



THE CORPORATION OF THE MUNICIPALITY

MORRIS-TURNBERRY

BY-LAW NUMBER 32-2016

BEING A BY-LAW TO REGULATE OPEN AIR BURNING

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**WHEREAS** the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4, Section 7(1)1(a)(b), as amended states that a council of a municipality may pass by-laws regulating fire prevention, including the prevention of the spreading of fires, and regulating the setting of open air fires, including establishing the times during which open air fires may be set;

**AND WHEREAS** Section 2.6.3.4 of the Ontario Fire Code provides for the prohibition of open air burning unless approved or unless such open air burning consists of a small contained fire which is supervised at all times, and used to cook food on a grill or a barbeque;

**AND WHEREAS** Section 8 of the Municipal Act, 2001 S.O. 2001 c. 25 as amended, states that; 'Powers of a natural person – 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** the Council of the Municipality of Morris-Turnberry deems it appropriate to enact a by-law to regulate open air burning;

**NOW THEREFORE** the Council of the Municipality of Morris-Turnberry, hereby enacts as follows:

**1. DEFINITIONS:**

**"Acceptable Burn Material"** means commercially produced charcoal or briquettes, small amounts of white or brown paper or cardboard used to start a fire, dry seasoned wood that has been generated on the landowners own property, dry wood by-products that have not been chemically treated, painted or stained, purchased fire logs or purchased firewood sold for the purpose of recreational campfires and not exceeding the maximum permitted Recreational Fire dimensions defined in this By-Law.

**"Burning Barrel"** includes but not limited to any container used for burning prohibited materials.

- Is a minimum of three (3) metres clearance from buildings, property lines and combustible materials, or as approved by the Fire Chief's Office; and
- Is used to burn only clean burnable household/ commercial debris and cardboard ; and clean burnable agricultural waste, in the agricultural areas.

**"Cooking Fire"** means a small, confined fire supervised at all times and used to cook food on a grill or barbeque.

**"High Risk Period"** means any period of time, when due to extreme dry, high wind or other conditions, there is a higher than normal risk of unwanted spread of fire, as determined by the Ontario Fire Marshal or the Fire Chief/ Chief Fire Official, and identified as a High Risk Period.

**"Fire Chief"** means the Chief Fire Official of the Municipality of Morris-Turnberry & North Huron, Contracted Fire Chief/ Chief Fire Official, or their designate.

**"Fire Pit or Fire Pit Area"** shall mean an area of ground that has been completely cleared of combustible material and lined with a minimum thickness of 15 cm ( 6 inches) of sand or mineral soil that will extend a minimum of 30 cm ( 12 inches) beyond the use of fuel and or burning materials.

**“Container”** means in an apparatus, container or physical construction ( such as a fire pit or a Fire Pit Area, as defined in this By-law) that is capable of controlling the spread of fire.

**“Open Air Burning”** means a fire set in the Open Air.

**“Open Fire”** means any open fire other than that defined as a “Cooking Fire” or “Recreational Fire” under this By-Law.

**“Poor Air Quality Day”** means any period of time when a Poor Air Quality Advisory has been issued by Environment Canada or other recognized government health or meteorological agency.

**“Prohibited Burn Materials”** means any material other than as described under “Acceptable Burn Materials.” Specifically prohibited under this By-Law and not to be burned under any circumstances include household waste, human or animal excrement, leaves, grass, treated lumber, insulation, asphalt shingles or other construction materials, commercial by-products such as those generated from wood working, deck-building or landscaping businesses, tires, rubber, plastic, styrofoam, petroleum or other potentially toxic waste materials.

**“Recreational Fire”** means a small outdoor fire such as a campfire set within a confined area or device such as an outdoor fireplace or fire pit, situated in a “Safe Location” and measuring no more than 0.70 metres (27”) in any dimension and supervised at all times.

**“Safe Location”** means outdoors and not on a porch or balcony area that is roofed or otherwise covered, or near dry vegetation, or in any other place conducive to unwanted development or spread of fire or explosion, or supported by combustible material. The Safe Location, not less than 5 metres from any structure and a minimum of 5 metres from adjacent property lines. The property line setbacks for a safe location do not apply to campgrounds.

## **2. GENERAL PROVISIONS:**

- 1) No person shall set or maintain a fire in contravention of the Ontario Fire Code, the Environmental Protection Act R.S.O. 1990, Chapter E. 19, or any other statutory requirements of the Province of Ontario.
- 2) No person shall set a Recreational Fire or an Open Fire during a period identified as a Poor Air Quality Day, High Risk Period, or during a fire ban declared by the Fire Chief.
- 3) No person shall set a Recreational Fire or an Open Fire so as to have smoke or debris interfere with vehicular traffic or otherwise pose a safety hazard on a public roadway.
- 4) No person shall set a Recreational Fire or an Open Fire if the wind conditions or the quality of the burn restricts neighbours from enjoyment of the normal use of their property or causes discomfort to persons in the immediate area.
- 5) Cooking Fires and Recreational Fires shall be permitted, provided; every person who sets a cooking or recreational fire shall comply with the following regulations:
  - a) The fire must be set in a Safe Location, on the landowners own property and contained within an appropriate device;
  - b) The fire must be fueled only with Acceptable Burn Materials;
  - c) The fire must be supervised at all times;
  - d) Effective means of extinguishment must be readily available, and;
  - e) The fire must be fully extinguished before being left unsupervised.

- 6) No person shall burn anything defined as Prohibited Material.
- 7) **Open Fires are prohibited in all Urban areas, except where a Burn Barrel or a Container is registered with the Municipality of Morris-Turnberry, for commercial-type properties-only. The property owner must notify the Municipality of the burn barrel or container and note the property address and type of burn apparatus.**  
( If any complaints are received in good faith, in regards to the burning apparatus, the Fire Official for Morris-Turnberry will inspect the premises and the burning apparatus)
- 8) Open Fires set to eliminate Acceptable Burn materials within unrestricted areas are permitted and every person who sets an Open Fire shall comply with the following regulations:
- a) Contact the Fire Chief / Chief Fire Official 90 minutes or greater prior to starting an Open Fire. Notification is not required for Cooking Fires or Recreational Fires as defined in this By-Law; Contact the Fire Chief/ Chief Fire Official once extinguished; Contact Numbers are set out in Schedule B of this By-law;
  - b) Open fires must be confined to daylight hours;
  - c) Open fires must be set on the landowner's/ tenant's property;
  - d) Open fires must be fueled only with Acceptable Burn Materials;
  - e) Open fires must be supervised at all times;
  - f) Effective means of extinguishment must be readily available;
  - g) Open fires must be fully extinguished before being left unsupervised,
  - h) Acceptable burn material must be generated on the landowner property.
  - i) No person shall locate, permit or allow an Open Fire to be located less than 15 meters from any building, structure, property line, tree, hedge, fence, roadway, overhead wire or other combustible article.
  - j) No person shall release Floating lanterns which have an open flame;
  - k) No person shall set or allow a fire, other than a recreational fire, to burn between sunset on the evening of any day and sunrise on the following day.
  - l) No person shall set a fire where the odour or smoke may cause a health hazard or discomfort or pose a safety hazard on a public highway or public street.
  - m) No person shall set a fire during a declared fire ban.
- 9) Open air fires for religious, civic or ceremonial purposes are allowed within urban areas as established in the current Morris-Turnberry Official Plan and shall require a burn permit issued by the Fire Chief/Chief Fire Official, subject to any terms and conditions imposed by the Fire Chief/Chief Fire Official.
- 10) AGRICULTURAL LANDS:
- A person may conduct an Open Fire if it is part of a normal farm practice carried on as part of an agricultural operation, as those defined in the Farming and Food Production Act, 1998, S.O. 1998 c.1, on lands zoned for agricultural use, and subject to the conditions set out as follows;
- a) Contact the Fire Chief/Chief Fire Official prior to starting an Open Fire;
  - b) Open fires must be set on the landowners own property;

- c) No person shall locate, permit or allow an Open Fire to be located less than 15 meters from any building, structure, overhead wire or other combustible article.
- d) No Open fire may include Prohibited Materials as defined in this bylaw
- e) Burn Barrel and a container or a Fire Pit or Fire Pit Area, are allowed for the burning of clean burnable household and agricultural waste and paper products, subject to the General provisions of this By-law.

### 3. LIABILITY:

The following Liability provisions shall apply to all Open Air Burning within the Municipality of Morris-Turnberry:

Where Open Air Burning is permitted under this By-Law, any person who starts a fire shall:

- a) Take all reasonable steps to keep the fire under control including continuous supervision and ready access to effective means of extinguishment;
- b) Extinguish the fire before leaving the site of the fire;
- c) Be responsible for any damage to property or injury to persons that may result from the said fire, and
- d) Be liable for costs incurred by the Municipality of Morris-Turnberry, including administration, personnel, equipment and apparatus necessarily called to investigate, respond or extinguish the said fire, **with the costs recovered paid to the applicable fire department.**

Any person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine not exceeding \$5,000.00 under the Provincial Offences Act; and may also be liable for costs established under the By-Law to Establish Fees.

### 4. PENALTY AND ENFORCEMENT

- 4.1 Any person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act* and set out in Schedule "A", attached hereto and forming an integral part of this by-law.
- 4.2 Any person, who is in default with respect to any provision of this by-law, and whose action results in the summons and response of the Fire Department, shall therefore be liable for any expenses levied on the municipality by the fire department as a consequence of the default, and such expenses may be recovered by legal action, or in a like manner as taxes as provided in *Section 398(2) of the Municipal Act, 2001*.
- 4.3 This By-law shall be enforced by the Fire Department, Provincial Offences Officers, Police, Municipal Law Enforcement Officers, Assistants to the Ontario Fire Marshal, or such other persons as Council may designate.

**5. PROVINCIAL LEGISLATION:**

Nothing in this By-Law shall supersede or waive the requirements of any Provincial Legislation and/or Regulation.

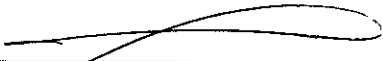
**6. BY-LAWS REPEALED:**

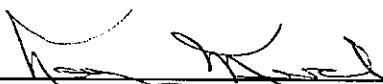
By-Law Number 7-2001 and By-law No. 38-2015 are hereby rescinded and repealed.

**7. FORCE AND EFFECT:**

This By-Law shall come into full force and effect upon third and final reading.

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED  
on this 7<sup>th</sup> day of June, 2016.

  
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Paul Gowing- Mayor

  
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Nancy Michie- Administrator Clerk-Treasurer

**CORPORATION OF THE Municipality of Morris-Turnberry**

**Schedule "A" to By-Law No. 32-2016**

**REGULATING FIRE PREVENTION**

**Part 1 Provincial Offences Act**

<b>Item</b>	<b>Short Form Wording</b>	<b>Provision Creating or Defining Offence</b>	<b>Set Fine</b>
1.	Setting fire where smoke decreasing visibility on highway, road, or street.	Section 2.3.	\$200.00
2.	Setting fire where odour or smoke causing discomfort or restricting neighbours use of property.	Section 2.4	\$200.00
3.	Burning prohibited materials	Section 2.6	\$200.00
4.	Failure to contact the Fire Chief/ Fire Official prior to starting an Open Fire	Section 2.8 (a)	\$200.00
5.	Failure to provide constant supervision of fire	Section 2.8 (e)	\$200.00
6.	Failure to provide adequate means of extinguishing fire	Section 2.8 (f)	\$200.00
7.	Open fire closer than 15 m to combustible material.	Section 2.8 (i)	\$200.00
8.	Allowing fire to burn between sunset and sunrise	Section 2.8 (k)	\$200.00
9.	Setting or allowing fire to burn during a declared fire ban.	Section 2.8(m)	\$200.00
10.	Failure to contact the Fire Chief/ Fire Official prior to starting an Open Fire	Section 2.10 (a)	\$200.00
11.	Burn prohibited materials – Agricultural lands	Section 2.10 (d)	\$200.00

**NOTE: The general penalty provision for the offences listed above is Section 4.1 of By-Law No. 32-2016, a certified copy of which has been filed.**

**CORPORATION OF THE Municipality of Morris-Turnberry**

**Schedule "B" to By-Law No. 32-2016**

**Contact Numbers:**

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**Fire Department North Huron:**

**Contact:                    Open Air notification number                    226-523-9500 Extension 8**

**Or    James Marshall    Community Fire Safety Office                    226-523-9500 Extension 203**

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**Huron East Fire Department:**

**Contact   James Marshall    Community Fire Safety Officer    226-523-9500 Extension 203**