

**THE CORPORATION OF THE TOWNSHIP OF NORTH GRENVILLE**

**BY-LAW NO. 33-01**

AS AMENDED BY BY-LAW 10-02  
AS AMENDED BY BY-LAW 21-03  
AS AMENDED BY BY-LAW 10-08  
AS AMENDED BY BY-LAW 82-09  
AS AMENDED BY BY-LAW 43-10

*A By-law to Prescribe the Precautions and Conditions  
under which Fires may be set in Open Air*

**WHEREAS** Section 210(35) of the *Municipal Act*, R.S.O. 1990, Chapter M.45, as amended, authorizes the Council of a municipality to pass by-laws to prescribe times during which fires may be set in the open air and the precautions to be observed by persons setting out fires;

**AND WHEREAS** Section 326 of the *Municipal Act*, R.S.O. 1990, Chapter M.45, as amended, authorizes Council to recover the expense incurred in doing any such matter or thing as required by by-law, in default of its being done by the person directed or required to do it, by action, or in like manner as municipal taxes;

**AND WHEREAS** Section 210(46) of the *Municipal Act*, R.S.O. 1990, Chapter M.45, as amended, authorizes appointed officers to ascertain whether the by-law is obeyed, and to enforce or carry into effect the by-law;

**AND WHEREAS** Section 210(49) of the *Municipal Act*, R.S.O. 1990, Chapter M.45, as amended, authorizes the Council of a municipality to pass by-laws to make such other regulations for preventing fire and the spread of fires as the Council considers necessary.

**NOW THEREFORE** the Council of the Corporation of the Township of North Grenville enacts as follows:

**1. DEFINITIONS**

For the purpose of this by-law,

- a) “Adverse Effect” means one or more of,
  - i) impairment of the quality of the natural environment for any use that can be made of it,
  - ii) injury or damage to property or to plant or animal life,
  - iii) harm or material discomfort to any person,
  - iv) an adverse effect on the health of any person,
  - v) impairment of the safety of any person,
  - vi) rendering any property or plant or animal life unfit for human use,
  - vii) loss of enjoyment of normal use of property, and
  - viii) interference with the normal conduct of business;
- b) “Council” shall mean the elected Council of the Corporation of the Township of North Grenville;
- c) “Dangerous Condition” means:
  - i) a lack of precipitation which, in the opinion of the Fire Chief or his/her designate, increases the risk of the spread of fire;
  - ii) winds which in the opinion of the Fire Chief or his/her designate increases the risk of spread of fire; or
  - iii) any other condition declared by the Fire Chief or his/her designate to be a dangerous condition from time to time, which increases the risk of the spread of fire;

- d) “Household Waste” means combustible material such as plastics, polyethelene terephalate (PET), paints, oils, solvents, rubber, insulation, batteries, acids, polystyrenes (styrofoam), pressure treated or painted lumber, tires, upholstered furniture, synthetic fabrics, diapers and hazardous wastes as defined in the Environmental Protection Act and all other similar and like materials but shall not include untreated wood and wood fibre products such as unlaminated paper and cardboard and boxboard, brush and leaves;
- e) “Fire Chief” means the Fire Chief of the Kemptville Fire Department;
- f) “Kemptville Urban Area” shall mean the geographical designation of a specific area of the Municipality as designated in Schedule “E”;
- g) “Municipality “ shall mean the Corporation of the Township of North Grenville;
- h) “Open Burning” shall mean the ignition and incineration by fire of combustible materials except that related to barbeque cooking and heating appliances;
- i) “Permit” shall mean a permit issued by the Fire Chief of the Kemptville Fire Department or his/her designate, substantially in the form attached as Schedule “B” hereof;
- j) “Person” means any individual, association, firm, partnership, corporation, agent or trustee and their heirs, executors, or other legal representatives thereof;
- k) “Prohibited Materials” includes Household Waste, rubber or rubber products, plastic or plastic products, and waste petroleum products and any material or materials which are prohibited by the *Environmental Protection Act*, R.S.O. 1990, Chapter E.19, as amended.

## 2. GENERAL PROVISIONS

- 2.1 No Person being the owner or tenant in possession of lands within the Municipality shall conduct Open Burning on such lands unless a Permit has been issued in respect of such Open Burning.
- 2.2 Notwithstanding subsection 2.1, Open Burning shall not be permitted in the Kemptville Urban Area as defined by Schedule “E”, with the exception that Open Burning may be permitted within the Kemptville Urban Area on lands owned by the Municipality, the Ferguson Forest Centre, or with written permission of the Fire Chief or his/her designate, which Open Burning shall at all times adhere to the requirements as contained within this by-law.
- 2.3 Notwithstanding any provisions herein, no Person shall set or maintain a fire;
  - a) in contravention of the Ontario Fire Code, the *Environmental Protection Act*, or any other statutory requirements of the Province of Ontario or the Government of Canada;
  - b) containing Prohibited Materials;
  - c) in any park owned or operated by the Municipality without the written permission of the Municipality;
  - d) in the front or side yard of any Commercially or Industrially Zoned property within the Municipality;
  - e) at a distance less than fifteen (15) metres (49.2 feet) from any building, structure, hedge, fence, vehicular roadway of any kind or nature, or overhead wiring or any property line;

- f) at a distance of less than five (5) metres (16.4 feet) from any object or material which has the potential to ignite;
  - g) unless the Person to whom the Permit has been issued or such other Person as may be designated in the Permit, is in attendance at the fire in a responsible and supervisory capacity at all times until such fire has been completely extinguished;
  - h) in any outdoor fireplace or any other burning appliance or container unless same complies with the requirements contained within Schedule "C" attached hereto.
- 2.4 No Open Burning shall be commenced or maintained when the wind is in such a direction or intensity to cause any or all of the following:
- a) the possible spread of the fire beyond the approved burn site;
  - b) a decrease in the visibility on any highway or roadway;
  - c) any odour to such an extent or degree so as to cause discomfort to the persons in the immediate areas; and/or
  - d) excessive smoke or any other Adverse Effect.
- 2.5 No Open Burning shall be commenced or maintained when rain or fog is present or weather conditions prevent the ready dispersion of smoke.
- 2.6 No Permit shall be required for domestic barbeques or permanent outdoor fireplaces used solely for the purpose of cooking of food on a grill and extinguished immediately upon completion of the cooking process.
- 2.7 No Person shall set fire to, ignite, or otherwise burn any materials in a windrow or pile with a combined volume of greater than 36 cubic metres (47 cubic yards) without written approval of the Fire Chief or his/her designate.
- 2.8 No Person shall cause to be burned more than one pile, or fire in a container at any one time, without the written approval of the Fire Chief or his/her designate.
- 2.9 Notwithstanding clause 2.7, from May 1<sup>st</sup> through November 1<sup>st</sup>, the maximum size of a burn pile shall not exceed three (3) cubic metres.
- 2.10 Clauses 2.3(f) and (g), 2.7, and 2.9 do not apply to fires set for the purpose of clearing lands for agricultural purposes.
- 2.11 Notwithstanding Clause 2.10 above, no person shall set fire to, ignite, or otherwise burn any materials for the purpose of clearing lands for agricultural purposes without first obtaining the approval of the Fire Chief or his/her designate.

### **3. ISSUANCE OF PERMIT**

- 3.1 The issuance of a Permit may require the prior inspection of the proposed burn site by the Fire Chief or his/her designate.
- 3.2 The fee for the issuance of a Permit For Open Fire shall be as set out in Schedule "F".
- 3.3 In applying for a Permit, no Person shall furnish false or misleading information.
- 3.4 Permits may be obtained from the Fire Chief or at the Municipal Office of the Township of North Grenville.

#### **4. ADMINISTRATION AND ENFORCEMENT**

- 4.1 This by-law shall be administered and enforced by the By-Law Enforcement Officer of the Township of North Grenville or the Fire Chief or his/her designate.
- 4.2 Notwithstanding section 2 of this by-law, 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 on or near the proposed Open Burning site.
- 4.3 Any Person who fails to comply with the provisions of this By-law, or who fails to properly supervise and maintain a fire, or who fails to extinguish a fire once notification to do so has been given to him by the Fire Chief or his/her designate shall, in addition to any penalty provided for herein, be liable to the Municipality for all expenses incurred for the purposes of controlling and extinguishing of any fire so set or left to burn and such expenses may be recovered by court action or in a like manner as municipal taxes. The expenses for which the Person may be liable cover the cost of sufficient personnel and equipment required to control a fire, as set out within Schedule "A" hereof. Such expenses shall be equally chargeable in the event that a deliberately set fire burns out of control, such that the services of the Kemptville Fire Department are necessary.
- 4.4 Any costs chargeable to any Person pursuant to section 4.3 hereof shall be invoiced to the Person and paid to the Township within sixty (60) days of the date of such invoice, failing which the costs may be deemed to be municipal taxes and added by the Clerk of the Municipality to the collector's roll and collected in the same manner and with the same priority as municipal taxes.

#### **5. OFFENCES**

- 5.1 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 upon conviction is liable to a fine or penalty for each offence established pursuant to the *Provincial Offences Act* and included within Schedule "D" forming part of this by-law.

#### **6. SCHEDULES AND SEVERABILITY**

- 6.1 Schedules "A", "B", "C", "D", "E" and "F" attached to this by-law shall also be read with and form part of this by-law.
- 6.2 The provisions of this by-law are severable. If any provision, section or word is held to be invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, sections or words.
- 6.3 By-Law 10-98 of the Township of North Grenville, By-Law No. 55-95 of the former Township of Oxford-on-Rideau, By-Law No. 2-96 of the former Township of South Gower and By-Law No. 21-90 of the former Town of Kemptville, and any amendments thereto, are hereby repealed.
- 6.4 This by-law shall come into force and effect upon the date of passing.
- 6.5 Any Person billed for services as a result of violation of the provisions of this by-law may make submissions to Council with respect to having the costs invoice reduced or rescinded.
- 6.6 This by-law may be cited as the "Open Burning By-Law".

READ A FIRST AND SECOND TIME  
THE 17<sup>TH</sup> DAY OF DECEMBER, 2001.

READ A THIRD TIME AND PASSED  
THIS 14<sup>TH</sup> DAY OF JANUARY, 2002.

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BRUCE HARRISON  
Mayor

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HEATHER RENDER  
Acting Clerk

**THE CORPORATION OF THE TOWNSHIP OF NORTH GRENVILLE**

**Schedule "A" to By-Law No. 33-01**

**COST OF FIRE DEPARTMENT SERVICES**

The expenses for which the Person may be liable cover the cost of sufficient personnel and equipment required to control a fire, as referred to within section 4.3 of the by-law, and such costs have been deemed as being:

\$350.00 per vehicle for the first hour or part thereof.

\$175.00 per vehicle for each subsequent half hour or part thereof.

Costs will be invoiced by the Township of North Grenville and will be due sixty days from the date of invoice.

**THE CORPORATION OF THE TOWNSHIP OF NORTH GRENVILLE**

**Schedule "B" to By-Law No. 33-01**

**REPEALED BY BY-LAW 43-10**

**THE CORPORATION OF THE TOWNSHIP OF NORTH GRENVILLE**

**Schedule "C" to By-Law No. 33-01**

An approved container:

1. Shall be constructed of non-combustible materials such as stone, brick, ceramic, metal , a steel barrel or wood burning stove.
2. Shall have a wire mesh or expanded sheet metal screen with a maximum mesh size of 25mm (1 inch) covering any openings of the container.
3. Shall be placed on base mineral soil, bare rock, concrete or non-combustible material.
4. Shall be a minimum of 5 metres (16.4 feet) from any combustible material.

**THE CORPORATION OF THE TOWNSHIP OF NORTH GRENVILLE**

**Schedule “D” to By-Law No. 33-01, as amended**

<b>Item</b>	<b>Description of Offence</b>	<b>Provision Creating or Defining Offence</b>	<b>Set Fine (including costs)</b>
1	BURN MATERIAL WITHOUT A PERMIT FOR OPEN BURNING	Sec. 2.1	\$200.00
2	BURN PROHIBITED MATERIAL	Sec. 2.3 b)	\$200.00
3	BURN MATERIAL IN A MUNICIPAL PARK	Sec. 2.3 c)	\$150.00
4	SET OR MAINTAIN A FIRE IN FRONT YARD OF COMMERCIAL PROPERTY	Sec. 2.3 d)	\$125.00
5	SET OR MAINTAIN A FIRE IN SIDE YARD OF COMMERCIAL PROPERTY	Sec. 2.3 d)	\$125.00
6	SET OR MAINTAIN A FIRE IN FRONT YARD OF INDUSTRIAL PROPERTY	Sec. 2.3 d)	\$125.00
7	SET OR MAINTAIN A FIRE IN SIDE YARD OF INDUSTRIAL PROPERTY	Sec. 2.3 d)	\$125.00
8	BURN MATERIAL CLOSER THAN FIFTEEN (15) METRES TO A HEDGE	Sec. 2.3 e)	\$125.00
9	BURN MATERIAL CLOSER THAN FIFTEEN (15) METRES TO A FENCE	Sec. 2.3 e)	\$125.00
10	BURN MATERIAL CLOSER THAN FIFTEEN (15) METRES TO OVERHEAD WIRING	Sec. 2.3 e)	\$125.00
11	BURN MATERIAL CLOSER THAN FIFTEEN (15) METRES TO A BUILDING	Sec. 2.3 e)	\$125.00
12	BURN MATERIAL CLOSER THAN FIFTEEN (15) METRES TO A STRUCTURE	Sec. 2.3 e)	\$125.00
13	BURN MATERIAL CLOSER THAN FIFTEEN (15) METRES TO A ROADWAY	Sec. 2.3 e)	\$125.00
14	BURN MATERIAL LESS THAN FIVE (5) METRES FROM COMBUSTIBLE MATERIAL	Sec. 2.3 f)	\$125.00
15	PERMIT HOLDER, FAIL TO SUPERVISE OPEN FIRE	Sec. 2.3 g)	\$100.00
16	BURN MATERIAL WHEN WIND MAY CAUSE FIRE TO SPREAD	Sec. 2.4 a)	\$125.00
17	BURN MATERIAL WHEN WIND DECREASES VISIBILITY ON A HIGHWAY / ROADWAY	Sec. 2.4 b)	\$125.00
18	BURN MATERIAL WHEN WIND PRODUCES ODOUR CAUSING DISCOMFORT TO PERSONS IN THE VICINITY	Sec. 2.4 c)	\$125.00
19	BURN MATERIAL WHEN WIND PRODUCES EXCESSIVE SMOKE OR ADVERSE EFFECTS	Sec. 2.4 d)	\$125.00
20	BURN MATERIAL WHEN WEATHER CONDITIONS PREVENT DISPERSION OF SMOKE	Sec. 2.5	\$125.00
21	BURN MATERIAL WITH VOLUME IN EXCESS OF 36 CUBIC METRES	Sec. 2.7	\$175.00
22	BURN MORE THAN ONE PILE AT THE SAME TIME	Sec. 2.8	\$125.00
23	BURN MORE THAN ONE FIRE IN A CONTAINER AT THE SAME TIME	Sec. 2.8	\$125.00

NOTE: THE PENALTY PROVISION FOR THE OFFENCES INDICATED ABOVE IS SECTION 61 OF THE PROVINCIAL OFFENCES ACT, R.S.O. 1990, C. P.33

**THE CORPORATION OF THE TOWNSHIP OF NORTH GRENVILLE**

**Schedule "F" to By-Law No. 33-01  
As Amended by By-Law 82-09**

**FEES - Permit For Open Fire**

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|----|---|---------|
| 1. | Outside the Kemptville Urban Area as defined by Schedule "E"  | \$15.00 |
| 2. | Special Permit - Inside the Kemptville Urban Area as defined by Schedule "E" with written permission of the Fire Chief or his/her designate | \$40.00 |