



## BY-LAW NO. 2014-018

### **A BY-LAW OF THE CORPORATION OF THE TOWN OF BRACEBRIDGE TO REGULATE THE SETTING OF FIRES AND TO SET OUT PRECAUTIONS TO BE TAKEN WITH OPEN AIR FIRES, BARBECUES AND GAS FIRED OUTDOOR APPLIANCES**

WHEREAS, Section 7.1 of the Fire Protection and Prevention Act, 1997, provides that the 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 8 of the Municipal Act, S.O. 2001, (hereinafter referred to as the "Municipal Act") provides that the powers of a municipality under the Municipal Act or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS, Section 9 of the Municipal Act provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS, Section 11 of the Municipal Act provides that a lower-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

AND WHEREAS, Section 429 of the Municipal Act provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under this act;

AND WHEREAS by through motion 13-GC-102 and By-law Number 2013-039 the Town has entered into a Municipal Forest Fire Management Agreement with the Ministry of Natural Resources;

AND WHEREAS Council has, by By-law Number 98-86 adopted a Forest Fire Management Plan for the Town of Bracebridge;

AND WHEREAS by motion 14-GC-074, the Council of The Corporation of the Town of Bracebridge deems it expedient to pass such a by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF BRACEBRIDGE ENACTS AS FOLLOWS:

#### **DEFINITIONS**

1. In this By-law:

- 1.1. **Authorized Campground** – means a commercial campground or children's summer camp operation located and operated in accordance with the Town's comprehensive zoning by-law.

- 1.2. **Barbecue** – means an appliance or structure designed and intended solely for the cooking of food in the open air, including a Hibachi or any other similar commercially manufactured device designed and intended solely for the cooking of food in the open air, but does not include devices predominately designed for personal warmth, fire pits or campfires.
- 1.3. **By-Law Enforcement Officer** – means a By-Law Enforcement Officer appointed by Council for the purpose of enforcing this by-law.
- 1.4. **Campfire** - means a small contained open air fire ignited for cooking or warmth.
- 1.5. **Chief Fire Official** – means the Chief of the Bracebridge Fire Department or his/her designate.
- 1.6. **Class “A” Combustibles** - means natural material such as wood, paper or anything that leaves an ash.
- 1.7. **Controlled Burn** - means a prescribed ignition undertaken by a government agency for the purposes of forestry management.
- 1.8. **Council** – means the Council for the Corporation of the Town of Bracebridge.
- 1.9. **Crown Land** – means land owned by the Province of Ontario.
- 1.10. **Crown Protection Area** - means an area of the Town within which the Ministry of Natural Resources will reimburse the Town for costs to suppress fires, pursuant to the Municipal Forest Fire Management Agreement.
- 1.11. **Extinguish** - means to completely put out a fire.
- 1.12. **Fire Management Zone** - means a designated area of land as indicated on Schedule “A” of this by-law.
- 1.13. **Fire Pit** – means a fire burn area specifically designed for an open air burning.
- 1.14. **Gas Fired Outdoor Appliance** – means a portable or fixed appliance which is fuelled by natural gas or propane including, but not limited to, a heater, barbeque, smoker, fireplace or fire pit.
- 1.15. **Incinerator** - means an enclosed device other than a barbecue used for burning.
- 1.16. **Municipal Forest Fire Management Agreement** - means an agreement between the Town and the Province of Ontario respecting suppression of grass, brush and forest fires within the Town.
- 1.17. **Municipal Protection Area** - means an area of the Town within which the Town will, at its own expense, suppress fires.
- 1.18. **Non-Recreational Open Air Fire** – means any open air burning that is not recreational.
- 1.19. **Nuisance** – when used in relation to a fire means to cause discomfort, irritation or danger to any person occupying in the area of the fire through sparking, smoke or unpleasant odour from the fire.
- 1.20. **Open Air Fire** – means the burning of approved material outside of a building where the flame is not wholly contained and is therefore open to the air.

- 1.21. **Owner** – means the registered owner of, or anyone with a leasehold interest in a property.
- 1.22. **Police Officer** – means a regular member of the Ontario Provincial Police.
- 1.23. **Recreational Open Air Fire** – means a small, controlled and contained fire for the purpose of cooking, warmth or personal enjoyment.
- 1.24. **Town** – means The Town of Bracebridge.
- 1.25. **Yard Waste** – means natural debris collected from a property and includes branches, tree limbs and trunks and leaves.

### **FIRE MANAGEMENT ZONES**

2. For the purposes of this By-law the Town shall be divided into four Fire Management Zones as shown on Schedule “A” attached and described as follows:
  - 2.1. Zone 1: Those lands lying within the Municipal Protection Area in accordance with the Municipal Forest Fire Management Agreement and identified in purple on Schedule “A” attached.
  - 2.2. Zone 2: Those lands lying within the Municipal Protection Area in accordance with the Municipal Forest Fire Management Agreement and identified in yellow on Schedule “A” attached.
  - 2.3. Zone 3: Those lands lying within the Crown Protection Area in accordance with the Municipal Forest Fire Management Agreement and comprising of patented and private lands and identified in grey on Schedule “A” attached.
  - 2.4. Zone 4: Those lands lying within the Crown Protection Area in accordance with the Municipal Forest Fire Fighting Agreement and consisting of Crown Lands and identified in white on Schedule “A” attached.

### **GENERAL PROHIBITIONS**

3. No person shall:
  - 3.1. Set or permit a fire in the Town between the hours of 0800 hr. (8:00 a.m.) and 1800 hr. (6:00 p.m.) during the months of April, May, June, July, August, September and October each year, except as permitted under Part 6 and 7 of this By-law.
  - 3.2. Set or permit a fire in the Town at any other time except as permitted under Part 6, 7, 8 and 9 of this By-law.
  - 3.3. Burn grass in any zone.
  - 3.4. Set or permit a controlled burn in Fire Management Zone 1.
  - 3.5. Set or permit a non-recreational open air fire in Fire Management Zone 1.
  - 3.6. Set or permit a non-recreational open air fire in Fire Management Zones 2, 3 and 4 in the months of April, May, June, July, August, September and October.
  - 3.7. Set or permit a fire that burns material other than Class “A” combustibles.

- 3.8. Set or permit a fire on Crown Land during a fire ban imposed by the Ministry of Natural Resources.
- 3.9. Set a fire or permit a fire that causes a nuisance.
- 3.10. Set a fire or permit a fire to burn:
  - 3.10.1. On land on which the person setting such fire, or permitting such fire, is not the registered owner, without the written permission of the registered owner.
  - 3.10.2. On a highway, park, walkway, public land or upon any vacant or other land owned by the Town, without first having obtained permission from the Chief Fire Official.
- 3.11. Notwithstanding the exceptions set out in Parts 8 and 9 of this By-law, the Chief Fire Official may declare a total ban against open air fires when environmental conditions or local circumstances make such fire hazardous. No person shall set or permit a fire during a declared fire ban.

#### **RECREATIONAL OPEN AIR FIRES**

4. No person shall set or permit a recreational open air fire:
  - 4.1. within a fire pit or burn area larger than 61 centimetres (2 feet) by 61 centimetres (2 feet) or 0.26 cubic meters (eight cubic feet) in size;
  - 4.2. unless all reasonable steps have been taken to ensure that adjacent properties and individuals are protected from fire hazards and are not adversely affected by the products of combustion;
  - 4.3. using materials other than commercially produced charcoal, briquettes or clean, dry seasoned wood and in particular no painted wood, pressure treated wood, or creosote treated wood or any type of yard waste may be burned at any time;
  - 4.4. using wood having a dimension greater than the size of the pit within which the fire is located. All such fires shall be totally confined within the open air burning device or fire pit at all times;
  - 4.5. that is located less than six metres (20 feet) from any adjacent property;
  - 4.6. that is located less than six metres (20 feet) from any combustible structure or object;
  - 4.7. without having immediately available for use an effective extinguishing agent or device of sufficient size and with the capability of extinguishing the fire;
  - 4.8. without ensuring that the fire is attended, controlled and supervised at all times by a competent adult and that the fire is completely extinguished before the site on which the open air fire was burning is vacated;
  - 4.9. when the wind speed exceeds 30 kilometres per hour (30 km/h); or
  - 4.10. when a smog alert for an area including the Town has been issued by the Ministry of the Environment for Ontario;

**NON-RECREATIONAL OPEN AIR FIRES**

5. No person shall set or permit a non-recreational open air fire:
  - 5.1. with a burn pile exceeding either two metres (6.5 feet) in diameter or two metres (6.5 feet) in height;
  - 5.2. in which any kitchen garbage, construction materials or debris or materials made of/or containing rubber, plastic or tar are burned;
  - 5.3. using materials other than clean, dry seasoned wood or yard waste;
  - 5.4. within 20 metres (65 feet) of any adjacent building or structure;
  - 5.5. without first taking all reasonable steps to ensure that adjacent properties and individuals are protected from any fire hazard and are not adversely affected by the products of combustion;
  - 5.6. without ensuring that the fire is attended, controlled and supervised at all times by a competent adult and that the fire is completely extinguished before the site on which the open air fire was burning is vacated;
  - 5.7. without having immediately available for use an effective extinguishing agent or device of sufficient size and with the capability of extinguishing the fire;
  - 5.8. when the wind speed exceeds 30 kilometres per hour (30 km/h); or
  - 5.9. when a smog alert for an area including the Town has been issued by the Ministry of Environment for Ontario.

**BARBECUES AND GAS FIRED OUTDOOR APPLIANCES**

6. Barbecues shall be exempt from this by-law provided the following conditions are met:
  - 6.1. No person shall barbeque unless the barbeque is supervised at all times.
  - 6.2. No person shall barbeque with a fuel source other than charcoal, briquette, natural gas or propane.
7. Gas fired outdoor appliances shall be exempt from this by-law provided the following conditions are met:
  - 7.1. No person shall use a gas fired outdoor appliance unless the appliance is supervised at all times.
  - 7.2. No person shall fuel an outdoor appliance with other than propane or natural gas.
  - 7.3. No person shall use an outdoor appliance that has not been approved by the Underwriters Laboratories of Canada (ULC) or the Canadian Standards Association (CSA).

**EXEMPTIONS**

8. Section 3.1.1 does not apply to an Authorized Campground that has obtained a fire permit from the Chief Fire Official that permits the permit holder to have a recreational open air fire in accordance with the regulations contained in this by-law.

9. The Bracebridge Fire Department is exempt from this By-law with respect to open air burning for the purpose of educating and training individuals.

#### **RIGHT OF ENTRY**

10. The Chief Fire Official, a Police Officer or a By-law Enforcement Officer shall be permitted to enter into land at any time for the purpose of enforcing this by-law and may at their sole discretion, order the fire extinguished and/or brought into compliance with the order and this order shall be final. Any person setting or permitting such fire and the owner shall immediately comply with the order. If the person setting or permitting the fire or the owner fails to comply as directed, the Chief Fire Official, Police Officer or By-law Enforcement Officer may take action to have the fire extinguished or otherwise brought into compliance with the order.

#### **PENALTY**

11. Where the Fire Department is required to extinguish any open air fire, the owner shall be responsible for paying any Fire Department fees as approved by Council and which may be amended from time to time.
12. The Town may recover the remedial action costs incurred under Section 11 by action, or by adding to the tax roll and collecting them in the same manner as taxes in accordance with Section 446 of the Municipal Act.
13. Prior to recovering remedial costs under Section 12, the Town may invoice owners requesting voluntary payment of those remedial costs.
14. Every person who contravenes any of the provisions of this By-law is guilty of an offence and shall be subject to a penalty in accordance with the Provincial Offences Act, R.S.O. 1990, c. P.33.
15. Every person who is guilty of any offence under this By-law may, if permitted under the Provincial Offences Act, pay a set fine, and the Chief Justice of the Ontario Court of Justice shall be requested to establish, pursuant to the Provincial Offences Act, set fines in accordance with Schedule "B" attached to this By-law.

#### **SEVERABILITY**

16. If a court of competent jurisdiction declares any provision or part of this by-law to be invalid or unenforceable for any reason whatsoever, then the particular provision or part thereof shall be deemed to be severed from the remainder of the by-law and shall be valid and enforceable to the fullest extent permitted by law, unless the court makes an order to the contrary.

#### **FORCE AND EFFECT**

17. That this By-law shall come into force and effect immediately upon passage.

#### **REPEAL**

18. Upon the date the set fines are approved by the Chief Justice of the Ontario Court of Justice, By-law 2008-039 and any amendments thereto shall be repealed.

**SHORT TITLE**

19. This By-law may be cited as the "Burning Control By-law".

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 9<sup>th</sup> DAY OF APRIL 2014.

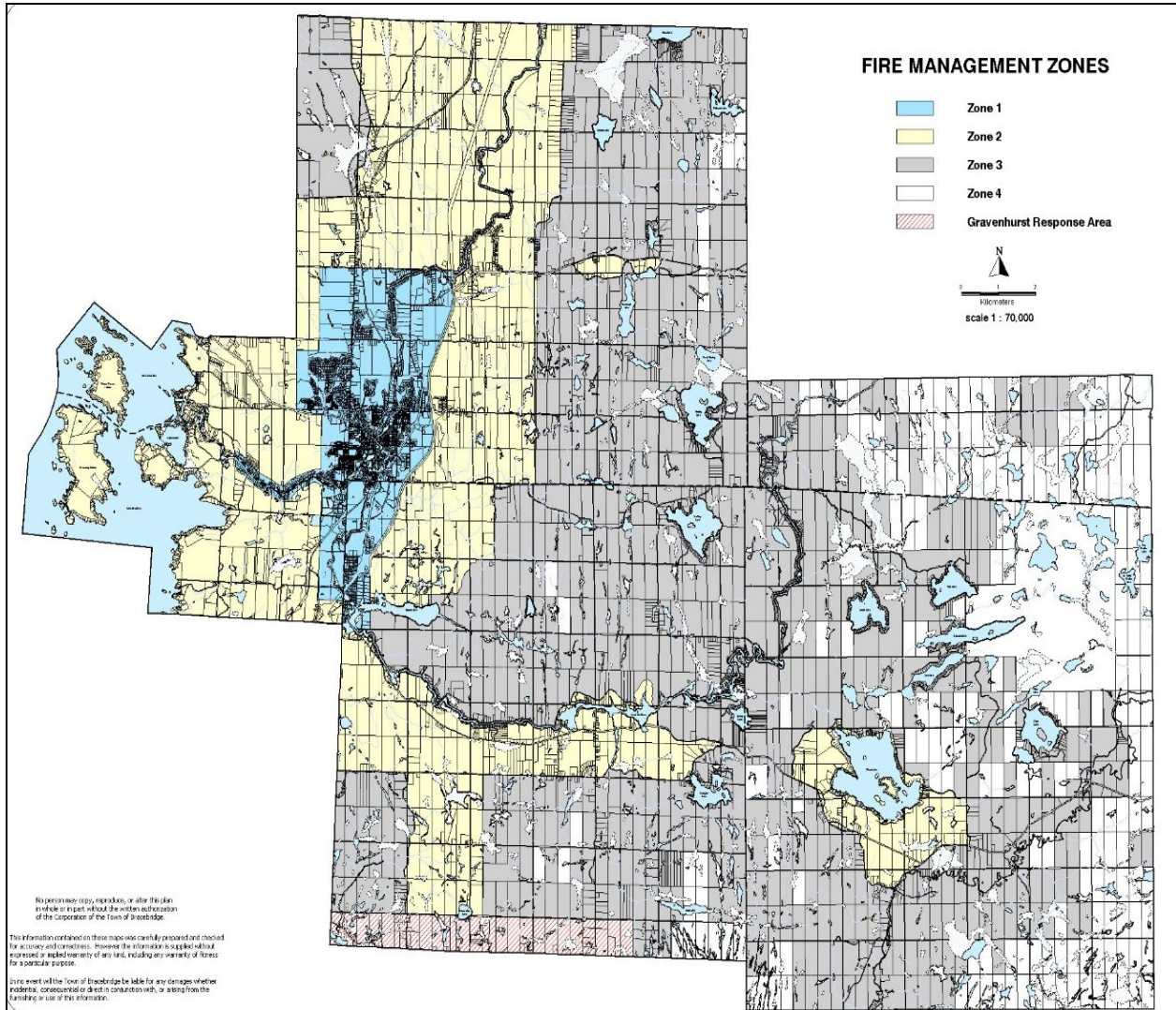
---

Mayor, Graydon Smith

---

Director of Corporate Services/Clerk,  
Lori McDonald

**SCHEDULE "A"**  
**TO BY-LAW NO. 2014-018**  
**FIRE MANAGEMENT ZONES**





**SCHEDULE "B"**  
**TO BY-LAW NO. 2014-018**

<b>ITEM</b>	<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>
1.	Set/permit fire during prohibited time/month	Section 3.1	\$250.00
2.	Burn grass	Section 3.3	\$250.00
3.	Set/permit controlled burn in Fire Management Zone 1	Section 3.4	\$250.00
4.	Set/permit non-recreational burn in Fire Management Zone 1	Section 3.5	\$250.00
5.	Set/permit non-recreational burn in Fire Management Zones 2, 3 or 4 during prohibited months	Section 3.6	\$250.00
6.	Set/permit fire that burns other than Class A combustibles	Section 3.7	\$250.00
7.	Set/permit fire during a fire ban declared by MNR	Section 3.8	\$400.00
8.	Set/permit fire causing nuisance	Section 3.9	\$250.00
9.	Non-owner set fire on land without owner's written permission	Section 3.10.1	\$250.00
10.	Set/permit fire on highway/park/walkway/public land/Town land without required permission	Section 3.10.2	\$250.00
11.	Set/permit fire during fire ban	Section 3.11	\$400.00
12.	Set/permit recreational open air fire exceeding permitted size	Section 4.1	\$250.00
13.	Fail to ensure adjacent properties/individuals not adversely affected by recreational open air fire	Section 4.2	\$250.00
14.	Set/permit recreational open air fire - burn other than permitted material	Section 4.3	\$250.00
15.	Set/permit recreational open air fire – using wood having excess dimension	Section 4.4	\$250.00
16.	Set/permit recreational open air fire - less than 6 metres from adjacent property	Section 4.5	\$250.00
17.	Set/permit recreational open air fire – less than 6 metres from combustible structure or object	Section 4.6	\$250.00
18.	Set/permit recreational open air fire – fail to have proper means of extinguishing	Section 4.7	\$250.00

<b>ITEM</b>	<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>
19.	Set/permit recreational open air fire – fail to properly supervise/extinguish	Section 4.8	\$250.00
20.	Set/permit recreational open air fire – excess wind speed	Section 4.9	\$250.00
21.	Set/permit recreational open air fire during smog alert	Section 4.10	\$250.00
22.	Set/permit non-recreational open air fire exceeding permitted size	Section 5.1	\$250.00
23.	Set/permit non-recreational open air fire – burn prohibited material	Section 5.2	\$250.00
24.	Set/permit non-recreational open air fire – burn other than permitted material	Section 5.3	\$250.00
25.	Set/permit non-recreational open air fire within 15 metres of adjacent building or structure	Section 5.4	\$250.00
26.	Fail to ensure adjacent properties/individuals not adversely affected by non-recreational open air fire	Section 5.5	\$250.00
27.	Set/permit non-recreational open air fire – fail to properly supervise/extinguish	Section 5.6	\$250.00
28.	Set/permit non-recreational open air fire – fail to have proper means of extinguishing	Section 5.7	\$250.00
29.	Set/permit non-recreational open air fire – excess wind speed	Section 5.8	\$250.00
30.	Set/permit non-recreational open air fire during smog alert	Section 5.9	\$250.00
31.	Fail to supervise barbecue	Section 6.1	\$250.00
32.	Use other than permitted fuel for barbecue	Section 6.2	\$250.00
33.	Fail to supervise gas fired outdoor appliance	Section 7.1	\$250.00
34.	Use other than permitted fuel for gas fired outdoor appliance	Section 7.2	\$250.00
35.	Use gas fired outdoor appliance not approved by ULC or CSA	Section 7.3	\$250.00
36.	Fail to comply with order	Section 10	\$400.00

**Part I Provincial Offences Act**

TOWN OF BRACEBRIDGE BY-LAW 2014-018

TITLE: A BY-LAW OF THE CORPORATION OF THE TOWN OF BRACEBRIDGE TO REGULATE THE SETTING OF FIRES AND TO SET OUT PRECAUTIONS TO BE TAKEN WITH OPEN AIR FIRES, BARBEQUES AND GAS FIRED OUTDOOR APPLIANCES

<u>ITEM</u>	<u>COLUMN 1</u> Short Form Wording	<u>COLUMN 2</u> Provision creating offence or defining offence	<u>COLUMN 3</u> Set fine
1.	Set/permit fire during prohibited time/month	s. 3.1	\$250.00
2.	Burn grass	s. 3.3	\$250.00
3.	Set/permit controlled burn in Fire Management Zone 1	s. 3.4	\$250.00
4.	Set/permit non-recreational burn in Fire Management Zone 1	s. 3.5	\$250.00
5.	Set/permit non-recreational burn in Fire Management Zones 2, 3 or 4 during prohibited months	s. 3.6	\$250.00
6.	Set/permit fire that burns other than Class "A" combustibles	s. 3.7	\$250.00
7.	Set/permit fire during a fire ban declared by MNR	s. 3.8	\$400.00
8.	Set/permit fire causing nuisance	s. 3.9	\$250.00
9.	Non-owner set fire on land without owner's written permission	s. 3.10.1	\$250.00

<u>ITEM</u>	<u>COLUMN 1</u> Short Form Wording	<u>COLUMN 2</u> Provision creating offence or defining offence	<u>COLUMN 3</u> Set fine
10.	Set/permit fire on highway/park/walkway/ public land/Town land without required permission	s. 3.10.2	\$250.00
11.	Set/permit fire during fire ban	s. 3.11	\$400.00
12.	Set/permit recreational open air fire exceeding permitted size	s. 4.1	\$250.00
13.	Fail to ensure adjacent properties/individuals not adversely affected by recreational open air fire	s. 4.2	\$250.00
14.	Set/permit recreational open air fire - burn other than permitted material	s. 4.3	\$250.00
15.	Set/permit recreational open air fire – using wood having excess dimension	s. 4.4	\$250.00
16.	Set/permit recreational open air fire - less than 6 metres from adjacent property	s. 4.5	\$250.00
17.	Set/permit recreational open air fire – less than 6 metres from combustible structure or object	s. 4.6	\$250.00
18.	Set/permit recreational open air fire – fail to have proper means of extinguishing	s. 4.7	\$250.00
19.	Set/permit recreational open air fire – fail to properly supervise/extinguish	s. 4.8	\$250.00

<u>ITEM</u>	<u>COLUMN 1</u> Short Form Wording	<u>COLUMN 2</u> Provision creating offence or defining offence	<u>COLUMN 3</u> Set fine
20.	Set/permit recreational open air fire – excess wind speed	s. 4.9	\$250.00
21.	Set/permit recreational open air fire during smog alert	s. 4.10	\$250.00
22.	Set/permit non-recreational open air fire exceeding permitted size	s. 5.1	\$250.00
23.	Set/permit non-recreational open air fire – burn prohibited material	s. 5.2	\$250.00
24.	Set/permit non-recreational open air fire – burn other than permitted material	s. 5.3	\$250.00
25.	Set/permit non-recreational open air fire within 20 metres of adjacent building or structure	s. 5.4	\$250.00
26.	Fail to ensure adjacent properties/individuals not adversely affected by non-recreational open air fire	s. 5.5	\$250.00
27.	Set/permit non-recreational open air fire – fail to properly supervise/extinguish	s. 5.6	\$250.00
28.	Set/permit non-recreational open air fire – fail to have proper means of extinguishing	s. 5.7	\$250.00
29.	Set/permit non-recreational open air fire – excess wind speed	s. 5.8	\$250.00

<u>ITEM</u>	<u>COLUMN 1</u> Short Form Wording	<u>COLUMN 2</u> Provision creating offence or defining offence	<u>COLUMN 3</u> Set fine
30.	Set/permit non-recreational open air fire during smog alert	s. 5.9	\$250.00
31.	Fail to supervise barbecue	s. 6.1	\$250.00
32.	Use other than permitted fuel for barbecue	s. 6.2	\$250.00
33.	Fail to supervise gas fired outdoor appliance	s. 7.1	\$250.00
34.	Use other than permitted fuel for gas fired outdoor appliance	s. 7.2	\$250.00
35.	Use gas fired outdoor appliance not approved by ULC or CSA	s. 7.3	\$250.00
36.	Fail to comply with order	s. 10	\$400.00

NOTE: The penalty provision for the offence listed above is section 14 of By-Law 2014-018 (a certified copy of which has been filed).