

CORPORATION OF THE MUNICIPALITY OF TWEED

BY-LAW NO. 2021-10

Being a By-law to Regulate the Setting of Open-Air Fires and to Provide for Fees for Contravention of this By-law and Costs of Suppression and to Repeal By-law No. 2016-17.

WHEREAS the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4*, as amended, provides:

- in subsection 7.1(1)(a) that a Council of a Municipality may pass By-laws regulating fire prevention, including the prevention of spreading of fires;
- in subsection 7.1(1)(b) that a Council of a Municipality may pass By-laws regulating the setting of open-air fires, including establishing the times during which open-air fires may be set;
- in subsection 7.1(3) that a By-law passed under section 7.1 may deal with different areas of the municipality differently;
- in subsection 7.1(4) that a Municipality may appoint an Officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether By-laws enacted in accordance with this section are being complied with;

AND WHEREAS Section 391 of the *Municipal Act, 2001, S.O. 2001, c. 25*, as amended, authorizes Councils of local Municipalities to pass By-laws imposing fees for the services provided;

AND WHEREAS the Council of the Corporation of the Municipality of Tweed feels it is imperative that a procedure for permission to openly burn be established;

NOW THEREFORE the Council of the Corporation of the Municipality of Tweed hereby enacts as follows:

DEFINITIONS

1. For the purposes of this By-law the following definitions shall apply:
 - a) **Barbeque:** means appliances including a hibachi, or structure designed and intended solely for the cooking of food in the open-air, and other similar commercially manufactured devices designed and intended solely for the cooking of food in the open-air but does not include devices predominantly designed for personal warmth, fire pits or campfires.
 - b) **Open Burning Device:** means any manufactured device or properly constructed fire pit not to exceed twenty-six inches (26") in diameter or approximate area of equivalent size in square dimensions for the purpose of containing a recreational fire. See Appendix 'A' for an illustration of a recreational open burning device.
 - c) **Open Burning Device/Burn Barrel:** means a barrel not greater than 26 inches (26") in diameter or a square burning device with equivalent area, covered with a mesh spark arrestor with hole spacing not greater than 3/16 of an inch or 5 mm. The mesh must be of a material strong enough to withstand the heat. See Appendix 'A' for an illustration of the specifications for a burn barrel.
 - d) **Recreational Burning:** means an "open-air burn" that is set and maintained solely for the purposes of providing warmth or recreational enjoyment as noted in the definition for **Open Burning Device**.

- e) **Farm:** means a premise associated with and located on land devoted to the practice of farming and used primarily for the housing of equipment or livestock or the production, storage or processing of agricultural and horticultural produce or feeds.
- f) **Fire Chief:** means the Fire Chief for the Municipality of Tweed Fire Department or such designate appointed by the Fire Chief, or designated under this By-law, acting under the Fire Chief's direction.
- g) **Fire Department:** means the Municipality of Tweed Fire Department and any member thereof.
- h) **Open-air Burning:** means the burning of any material outside of a building, including without limiting the generality of the foregoing, wood, cardboard, brush, or garden waste where the flame is not wholly contained and is thereby, open to the air.
- i) **Municipality:** means The Corporation of the Municipality of Tweed.
- j) **Prohibited debris:** means any waste, product or thing that, when burned may result in the release to the atmosphere of dense smoke, offensive odors or deleterious products, tires, rubber, plastic, pathological waste, household refuse or used petroleum products.
- k) **Burn Ban:** Partial or total ban based on conditions in the area, MNRFP reports and water levels. See burn ban signs or website for current level.
- l) **Total Burn Ban:** No burning at all, campfires included.
- m) **Floating/Sky Lanterns:** means a combustible material warm air floating device which uses an open flame for floatation.
- n) **Competent Adult:** means a person 18 years of age or older who has the capacity to exercise sound judgement regarding the rights and safety of others.

GENERAL PROVISIONS

- 2. This By-law may be cited as the "Open-air Burning By-law".
- 3. No person shall light a fire on any land within the Corporation of the Municipality of Tweed for any purpose other than to cook on a barbecue without the benefit of an approved burning permit as set out in Schedule 'A' issued under the provisions of this By-law.
- 4. Only recreational burning, not including fireworks, shall be allowed within the geographic limits of the Village of Tweed, and the Hamlets of Thomasburg, Actinolite, Queensborough, Marlbank, Stoco, and Sulphide provided that a burning permit has been issued and all burning is contained within a Canadian Standards Association (C.S.A.) approved open burning device, equipped with a spark arrester. Alternately, the Fire Chief or designate may provide an initial inspection of a recreational burning device at no cost, and at the owner's request, for any recreational burning device already being utilized.
- 5. **Regulations for Recreational Burning (Campfires):**

The following regulations shall apply with respect to Recreational Burning:

Campfires do not need to be called in.

****Registered tourist-based commercial businesses may apply for an exemption to the By-law which will require an inspection of the property by the Chief Fire Official, before burning is**

permitted.

- a) Recreational burning shall be confined to an approved open burning device not to exceed twenty-six inches (26”) in diameter or approximate area of equivalent size in square dimensions for the purpose of containing a recreational fire.
 - b) No material other than commercially produced charcoal, briquettes or clean, dry seasoned wood, cardboard, and plain paper. You cannot burn pressure-treated wood, creosote treated wood, construction materials, or **Prohibited debris**.
 - c) The wood being burned shall be totally confined within the open burning device.
 - d) Recreational burning shall be confined to a location that provides for a minimum distance of 3 meters (9.84 feet) in all directions from adjacent properties. **See above.
 - e) Smoke from recreational burning must not obscure roads or homes and must not inconvenience other persons or properties.
 - f) Recreational burning shall be confined to an area that is a minimum of 6 meters (19.69 feet) from any building, structure, hedge, fence, vehicular roadway, overhead wiring, or any combustible material. **See above.
 - g) An effective extinguishing agent or device of sufficient size and with the capability of extinguishing the fire shall be immediately available for use.
 - h) Recreational burning shall be attended, controlled, and supervised, by a competent adult **at all times** and shall be completely extinguished before the recreational burn site is vacated.
 - i) Recreational burning is not permitted when the wind speed exceeds 25 kilometers per hour, during a restricted fire ban, or as per fire conditions or when a smog alert has been declared by the Ministry of Environment.
 - j) Recreational burning is permitted at ground level only.
 - k) Recreational burning shall not include floating/flying lanterns.
6. Every person burning under the authority of a burning permit shall comply with all provisions of Schedule 'B' of this By-law.
 7. Every person being the holder of a burning permit shall, upon request of the Fire Chief, Deputy Fire Chief, Fire Captain, Fire Prevention Officer, or By-law Enforcement Officer of the Municipality of Tweed, produce said permit.
 8. This By-law shall be administered by the Fire Chief or his/her designate of the Municipality of Tweed.
 9. The Fire Chief or his/her designate may, at any time, and in the exercise of his or her sole discretion, issue a "Fire Ban" effective for a specified period of time, prohibiting the setting of any and all "Open-air Fires" within any area of the Municipality. During this time all Burning Permits shall be revoked.
 10. The Fire Chief or his/her designate may revoke any or all "permits", or refuse to issue "permits" where, in the opinion of the Fire Chief or his / her designate, the ability to control the fire is hampered by the existence of a Dangerous Condition, which exists on or in the proximity of the proposed Open-air Burning site.

11. The Municipality of Tweed shall levy the fees as set out in the attached Schedule 'C' which fees shall be due and owing to the Municipality of Tweed for each occasion upon which the Fire Department attends at the site of an open-air fire at which there is no permit holder or at which the provisions of schedule 'B' of the fire permit have been contravened. Said fees are payable to the Municipality of Tweed by the party or parties who are deemed by the Fire Chief or his agent or assign, to be responsible for the cause of the fire.
12. Where said fees are not paid within thirty days of the date of demand, said fees will be added to the tax roll of the Municipality of Tweed and will be collected in like manner as municipal taxes.
13. In addition to any other penalty prescribed by this By-law any person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine or penalty for each offence established pursuant to the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended, and included with Schedule 'D' forming part of this By-law.
14. The Fire Department shall be exempt from the provisions of this By-law with respect to open-air burning set for the purposes of educating and the training of individuals, and for public fireworks displays.
15. **Regulations for Open-air Burning on Farms:**

The following regulations shall apply with respect to Open-air Burning on Farms:

- a) No person shall conduct an open-air burn on a farm without first obtaining a burning permit.
- b) No person shall conduct, or permit to be conducted, an open-air burn on a farm without first notifying the Fire Department in person or by telephone.
- c) All persons who are required to give notification prior to an open-air burn on a farm shall also notify the Fire Department in person or by telephone at the conclusion of the burn.
- d) Open-air burning on farms may only be conducted during daylight hours.
- e) Open-air burning shall be attended, controlled, and supervised by a competent adult **at all times** and shall be completely extinguished before the burn site is vacated, or the burn area rendered as not to allow fire spread from the existing coals.
- f) All other steps shall be taken as may be necessary to prevent the fire from getting beyond control or causing damage or becoming a danger to life and/or property.
- g) Open-air burning on farms is not permitted when the wind speed exceeds 25 kilometers per hour, during a restricted fire ban, when a smog alert has been declared by the Ministry of Environment or when the Natural Resources Canada fire danger rating is greater than low.
- h) Open-air burning shall be confined to an area that is at least 45 meters (150 feet) from any building, highway, road, or wooded area, the area to be burned must be less than 5 meters by 5 meters (16.4 feet by 16.4 feet), flame edge must be less than 12 meters (39.37 feet) and must be less than 2 meters (6.56 feet) high.
- i) At no time can a fire be started within 9 meters (29.53 feet) of any electrical overhead wires.

- j) Steps must be taken to ensure that smoke caused by an open-air burn does not have a negative impact on the visibility of motorists using roads in the vicinity of the burn and must not inconvenience other persons or property.
- k) Piles must be separated by a minimum of 10 meters (32.81 feet).
- l) No more than one pile may be burning at one time.
- m) At no time shall prohibited debris be permitted to be burned.

16. Regulations for Incinerator Burning:

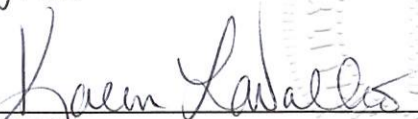
The following regulations shall apply with respect to Incinerator Burning:

- a) All incinerator burning must be in an enclosed device.
 - b) Incinerator burning must be conducted during daylight hours.
 - c) The chimney or vent must be covered with mesh less than 5mm in size.
 - d) The incinerator must be at least 9 meters (29.53 feet) from any forested area.
 - e) The incinerator must be at least 6 meters (19.69 feet) from any flammable materials.
 - f) A competent adult must monitor fire until it is out.
 - g) At no time shall prohibited debris be permitted to be burned.
 - h) Incinerator burning is not permitted when the wind speed exceeds 25 kilometers per hour, during a restricted fire ban, when a smog alert has been declared by the Ministry of Environment or when the Natural Resources Canada fire danger rating is greater than low.
17. In the event any Court of competent jurisdiction should adjudge that any section or sections of this By-law may not be valid for any reason, such section or sections shall be deemed to be severable from the remainder of the By-law and the remainder of the By-law shall stand and be enforceable to the same extent as if the offending section or sections had not been included therein.
18. Every 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 by the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended.
19. By-law No. 2016-17 is hereby repealed in its entirety.
20. This By-law shall come into force and take effect immediately upon the passing thereof by the Council of the Corporation of the Municipality of Tweed.

Read a first, second, and third and final time, passed, signed, and sealed in open Council this 14th day of April, 2021.



MAYOR



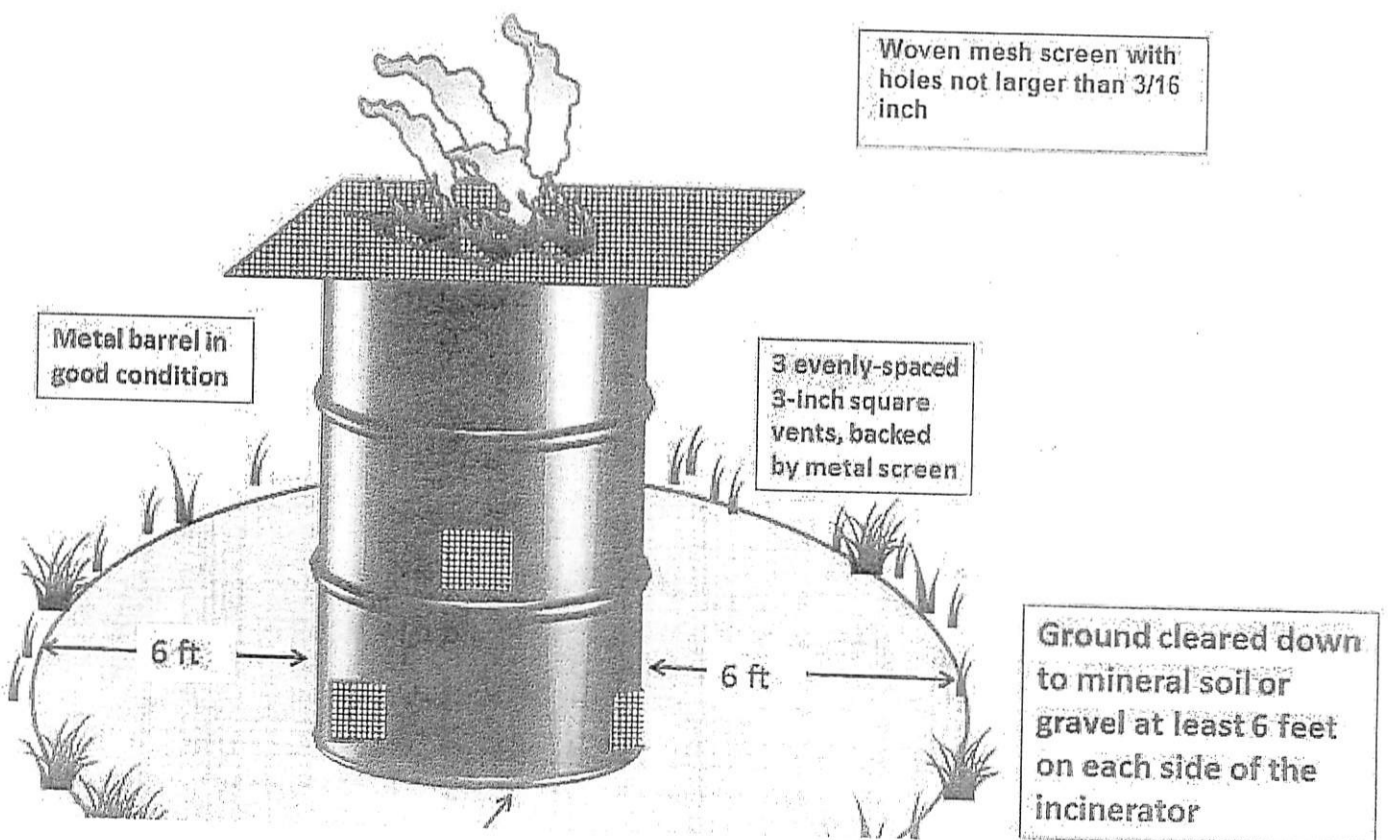
CLERK



APPENDIX 'A'
TO
BY-LAW NO. 2021-10



RECREATIONAL BURNING DEVICE



BURN BARREL SPECIFICATIONS

TO REPORT FIRES DIAL 911

It is incumbent upon the permit holder to read and follow all the terms and conditions contained in this Burning Permit.

Schedule 'B' to By-law No. 2021-10

CORPORATION OF THE MUNICIPALITY OF TWEED BURNING PERMIT TERMS AND CONDITIONS

The following are the burning terms and conditions set for allowable burning within the Municipality of Tweed:

1. The permit holder shall keep a valid burning permit and a copy of the terms and conditions at the site of the burning operation conducted under the permit.
2. The person in charge of the burning operation conducted under this permit shall produce and show the permit to any of the following persons: Fire Chief, Deputy Fire Chief, Fire Captain, Fire Prevention Officer, or By-law Enforcement Officer of the Municipality whenever requested.
3. All open-air burning must be done during daylight hours (incinerators and Open-air Burning on Farms) with the exception of recreational burning.
4. The fire must be tended by at least one (1) competent adult until out and that person must have adequate knowledge, tools and water to contain the fire.
5. The area to be burned must be less than 5 meters by 5 meters (16.4 feet by 16.4 feet). Reference: Open-air Burning on Farms
6. The length of flaming edge must be less than 12 meters (39 feet). Reference: Open-air Burning on Farms
7. The fire must be less than 2 meters (6.5 feet) high. Reference: Open-air Burning on Farms
8. The fire must not be less than 6 meters (19.69 feet) from any building, structure, hedge, fence, vehicular roadway, overhead wiring, or any object or material which has the potential to ignite. Reference: Open-air Burning on Farms and Recreational Burning.
9. Piles must be separated by a minimum of 10 meters (32.81 feet). No more than one pile can be burning at any time. Reference: Open-air Burning on Farms
10. At no time will any materials be ignited or allowed to burn if wind conditions are such that burning embers, particles or smoke are, or could pose, a threat or inconvenience to any persons or properties.
11. The permit holder and/or the corporation, company, agency, club, or group represented by the permit holder assumes full responsibility for: a) any injuries to persons or damages to properties resulting from the fire or its products, and b) any costs incurred by the Municipality, including wear or damages to equipment, to control or extinguish the fire and/or other fires caused by said fire or its products.
12. All residual materials not consumed by the fire must be removed within twenty-four (24) hours from the time of extinguishment, stipulated in the permit, to a proper garbage receptacle or to designated waste site. Note: It is the permit holder's responsibility to ensure all residual ashes are completely extinguished and cool before removing and discarding.
13. During a Partial fire ban rules as per the level of ban shall be followed.
14. During a total fire ban fires are not permitted of any type.
15. No Burning of Prohibited Materials. See Definition for examples.
16. Burning is not permitted when the wind speed exceeds 25 kilometers per hour, during a restricted fire ban, or when a smog alert has been declared by the Ministry of the Environment or when the Natural Resources Canada fire danger rating is greater than low.

17. Special terms and conditions:

Incinerator burning:

- * All burning must be in an enclosed device.
- * Incinerator burning must be conducted during daylight hours.
- * At least 9 meters (29.53 feet) from any forest area.
- * At least 6 meters (19.69 feet) from any flammable materials.
- * The chimney or vent must be covered by mesh less than 5mm (0.19 inches) in size.
- * A competent adult must monitor the fire until out.
- * At no time shall prohibited material be burned.

Recreational burning:

**Registered tourist-based commercial businesses may apply for an exemption to the By-law which will require an inspection by the Chief Fire Official, before burning is permitted.

- * Fire must be confined to an approved open burning device not to exceed 26" diameter or approximate area of equivalent size in square dimensions.
- * Only charcoal or clean, dry, seasoned wood, cardboard or paper. No pressure treated wood, creosote treated wood, or construction materials or prohibited debris.
- * Burning to be at least 3 meters (9.84 feet) from adjacent property.
- * Burning to be at least 6 meters (19.69 feet) from all buildings.
- * Recreational burning shall be confined to an area that is a minimum 6 meters (19.69 feet) from any building, structure, hedge, fence, vehicular roadway, overhead wiring, or any combustible material.
- * Burning to be supervised by an adult at all times.
- * An effective extinguishing agent or device of sufficient size and with the capability of extinguishing the fire shall be immediately available.
- * Burning is permitted at ground level only.
- * Smoke from recreational burning must not obscure roads or homes and must not inconvenience other persons or properties.

Open-air burning on farms:

- * Fire Department must be notified before start of burn and when burn is completed.
- * Open-air burning on farms must be conducted during daylight hours.
- * Open-air burning must be supervised by a competent adult.
- * Open-air burning must be confined to an area that is at least 45 meters (150 feet) from any building, highway, road, or wooded area the area to be burned must be less than 5 meters (16.4 feet) by 5 meters (16.4 feet), the flame edge must be less than 12 meters (39.37 feet) and must be less than 2 meters (6.56 feet) high.
- * Steps must be taken to ensure that smoke does not have a negative impact on motorists using roads in the vicinity of the burn and must not inconvenience other persons or property.
- * No burning of prohibited debris.
- * Only one pile may be burned at one time and must be 10 meters (32.81 feet) apart.
- * At no time can a fire be started within 9 meters (29.53 feet) from any electrical overhead wires.
- * No person can conduct an open-air burn without a permit.

**DURING A RESTRICTED FIRE BAN, AS DECLARED BY THE MUNICIPALITY OF TWEED FIRE CHIEF,
ANY AND ALL BURNING PERMITS ARE REVOKED UNTIL THE BAN IS LIFTED.**

CORPORATION OF THE MUNICIPALITY OF TWEED

**Schedule 'C'
to
By-law No. 2021-10**

Rates for Fire Equipment and Services

Annual Burning Permit Fee: \$15.00 (January 1 – December 31)

FIRE EQUIPMENT

RATE

| | |
|-------------------|--------------------------|
| Pumper | Current MTO hourly rate. |
| Pumper/Tanker | Current MTO hourly rate. |
| Tanker | Current MTO hourly rate. |
| Emergency Vehicle | Current MTO hourly rate. |
| Firefighters | Included with apparatus. |

In any case where a fraction of an hour is charged, the fee shall be taken to the next full hour. i.e. equipment committed for 1.25 hours will be charged for 2 hours.

NOTE:

All consumables used (foam, etc.) shall be replaced by the person(s) whose fire was extinguished, at current cost.

CORPORATION OF THE MUNICIPALITY OF TWEED

Schedule 'D'

to

By-law No. 2021-10

SET FINE SCHEDULE

PART 1, PROVINCIAL OFFENCES ACT

By-law No. 2021-10, being a By-law to regulate the setting of open-air fires and to provide for fees for contravention of this By-law and costs of suppression.

| ITEM | SHORT FORM WORDING | PROVISION CREATING OR DEFINING OFFENCE | SET FINES |
|-------------|---|---|------------------|
| 1. | Burn material without a Burning Permit. | Section 3 | \$200.00 |
| 2. | Burn material within the geographic limits of the Village of Tweed not contained in a C.S.A. approved open burning device. | Section 4 | \$200.00 |
| 3. | Burn material not confined in approved open burning device. | Sections 5(a) & (c) | \$200.00 |
| 4. | Burn prohibited material. | Section 5(b) | \$450.00 |
| 5. | Burn material closer than 3 meters to an adjacent property. | Section 5(d) | \$200.00 |
| 6. | Burn material creating smoke to obscure roads or homes or inconvenience other persons or properties. | Section 5(e) | \$200.00 |
| 7. | Burn material closer than 6 meters to a building, structure, hedge, fence, vehicular roadway, overhead wiring, or combustible material. | Section 5(f) | \$450.00 |
| 8. | Burn material without extinguishing agent or device available. | Section 5(g) | \$200.00 |
| 9. | Fail to have competent adult supervision at all times. | Section 5(h) | \$200.00 |
| 10. | Burn material during high winds, restricted fire ban, or smog alert. | Section 5(i) | \$200.00 |
| 11. | Burn material above ground level. | Section 5(j) | \$200.00 |
| 12. | Conduct open-air burn on farm without a Burning Permit. | Section 15(a) | \$200.00 |
| 13. | Fail to notify Fire Department before open-air burn on farm. | Section 15(b) | \$200.00 |
| 14. | Fail to notify Fire Department at conclusion of open-air burn on farm. | Section 15(c) | \$200.00 |
| 15. | Fail to conduct open-air burn on farm during daylight hours. | Section 15(d) | \$200.00 |
| 16. | Fail to have competent adult supervision at all times. | Section 15(e) | \$200.00 |
| 17. | Fail to take steps to maintain control of fire. | Section 15(f) | \$200.00 |
| 18. | Burn material during high winds, restricted fire ban, or smog alert. | Section 15(g) | \$200.00 |
| 19. | Burn material closer than 45 meters from building, highway, road, or wooded area. | Section 15(h) | \$200.00 |

| | | | |
|-----|--|----------------|----------|
| 20. | Burn material in area greater than 5 meters by 5 meters. | Section 15(h) | \$200.00 |
| 21. | Burn material with flame edge greater than 12 meters. | Section 15(h) | \$200.00 |
| 22. | Burn material with flame edge greater than 2 meters high. | Section 15(h) | \$200.00 |
| 23. | Burn material within 9 meters of electrical overhead wires. | Section 15(i) | \$450.00 |
| 24. | Fail to take steps to ensure smoke does not have negative impact on visibility of motorists. | Section 5(j) | \$200.00 |
| 25. | Burn piles closer than 10 meters. | Section 5(k) | \$200.00 |
| 26. | Burn more than one pile at a time. | Section 5(l) | \$200.00 |
| 27. | Burn prohibited debris. | Section 5(m) | \$200.00 |
| 28. | Incinerator burn in an unenclosed device. | Section 16(a) | \$200.00 |
| 29. | Fail to conduct incinerator burn during daylight hours. | Section 16(b) | \$200.00 |
| 30. | Incinerator burn without mesh covering. | Section 16(c) | \$200.00 |
| 31. | Incinerator burn closer than 9 meters from forested area. | Section 16(d) | \$450.00 |
| 32. | Incinerator burn closer than 6 meters from flammable materials. | Section 16(e) | \$450.00 |
| 33. | Fail to have competent adult to monitor incinerator burn. | Section 16(f) | \$200.00 |
| 34. | Incinerator burn prohibited debris. | Section 16(g) | \$450.00 |
| 35. | Incinerator burn during high winds, restricted fire ban, or smog alert. | Section 16 (h) | \$200.00 |
| 36. | Burn during a fire ban – First Offence. | Section 9 | \$200.00 |
| 37. | Burn during a fire ban – Second or Subsequent Offence. | Section 9 | \$450.00 |

NOTE: The penalty provision for the offences indicated above is Section 18 of By-law No. 2021-10, as amended, and Section 61 of the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended.