

THE CORPORATION OF THE TOWNSHIP OF NIPISSING

BY-LAW NO. 2020-42

Being a by-law to establish Open Air Burning Procedures.

WHEREAS under the authority granted in Section 7.1(1) of the Fire Protection and Prevention Act, S.O, 1997, as amended, Chapter 4, Municipal Councils may establish open air burning by-laws to regulate the setting of fires, including establishing the times during which open air fire may be set.

AND WHEREAS Section 391(1) of the Municipal Act, S.O. 2001, Chapter 25, a municipality may pass by-laws imposing fees or charges on any class or persons for services or activities provided or done by or on behalf of it.

AND WHEREAS the Ontario Fire Code Part 2 Section 2.6, Article 2.6.3.4. states open air burning shall not be permitted unless approved or unless such burning consists of a small, confined fire, supervised at all times, and used to cook food on a grill or barbeque.

NOW THEREFORE the Council of the Township of Nipissing enacts as follows:-

1. For the purposes of this by-law, the following definitions shall apply:-
 - a) "Agricultural Waste" shall include any animal fecal deposits or manure, and animal carcasses;
 - b) "Approved" means as approved by the Chief Fire Official or his/her designate;
 - c) "Barbecue" means a portable or fixed device designed and intended solely for the cooking of food in the open air but does not include outdoor fireplaces or campfires.
 - d) "Campfire" means a small contained fire supervised at all times and used to cook food or to provide warmth within an approved location under the conditions and terms of the Open Air Fire Burning Permit as issued, size not to exceed 1 metre (width) x 1 metre (length) x 1 metre (base of fuel to height of flame) and must be kept at least four (4) metres from any dwelling and/or structure;
 - e) "Chief Fire Official" means the assistant to the Fire Marshal who is the Municipal Fire Chief or a member or members of the fire department appointed by the Municipal Fire Chief.
 - f) "Domestic Waste" shall include kitchen waste, food, scraps, cloth, rags, clothing, plastics and any other materials which contents include any of the aforementioned;
 - g) "Dwelling" means a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons.
 - h) "Fire Chief" means the Fire Chief employed by the Corporation of the Township of Nipissing;
 - i) "Incinerator" means an enclosed device used to burn approved refuse;
 - j) "Industrial Waste" shall include used automobile and truck bodies, tires, oil, grease, paint, cloth, rags, plastics or other material which contents include any of the aforementioned;

- k) "Structure" means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or any other structure.
2. This by-law shall apply to all land within the geographical limits of the Township of Nipissing and to the setting of fires in the open air (fires) on any such land.
 3. A fire wholly contained within a permanent or portable barbeque that is used for the preparation of food for human consumption shall not be deemed to be a fire for the purposes of this by-law.
 4. This by-law shall not apply to propane or gas fueled barbeques, grills, cooking appliances or gas fireplaces approved for outdoor use by the Technical Standards and Technical Safety Authority of Ontario (T.S.S.A.) or other approval agency and listed by ULC or CSA.
 5. No person(s) or owner(s) of land shall:-
 - a) set a fire or permit the setting of a fire, or having set or permitted the setting of a fire, permit a fire to continue to burn without first having obtained a fire permit, in the form attached hereto as Schedule "A" from the Chief Fire Official or his/her designate, and in accordance with the provisions of the permit and this by-law.
 - b) despite sentence a), a "campfire" as defined in this by-law, does not require a fire permit. All other provisions in this by-law apply to "campfires".
 - c) set a fire or permit the setting of a fire or allow a fire to burn no earlier than 2 hours before sunset, and no later than 2 hours after sunrise, during the fire season.
The period from the first day of April to the last day of October in each year shall be a fire season.
 - d) set a fire or allow a fire to burn in any highway, park, walkway, public land, or upon any land owned by the Corporation of the Township of Nipissing without having first obtained written permission to do so from the Chief Fire Official or his or her designate.
 - e) burn industrial waste, agricultural waste, domestic waste, petroleum products, rubber, painted lumber, mixed demolition debris or anything else that will cause excessive smoke or fumes in addition to any other material identified in the regulations contained in the Environmental Protection Act;
 - f) set a fire or allow a fire to burn on any land of which they are not the registered owner;
 - g) no person shall start a fire or permit the setting of a fire or allow a fire to burn in a restricted fire zone.
 6. Where an Open Air Fire Burning Permit, pursuant to this by-law, has been issued the owner shall jointly and severally be responsible for any damage or injury to persons or property with respect to the setting of a fire or permitting the fire to burn and to ensure that:
 - a) the fire is kept at least ten (10) metres from any dwelling and/or from any structure and campfires, as defined, must be kept at least four (4) metres from any dwelling and/or from any structure;
 - b) the fire is attended, controlled and supervised at all times until it is completely extinguished before leaving the burn site;

- c) sufficient equipment and resources are available at the burn site to extinguish the fire if the fire gets out of control or is causing any adverse effect including those set out in Section 6 below;
 - d) no damage results to property or injury to persons with respect to the setting of a fire or permitting the fire to burn.
7. Where an Open Air Fire Burning Permit, pursuant to this by-law has been issued, no person shall:
- a) set a fire or permit a fire to burn when the wind is in such a direction or of such intensity so as to create a decrease in the visibility on any highway or cause danger to any person or structure;
 - b) create, by the setting or burning of the fire, any odour which causes discomfort to any person residing in the area;
 - c) set a fire or permit a fire to burn without first having confirmed that the materials to be burned meet the requirements of the Environmental Protection Act, R.S.O. 1990, Chapter E. 19.
8. Any Open Air Fire Burning 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.
9. Notwithstanding the provisions of Section 4, 5 and 6 hereof the Chief Fire Official may, upon application, approve the setting of fire subject to the fire being supervised by the Fire Chief of the Corporation of the Township of Nipissing or his/her designate.
10. Open Air Burning Permit may be issued to the registered owner of a property, remaining valid for the time the applicant is the registered owner of the property. Open Air Burning Permits shall be issued free of charge. A permit issued to a landowner shall expire at the time of transfer to a new owner. Each new owner of a property shall apply for an Open Air Burning Permit.
11. If the Nipissing Fire Department is called to respond to a fire set or permitted to burn, in violation of this by-law, the person who set the fire, or allowed it to burn, and the owner of the land if the owner permitted the fire to be set or permitted the fire to burn, shall forthwith pay, upon demand the costs incurred by the Nipissing Fire Department including the personnel, equipment and apparatus necessary to extinguish any fire set or burning contrary to this by-law or contrary to any permit issued under this by-law by paying the fees as follows:-
- a) For an uncontrolled fire, be liable for costs incurred by the fire department, as per the user fee By-Law in effect on the date of occurrence, for each firefighting apparatus.
 - b) Recovery of costs incurred by the Township to execute a fire protection agreement, retain the services of private contractors, rent special equipment, preserve property or evidence or in order to eliminate an emergency risk or risk of an emergency situation as stipulated in the User Fees By-Law in effect.
12. If any person fails to pay the fees set out above, forthwith upon demand, the amount of the fee in default may, in addition to any other remedies Nipissing may have, be recovered by the Corporation of the Township of Nipissing in like manner as municipal taxes in accordance with Section 398(2)2 of the Municipal Act S.O. 2001, c.25, against the owner of the land, if the owner set the fire, allowed the fire to burn, or permitted the fire to be set or to burn, in violation of this by-law or any permit issued under this by-law.

13. Every person who contravenes any provision of this by-law is guilty of an offense and may be charged in accordance with the terms of the Fire Protection and Prevention Act as amended, Part 2 subsection 2.6.3.4. of the Ontario Fire Code, in addition to the requirement to pay the fees set out above; or may be charged with an offence under the Provincial Offences Act under this by-law.
14. By-Law 2017-02 is hereby repealed. This by-law will come into force on the date of passing.

Read a first, second and third time and passed this 15th day of September, 2020.

TOM PIPER, MAYOR

CHARLES BARTON, CAO-CLERK

**CORPORATION OF THE TOWNSHIP OF NIPISSING
Fire Permit No. 0000
BY-LAW NO. 2020-42
FIRE EMERGENCY NUMBER 911**

Name: _____
(**MUST** be a registered owner of the property)

Address: _____
(Legal Description is required where a 911 or Civic address does not exist)

Phone Number: _____
(Contact Number to be used during burning events)

Email Address: _____

Subject to the following terms and conditions:

- ❖ The permittee shall keep the permit at the site of the burning operation conducted under the permit.
- ❖ The person in charge of the burning operation conducted under the permit shall produce and show the permit to any officer whenever requested by that officer.
- ❖ Day burning is not permitted, 2 hours after sunrise and until 2 hours before sunset during the **fire season**. The fire season is from the first day of April to the last day of October.
- ❖ The amount to be burned at any one time shall not exceed 0.8 hectares of grass.
- ❖ The material pile to be burned shall not exceed 2 cubic metres, and shall be kept at least 10 metres from any dwellings or buildings.
- ❖ The permittee shall have at the location of the fire, sufficient persons and firefighting equipment in serviceable condition.

Regulations for Burning

A fire permit may be cancelled by the Fire Chief or his/her designate at any time.

In addition to monetary fees charged by the Township, a permittee who does not comply with the conditions of this permit may be liable to prosecution under the Fire Code.

Outdoor incinerators must be approved by the Fire Chief in writing.

Every person who starts or causes to be started, a fire out of doors shall:

- ❖ take all reasonable steps to keep the fire under control
- ❖ ensure that a responsible person attends the fire
- ❖ extinguish the fire before quitting the site of the fire

Safe Burning Tips

Burn at a safe time, evenings are best, never on dry or windy days.
Keep your burning job small enough that you keep it under control at all times.
Never leave a fire until it is completely extinguished.

Environmental Protection Act

All burning within the Township of Nipissing must conform to the Environmental Protection Act.

COST OF ACTION

If the Fire Emergency Services are called to a fire set or permitted to burn, in violation of this by-law, the person who set the fire, or allowed it to burn, and the owner of the land, if the owner permitted the fire to be set or permitted the fire to burn, shall forthwith pay, upon demand, the costs incurred by the Township of Nipissing Volunteer Fire Department including the use of personnel, equipment and apparatus necessary to extinguish any fire set burning contrary to this by-law or contrary to any permit issued under this by-law by paying fees as outlined in the Open Air Burning by-law for the Township of Nipissing.

Recovery of costs incurred by the Township to execute a fire protection agreement, retain the services of private contractors, rent special equipment, preserve property or evidence or in order to eliminate an emergency risk or risk of an emergency situation as stipulated in the User Fees By-Law in effect at the time of occurrence.

Personal information contained on this form is collected under the authority of the Municipal Act, R.S.O. 1990, section 210 and will be used for the purpose of identification, enforcement or administration. Questions should be directed to the Township of Nipissing Fire Department or the Township of Nipissing Office.

ALWAYS CHECK THE TOWNSHIP WEBSITE FOR CURRENT BURNING CONDITIONS
www.nipissingtownship.com

INDEMNITY

Please read reverse side of permit prior to signing.

In consideration of the Corporation of the Township of Nipissing issuing a permit for an open air fire, I undertake to indemnify the Corporation of the Township of Nipissing against any liability incurred by it for any costs or expenses in controlling or extinguishing the fire contemplated by this permit and against all losses, costs, charges and expenses which the Corporation of the Township of Nipissing may incur in consequences thereof.

Signed this _____ day of _____, 20____.

Printed Name _____

Signature of Permittee _____

OFFICE USE ONLY

Approved Permit Issue Date: _____

Approved by: _____

Approval Signature: _____

Notes: _____
