

# CORPORATION OF THE TOWN OF HAWKESBURY

## By-law N° 16 - 2001

### Being a by-law for prescribing the time for setting fires in the Corporation of the Town of Hawkesbury and the precautions to be observed

**WHEREAS** section 210, paragraph 35 of the Municipal Act, R.S.O. 1990, c.M.45, provides that councils of local municipalities may pass by-laws for prescribing the times that fires may be set and the precautions to be observed by persons setting out fires.

**NOW THEREFORE** the Council of the Corporation of the Town of Hawkesbury hereby enacts as follows:

#### TITLE

##### Short Title

1. The short title of this by-law is "The Exterior Burning By-law".

#### DEFINITIONS

2. In this by-law:

- (a) "**Approved**" means approved by the Hawkesbury Fire Chief or his authorized subordinates or assistants;
- (b) "**By-law Enforcement Officer**" means the officer in charge of By-law Enforcement of the Corporation of the Town of Hawkesbury or his authorized subordinates or assistants;
- (c) "**Bonfire**" means a camp fire;
- (d) "**Police Staff Sergeant**" means the person in charge of Ontario Provincial Police, Hawkesbury Detachment, or his authorized subordinates or assistants;
- (e) "**Corporation**" means the Corporation of the Town of Hawkesbury;
- (f) "**Council**" means the Council of the Corporation of the Town of Hawkesbury;
- (g) "**Fire**" means fuel in state of combustion, the phenomenon of combustion manifested in light, flame and heat;
- (h) "**Fire Chief**" means the Chief of the Fire Department of the Corporation of the Town of Hawkesbury or his authorized subordinates or assistants;
- (i) "**Permit Holder**" means the person applying (applicant) for a burning permit and shall be eighteen (18) years of age or over;
- (j) "**Person**" includes not only an individual but also a corporation, a company, a firm, a partnership and any association;
- (k) "**Town**" means the Town of Hawkesbury;

**APPLICATION**

3. The Ontario Fire Code (2.6.3.4.) states "Open air burning shall not be permitted unless approved".
4. No one shall set an open air fire in the Corporation of the Town of Hawkesbury without first obtaining a burning permit from the Fire Chief.
5. No person shall set an open air fire in the central business section and in the urban area of the Corporation of the Town of Hawkesbury where development is complete.
6. Burning permits may be issued for clean up of brush in fringe areas of the Corporation of the Town of Hawkesbury currently being serviced or under development and for a bonfire (camp fire).
7. Notwithstanding the provisions of sections 5 and 6, the Fire Chief may issue a burning permit for any fire under special circumstances or may, at his sole discretion, refuse to issue any burning permit depending on the conditions encountered.

**Open Air Burning**

This section applies specifically to non-enclosed open air fires for the clearing of brush and for bonfires.

**REGULATIONS**

8. (a) The material to be burned shall be limited to wood or by-products of wood unless otherwise specified and approved;
- (b) Open air burning shall allow no more than one (1) cubic metre of material to be burned at any one time;
- (c) Means of extinguishment of the fire designated on the permit form must be available at the site at all times during the fire;
- (d) Open air burning shall only occur during daylight hours unless otherwise specified and approved;
- (e) Open air burning shall be supervised at all times and never be left unattended until it is completely extinguished;
- (f) The permit holder (applicant) must notify the Fire Department when the fire is lit and at the end of the day must extinguish the fire and inform the Fire Department accordingly;
- (g) The permit holder (applicant) shall notify the occupant(s) of adjacent property(ies) of his intentions of setting an open air fire prior to setting same;
- (h) No open air fire shall be maintained when the wind is in such direction or of such intensity so as to result in a decrease in visibility on any highway or roadway or a risk of a rapid spread of fire through grass or a brush area;

- (i) No person shall set a non-contained fire regardless of the type of fuel used, be it grass or leaves or other;
- (j) Open air fires shall not be set closer than thirty (30) metres from any buildings or standing timber.

## **Permit not required**

### **Exterior Fireplaces**

9. No burning permit is required for a fire when such burning consists of a small confined fire, supervised at all times and set in an approved exterior fireplace and when such a fireplace is installed and used in conformance with sub-sections 9 a) to h) of this by-law.
- (a) Exterior fireplaces shall be made of metal, brick, ceramic or pottery and must be equipped with fireguards (spark-arresters) at every opening including top of chimney, etc.;
  - (b) The exterior fireplace shall be installed at a minimum of five (5) meters from any combustible material, trees and shrubs or structures, and at a minimum of three (3) meters from property lines;
  - (c) Exterior fireplaces shall rest on a non-combustible surface such as a concrete base or bare earth;
  - (d) Manufacturers instructions must be followed when using exterior fireplaces, in as long as they don't contravene with this by-law;
  - (e) The material to be burned in an exterior fireplace must be limited to dry clean wood. A minimal amount of paper may be used to start the fire in order to limit the emission of embers;
  - (f) Flammable liquids shall never be used to start a fire in an exterior fireplace;
  - (g) A means of extinguishment such as a garden hose or fire extinguisher must be within close distance to the exterior fireplace;
  - (h) Burning in exterior fireplaces must not take place when winds are present or when weather conditions cause smoke to remain low. At no time must natural conditions allow smoke to disturb the neighbours. If these conditions occur or if the person or the Fire Department receives a complaint from a neighbour, the person must immediately extinguish the fire.

### **GENERAL PROVISIONS**

10. (a) A burning permit may be cancelled or suspended at any time by the Fire Chief, the Police Staff Sergeant or by the By-law Enforcement Officer and immediately upon receiving notice of such cancellation or suspension, the permit holder (applicant) shall extinguish any fire started under the permit;
- (b) The said permit shall be in accordance with Schedule "A" attached hereto.

11. All persons setting an open air fire or using an exterior fireplace in the Corporation of the Town of Hawkesbury 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 should they be called in to extinguish the said fire.

### **ENVIRONMENTAL PROTECTION ACT**

12. This by-law does not cover any requirements under the Environmental Protection Act. Any fire is subject to the regulations set down by the Ministry of Environment regarding air pollution.

### **OFFENCES**

13. Every person who contravenes any provision of this by-law is guilty of an offence, and on conviction is liable to a fine of not more than Five Thousand Dollars (\$5,000.00), exclusive of costs, recoverable under the Provincial Offences Act, R.S.O., c.P. 33.

### **PENALTIES**

14. (1) Certificates of offence may be issued by the Fire Chief, the Police Staff Sergeant or the By-law Enforcement Officer.
- (2) Every person who contravenes any provisions of this by-law is guilty of an offence and shall be liable to pay a penalty as set out in this by-law.
- (3) The receipt of payment signed by the person assigned to the duty of receiving payments out of Court, shall be evidence of payment of the penalty provided for the violation.
15. When a person has been convicted of an offence under this by-law, the court of competent jurisdiction may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted, directed towards the continuation or repetition of the offence.

### **SEVERABILITY**

16. If a court of competent jurisdiction should declare any paragraph or part of a paragraph of this by-law to be invalid or ultra vires such paragraph or part of a paragraph shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in force.

17. That By-law No. 28-96 is hereby repealed.

**DATE OF EFFECT**

18. This by-law shall come into full force and effect on the date of passing thereof.

READ a first, second and adopted upon third reading this 26<sup>th</sup> day of  
March 2001.

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Town Clerk or Deputy Clerk

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Mayor or Reeve

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<b>ITEM</b>	<b>COLUMN 1</b> Description of Offence	<b>COLUMN 2</b> Provision creating or defining offence	<b>COLUMN 3</b> Set fine (suggested - including cost)
1.	Failure to obtain a burning permit from the Fire Chief.	Section 4	\$150
2.	Setting an open air fire in the business section or in urban area where development is complete.	Section 5	\$100
3.	Failure to burn only wood or by-products of wood.	Section 8 (a)	\$ 50
4.	Allowing more than one (1) cubic metre of material to be burned at any one time.	Section 8 (b)	\$ 50
5.	Failure to have required means of extinguishment on site during the fire.	Section 8 (c)	\$150
6.	Open air burning outside daylight hours.	Section 8 (d)	\$ 50
7.	Failure to supervise the open air burning.	Section 8 (e)	\$ 50
8.	Failure to notify the Fire Department.	Section 8 (f)	\$ 50
9.	Failure to notify the occupant(s) of adjacent property(ies).	Section 8 (g)	\$ 50

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10.	Maintain an open air fire when the wind is too strong and/or in wrong direction.	Section 8 (h)	\$ 50
11.	Setting an uncontained fire.	Section 8 (i)	\$ 50
12.	Open air fire closer than thirty (30) metres from buildings or standing timbers.	Section 8 (j)	\$ 50
13.	Failure to use exterior fireplaces made of metal, brick, ceramic or pottery equipped with fireguard(s)	Section 9 (a)	\$ 50
14.	Exterior fireplace closer than five (5) metres from any combustible material, trees and shrubs or structure and three (3) metres of the property lines.	Section 9 (b)	\$ 50
15.	Exterior fireplace install on something other than a non-combustible surface.	Section 9 (c)	\$ 50
16.	Failure to burn only dry clean wood in an exterior fireplace.	Section 9 (e)	\$ 50
17.	Failure to have required means of extinguishment within close distance to the exterior fireplace.	Section 9 (g)	\$150

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18.	Failure to comply with a permit cancellation or suspension notice.	Section 10 (a)	\$150

NOTE: The penalty provision for the offences indicated above is Section 13  
of By-law N° 16 -2001 , a certified copy of which has been filed.