



THE CORPORATION OF THE TOWNSHIP OF MULMUR

BY-LAW NO. 18 - 2023

BEING A BY-LAW TO REGULATE THE SETTING OF OPEN AIR FIRES IN THE TOWNSHIP OF MULMUR

WHEREAS Section 7.1 of the Fire Protection and Prevention Act, 1997, S.O. 1997, C.4, as amended, provide that a Council of a municipality may pass by-laws regulating fire prevention, including the prevention of the spreading of fire, the setting of open air fires and establishing the times during which open air fires may be set;

AND WHEREAS Section 11 of the Municipal Act, S.O. 2001, c.25 as amended, provides that municipalities may regulate matters relating to the health, safety and well-being of persons;

AND WHEREAS the Council of the Corporation of the Township of Mulmur is desirous to regulate open air burning in the Township of Mulmur;

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

1. **SHORT TITLE**

This by-law shall be known as the "Open Air Fire By-law".

2. **DEFINITIONS**

Appliance means a device to convert fuel into energy, and includes all components, controls, wiring and piping required to be part of the device by the applicable standard referred to in the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4., O. Reg. 213.07*;

Barbeque means a portable or fixed device designed and intended solely for the cooking of food in open air, but does not include outdoor fireplaces and campfires;

Campfire means an open air fire maintained for the purpose of cooking food, providing warmth and recreational enjoyment;

Council means the Council for the Corporation of the Township of Mulmur;

Daylight Hours means the time period beginning one half hour before sunrise and ending one half hour after sunset;

Fire means the open air burning or combustion of materials outside of a building;

Fire Chief means the Fire Chief or such designates and employees who have been appointed by By-law for an established fire department servicing the whole or a part of the Township of Mulmur including but not limited to the Mulmur-Melancthon Fire Department, Rosemont & District Fire Department and the Shelburne & District Fire Department;

Fireworks means any device used for producing a striking display by the combustion of explosive or flammable compositions and includes but is not limited to display, consumer and special effect pyrotechnics.

Owner means the registered owner or any person having control over, or possession, of any portion of the building or property;

Person means an individual, firm, corporation, association, partnership or an individual in his or her capacity, as a trustee, executor, administrator or other legal representative;

Prohibited Materials includes but is not limited to tires, paint, plastics, asphalt products, chemical waste, painted or treated wood, plywood or other laminates, or any other material designated as hazardous in any legislation enacted by the Provincial or Federal government;

Supervision means having present a responsible person, at least 18 years old with sufficient equipment to control or extinguish a fire;

Township means the Corporation of the Township of Mulmur.

3. GENERAL REQUIREMENTS

- 3.1 All lands within the Township of Mulmur are governed by this By-law and its provisions.
- 3.2 Every *person* setting, permitting to be set, maintaining or permitting to be maintained, a fire authorized under any section of this By-law shall comply with all the conditions set out herein.
- 3.3 Every *person* shall have read and understand the provisions of this By-law and if the *person* setting the fire is not the *owner* of the land, the *owner* shall ensure that the *person* setting the fire or is responsible for the fire has read and understand the provisions of this By-law.

3.4 Any fire authorized under this By-law shall not in any way cause discomfort, danger, irritation or create a nuisance for other residents of the *Township*, shall comply with all provisions of the Environmental Protection Act, R.S.O. 1990, C. E.19.

4. REGULATIONS

4.1 Fires shall be under constant *supervision*, have an extinguishing agent on hand and be under control from the time of lighting until it is totally extinguished.

4.2 Fires shall be located no closer than 15 metres (50 feet), from any building, structure, hedge, fence, road or overhead wire, or obstruction of any kind.

4.3 A space free and clear of combustible material shall be maintained around the perimeter of a fire of at least 4.5 metres (15 feet).

4.4 Fires and *fireworks* are prohibited during periods of dry conditions or drought or when a prohibition has been declared pursuant to Section 4.11 of this By-law.

4.5 Fires and *fireworks* are prohibited when wind velocity exceeds 16 k.p.h. (10 m.p.h.).

4.6 The dimensions of a fire shall not exceed 3 metres (10 feet) in diameter, or 2 metres (6 feet) in height for rural properties.

4.7 The dimensions of a fire shall not exceed 1 metre (3 feet) in diameter, or 2 metres (6 feet) in height for properties located in hamlets, villages and subdivisions.

4.8 Fires shall only be set during *daylight hours*.

4.9 The burning of *prohibited materials*, or any other material designated as hazardous in any legislation enacted by the *Township*, Provincial or Federal government is strictly prohibited.

4.10 *Campfires* used for cooking shall comply with the following regulations:

a) The fire shall be located no closer than 6 metres (20 feet) from any building, structure, hedge, fence, road or overhead wire, or obstruction of any kind.

b) The fire shall not exceed 1 metre (3 feet) in diameter, or 1 metre (3 feet) in height and must be contained.

c) Sections 4.2, 4.6, 4.7 and 4.8 of this By-law shall not apply to *campfires*. In all other respects the provisions of this By-law shall apply.

4.11 The *Fire Chief(s)* may declare a total prohibition in the *Township* against open air fires when in their opinion, atmospheric conditions or local circumstances make such fires hazardous.

5. EXEMPTIONS

- 5.1 A *barbeque*, grill of spit used to cook food, which commensurate with the type and quantity of food being cooked and shall be under *supervision* at all times.
- 5.2 An *appliance* that meets the requirements of the *Technical Standards and Safety Act, 2000, S.O. 2000, c.16.*, for outdoor use, which has been assembled and installed in accordance with the manufacturer's instructions and shall be under *supervision* at all times.
- 5.3 In the event any *person* proposes to start or set a fire which is larger than the permitted maximum sizes provided in this By-law, such *person(s)* shall contact the *Fire Chief*, to request permission and a site inspection. Where the *Fire Chief* deems it necessary to conduct an inspection in consideration of a request to light a fire, an inspection fee may be applied as outlined in the Fire Department Tariff of Fees. The *Fire Chief(s)* may or may not authorize the fire, subject to such conditions the *Fire Chief(s)* may impose.

6. ENFORCEMENT

- 6.1 The *Fire Chief(s)* is authorized to order any *person* to extinguish any fire or to cause such fire to be extinguished when there is a breach of any provisions of this By-law or where, in his-her opinion, there is a danger of such fire spreading or otherwise endangering life or property.
- 6.2 Should the *Fire Chief(s)* find that a fire has been started/set and does not conform to the provisions of this By-law, and/or could pose a safety hazard or concern, the *Township* shall be notified in writing and shall invoice the *owner* for the costs of response as outlined in the Fire Department Tariff of Fees.
- 6.3 Costs associated with enforcement may be collected by adding the costs to the tax roll and collecting them in the same manner as property taxes.

7. LIABILITY

- 7.1 All *person(s)* setting fires shall be responsible and liable for any damage to property occasioned by the said fire.
- 7.2 All *person(s)* setting fires may be liable for the cost of any fire fighting equipment and personnel necessary and called in to attend and/or extinguish the said fire, if conditions of this By-law are not complied with.

8. PENALTIES

- 8.1 Every *person* who contravenes any provision of this By-law is guilty of an offence and liable upon conviction to a penalty as authorized by the Provincial Offences Act.

9. SEVERABILITY

9.1 If a court of competent jurisdiction declares any provision or part of a provision of this *By-law* to be invalid, illegal, unenforceable or of no force and effect, it is the intention of *Council* in enacting this *By-law* that the remainder of this *By-law* will continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

10. ADMINISTRATION

10.1 The *Fire Chief(s)* appointed by the Township of Mulmur are hereby authorized to enforce the provisions of this *By-law*.

11. REPEAL

11.1 That *By-law* 18-2014, being the *By-law* to Regulate the Setting of Open Air Fires, is hereby repealed.

12. EFFECTIVE DATE

12.1 This *by-law* shall come into force on the passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED on this 7th day of JUNE, 2023.

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JANET HORNER, MAYOR

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TRACEY ATKINSON, CLERK