactured noncombustible appliance designed to hold a small fire for decorative purposes.
- (i) “Total Burn Ban” means a burning ban on all types of open-air fires.
- (j) “Burn Permit” means a permit issued by the Township of Frontenac Islands to allow for the burning of brush/yard waste in the Township of Frontenac Islands.

#### 2. General Provisions

- (a) The only open-air burnings allowed within the Township of Frontenac Islands are an Approved Brush/Yard Waste Fire, an Approved Incinerator Fire, a Camping Fire, and an Outdoor Fireplace.
- (b) No person shall conduct a Brush/Yard Waste Fire without first obtaining a Burn Permit from either Municipal office who will then notify either fire chief or the designate in person, or by telephone or email.
- (c) The burning of buildings, hay, straw, open fields, fires, or any materials restricted by the Ministry of the Environment is prohibited.
- (d) Only clean, dry, and untreated wood, brush and leaves are to be burnt in an approved brush/yard waste fire.
- (e) Brush/yard waste fires shall be at least 6m (20 ft) from any combustibles and 6m (20 ft.) from any property line.
- (f) Burning is not permitted during high winds and extremely dry conditions, or when smoke is a nuisance to neighboring properties. No burning of any kind shall cause discomfort of any kind to others around the burn location.
- (g) The Township shall charge a fee for the issuance of a Burn Permit as set out in Schedule 'A' to this By-Law, which may be changed from time to time by resolution of Council.
- (h) The person who obtains a fire permit and sets an open-air fire shall be responsible for any damage to property or injury to persons occasioned by the said fire.
- (i) A fire permit may be cancelled or suspended at any time by the Chief Fire Official or his/her designate and immediately upon receiving notice of such cancellation or suspension, the permittee shall extinguish any fire started under the permit or not set the fire of which the permit was intended.
- (j) Notwithstanding the provisions of Section 1 thereof, the Chief Fire Official may, upon application approve the setting of any fire subject to the fire being supervised by the fire chief or designate. This may also include instances of public safety or fire control methods.

### **3. Enforcement**

- (a) The Fire Chief or his/her delegate may issue at their discretion an order to restrict or ban any fires within the Wolfe Island District or the Howe Island District of the Township of Frontenac Islands at any time.
  - (b) The Fire Chief of either district may delegate authority to a firefighter who may order a fire to be extinguished immediately if the fire is not set in compliance with this by-law or is determined upon inspection by the Firefighter to constitute a safety hazard or concern.
  - (c) Should the Fire Department respond to an incident because of non-compliance with any section of this by-law a fee for service shall be charged to the party having the fire at a rate of \$200.00 per hour for each fire vehicle mobilized and \$30.00 per hour for each firefighter attending at the premises of that person.
  - (d) Any person who contravenes the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than \$300.00 pursuant to the provisions of the Provincial Offences Act.
- 4.** This by-law applies to the entire municipality of the Township of Frontenac Islands.

5. All previous by-laws of the former Township of Wolfe Island and the Township of Howe Island dealing with open air burning are hereby repealed.

6. This by-law shall come into force and take effect on the date it is passed.

READ a first and second time this 12th day of July 2021.

READ a third time and finally passed this 12<sup>th</sup> day of July 2021.



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Denis Doyle, Mayor



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Darlene Plumley CAO/Clerk

BURN PERMIT FEES

1. Fee for daily Burn Permit \$5.00