

The Corporation Of The Township Of Stone Mills By-Law Number 2015-810

Being a By-Law To Regulate The Setting Of Fires In The Township Of Stone Mills.

WHEREAS Section 7.1 of the Fire Protection and Prevention Act, S.O. 2002, c.4, as amended, provides that councils of municipalities may pass bylaws for regulating the prevention of the spreading of fires and the setting of open air fires including times during which they may be set; and

WHEREAS the Forest Fires Prevention Act, R.S.O. 1990, c.F.24 and O. Reg. 207.96 provide rules for outdoor burning within the Fire Regions; and

WHEREAS Section 11.2 of the Municipal Act, R.S.O. 2001 as amended paragraphs 6 and 8 respectively, provides that a lower-tier municipality and an upper-tier municipality may pass by-laws, subject to the rules set out in subsection (4), respecting the following matters:

- (6) Health, safety and well-being of persons
- (8) Protection of persons and property, including consumer protection; and

WHEREAS Section 391 of the Municipal Act, R.S.O. 2001 as amended authorizes a municipality to impose fees or charges on persons, for services or activities provided or done by or on behalf of it; for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and for the use of its property including property under its control;
And

WHEREAS Section 398 Subsection 1 of the Municipal Act, R.S.O. 1990 provides that, "Fees and charges imposed by a municipality or local board on a person constitute a debt of the person to the municipality or local board, respectively".

NOW THEREFORE the Council of the Corporation of the Township of Stone Mills enacts as follows:

Definitions:

The following words shall have the meanings associated therewith.

Abutting Dwelling	Any residential dwelling or dwelling unit on a parcel of land other than that parcel of land upon which a fire is set
Barbeque	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 a campfire
Brush Fire	A fire which is set for the burning of live or dead limbs, foliage or the trunks of trees, un-treated lumber, other wood products and may include grass clippings
Building	As defined in the Zoning Bylaw of the Township of Stone Mills
Burn Barrel	Includes a barrel or any other non-combustible

	container that has not been specifically designed for the combustion of solid materials and shall exclude a fire appliance
Campfire	A fire that is set and maintained solely for the purposes of cooking food, providing warmth and recreational enjoyment
Combustion	The process of burning in which substances react with oxygen in air to produce heat
Developed Area	Includes all lands lying within the Hamlets as recognized by the Official Plan for the Township of Stone Mills, as well as any other area where 5 or more residential dwellings are within a linear distance of 300 meters measured along the road providing access to the residential dwellings
Hamlet	Includes all lands lying within the Hamlets as recognized by the Official Plan for the Township of Stone Mills
Extinguished	A fire shall be deemed extinguished when there is no open flame and there is no smoke or heat rising from the embers left from the fire
FFPA	Forest Fire Prevention Act, R.S.O. 1990 c. F24 as amended, and the regulations enacted thereunder as amended from time to time, or any Act or Regulation enacted in substitution thereof
FPPA	Fire Protection & Prevention Act, S.O. 1997 as amended, and the regulations enacted thereunder as amended from time to time, or any Act or Regulation enacted in substitution thereof
Fire	Includes the flame, heat, light and particles released into the atmosphere arising from combustion and includes the materials being consumed through the process of combustion in an open air situation, but excludes a fire arising from pressurized gas or charcoal
Fire Appliance	Any non-combustible container specifically designed to contain a fire including the embers resulting from the fire and able to sustain the high temperatures resulting from a fire without collapsing; but which excludes a burn barrel and a fire appliance commonly known as an "Outdoor Furnace" which has been tested and approved to standards imposed by CSA, UL or Warnock Hersey standards
Fire Ban	That period of time declared by the Fire Chief when all outside fires are prohibited including fireworks or when the Ministry of Natural Resources (MNR) declares a fire ban in the fire zone (Region)
Fire Chief	That person appointed as the Fire Chief by the Council of the Township of Stone Mills or any person acting in the absence of the Fire Chief
Fire Department	The Township of Stone Mills Fire Department and which is responsible for responding to calls of fire suppression or extinguishment and other emergency Services
Fire Region	That part of the Province of Ontario as described in Ontario Regulation 207/96, pursuant to the Forest Fire Prevention Act and as applicable to the Township of Stone Mills as per the map attached

	hereto as Schedule 1
Fire Season	The period from the 1 st day of April to the 31 st day of October in each year
Forested Area	An area of land where trees provide for a continuous canopy of not less than 2.0 hectares that when mature should reach a minimum height of 7 meters and includes the undergrowth which may provide a continuous ground vegetation cover. This definition shall include: young natural stands of trees and plantations established for forestry purposes which have yet to reach the height requirements; areas normally forming part of the forest area which are temporarily unstocked as a result of cutting or natural causes but which are expected to revert back to forest; forest nurseries and seed orchards that constitute an integral part of the forest; forest roads, cleared tracts, firebreaks and other small open areas
Grass Fire	Shall include the burning of grass, hay or any agricultural crop that has been left standing or has been cut and allowed to remain on the ground but excludes these items when burned with a brush fire
Highway	A common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway
Lot line	Shall mean the boundary of any parcel of land or the vertical projection thereof
Municipality	Shall mean the Corporation of the Township of Stone Mills and those lands that lie within the jurisdictional limits
Outdoor Fireplace	A manufactured, non-combustible, enclosed container designed to hold a small fire for decorative purposes and the size of which does not exceed 1 meter in any direction and includes, but is not limited, to a chiminea
Prohibited Material	Shall be deemed to include but not necessarily limited to: kitchen refuse, plastics, rubber, tar, shingles, styrofoam, refined paper products, treated lumber, including creosote, or any other material that during combustion causes the emission of a toxic or noxious gas or smoke into the atmosphere
Refined Paper	Includes any paper product that through the refining or production process, dyes, bleaches, glues or other products are added to the paper and which through the combustion process emits a toxic or noxious gas into the atmosphere
Set	The ignition of a fire by any person either directly or as a result of some other activity by that person and includes the maintaining of that fire
Setback	The least horizontal distance between the closest edge of a fire and a specific location or thing to which the setback relates
Set Fine	The fine approved by the Regional Senior Justice of the Ontario Court of Justice (Provincial Division) for an offence for the purpose of proceedings commenced under Part I or II of the Provincial

1. **Interpretation**

- 1.1. For the purposes of this by-law, he/him shall be equally applicable to she/her and where necessary the plural of these words shall equally apply.

2. **By-laws Repealed**

- 2.1. By-Law 2008-435, Bylaw 2004-107, Bylaw 2002-26 and by-law 2012-655 together with such other by-laws adopted by the Council for the Township of Stone Mills to regulate the setting of fires are hereby repealed in their entirety.

3. **Schedules**

- 3.1. Schedule 1 entitled "Map Of Defined Fire Region", which identifies those lands within and outside of the Fire Region and attached hereto shall form part of this Bylaw.
- 3.2. Schedule 2 entitled "Times For Setting An Open Air Fire" which identifies when the various types of fire are allowed within and outside a fire region and attached hereto shall form part of this Bylaw.
- 3.3. Schedule 3 entitled "Schedule Of Short Form Wordings And Set Fines" which describes the fines that may be imposed arising from non-compliance with this Bylaw, and attached hereto shall form part of this Bylaw.

4. **General Provisions**

- 4.1. The provisions of this By-law shall be in full force and effect at all times of a year and during any given year.
- 4.2. No person shall set a fire within the jurisdictional limits of the Municipality except in compliance with this By-law.
- 4.3. The provisions of this By-law shall not apply respecting the following activities except when a Fire Ban has been declared:
- 4.3.1. The Stone Mills Fire Department during the normal exercise of their duties or for training and practice purposes;
- 4.3.2. A religious or community event wherein written permission has been granted by the Fire Chief;
- 4.3.3. Works conducted by or on behalf of the Public Works Department for the Township of Stone Mills or the County of Lennox and Addington.
- 4.4. The Fire Chief may at any time declare a fire ban if in his/her opinion, climatic conditions exist that could result in the unintended setting of a fire or the loss of control of a fire that is otherwise regulated by this By-law.
- 4.5. No person shall set a fire for any reason when a fire ban has been declared.
- 4.6. No person shall set a grass fire at any time in the Municipality.
- 4.7. No person shall set a fire unless that fire is attended at all times by a responsible person of not less than 18 years of age and shall have such equipment readily available as appropriate for the type and size of fire to control and to extinguish the fire at any time if required.

- 4.8. Every person who sets a fire, shall immediately notify the Fire Department of the Municipality through the emergency response service (911) if the fire becomes out of control, or the person has reason to believe that the fire may become out of control.
- 4.9. No person shall burn prohibited material at any time in the Municipality.
- 4.10. No person shall set a fire in a "fire season", except between the period between two hours before sunset and two hours after sunrise.
- 4.11. No fire shall be set except in compliance with the FPPA or FFPA, and with all other applicable municipal by-laws and provincial and federal laws.
- 4.12. The Fire Chief may at any time extinguish a fire or order any person in charge or deemed to be in charge of a fire, to extinguish a fire.
- 4.13. Every person who receives an order from the Fire Chief to extinguish a fire shall immediately cause the fire to be extinguished.
- 4.14. The Fire Chief may at his/her option, impose additional requirements other than provided for herein with respect to any fire set in accordance with provisions provided for within this bylaw.
- 4.15. Any stated or implied permission granted by this by-law may be revoked at any time if in the opinion of the Fire Chief a fire could be conducted contrary to the provisions of this by-law or the fire could result in harm to persons or property.
- 4.16. Notwithstanding any other provision contained herein to the contrary, should a restricted fire zone be imposed pursuant to the FFPA, the restrictions imposed as a result of that order shall apply.
- 4.17. No provision contained herein is intended to reduce or eliminate the responsibility from the person who sets a fire to do all things necessary to ensure that a fire is contained to the area or location at which the fire is set and that all buildings, structures or other combustible materials are protected from the effects arising from the fire.
- 4.18. The Fire Chief may at his sole discretion provide for the setting of a fire contrary to the requirements of this Bylaw in accordance with a Permit issued by the Fire Chief.
- 4.19. Any permit issued by the Fire Chief may include such conditions that the Fire Chief deems necessary to ensure the fire set in accordance with the permit can be conducted safely with no threat to persons or property and with minimum interference with abutting lands or other persons.
- 4.20. The Fire Chief may develop such standardized forms that are deemed appropriate and necessary for the management of a fire permit.

5. Camp Fire

- 5.1. In addition to such other provisions as provided for herein, the following provisions shall apply with respect to a camp fire.
- 5.2. No person shall set a campfire where the fire exceeds the following dimensions:
 - 5.2.1. Width – 1 meter
 - 5.2.2. Length – 1 meter
 - 5.2.3. Height – 0.5 meter

- 5.3. No person shall set or maintain any campfire, where the material to be burned is other than dry firewood.
- 5.4. No person shall set a campfire where the following minimum setbacks are not maintained:
 - 5.4.1. Building or Structure – 3 meters
 - 5.4.2. Overhead Wiring – 3 meters
 - 5.4.3. Highway - 5 meters
 - 5.4.4. Other combustible material – 3 meters
 - 5.4.5. Lot Line – 5 meters
 - 5.4.6. Abutting Dwelling – 20 meters
 - 5.4.7. Forested Area – 3 meters

6. **Outdoor Fireplaces**

- 6.1. In addition to such other provisions as provided for herein, the following provisions shall apply with respect to outdoor fireplaces.
- 6.2. No person shall set a fire in an outdoor fireplace unless the outdoor fireplace is located on a non-combustible surface extending beyond the outdoor fireplace to a dimension equal to the height of the outdoor fireplace.
- 6.3. No person shall set or maintain an open air fire in an outdoor fireplace unless the outdoor fireplace uses only dry firewood.
- 6.4. No person shall set a fire in an outdoor fireplace where the following minimum setbacks are not maintained:
 - 6.4.1. Building or Structure – 3 meters
 - 6.4.2. Overhead Wiring – 3 meters
 - 6.4.3. Highway - 5 meters
 - 6.4.4. Other combustible material – 3 meters
 - 6.4.5. Forested Area – 3 meters
 - 6.4.6. Lot Line – 5 meters
 - 6.4.7. Abutting Dwelling – 20 meters

7. **Burn Barrels**

- 7.1. In addition to such other provisions as provided for herein, the following provisions shall apply with respect to burn barrels.
- 7.2. No person shall set a fire in a burn barrel within lands designated as Hamlet as recognized by the Official Plan of the Township of Stone Mills.
- 7.3. No person shall set a fire in a burn barrel on a parcel of land where there exists multiple residential dwellings or multiple residential dwelling units as defined by the zoning bylaw of the Township of Stone Mills.
- 7.4. No fire shall be set in a burn barrel/incinerator where the material to be burned includes grass, dead leaves, household garbage or any combustibles that produce toxic or noxious fumes.
- 7.5. No person shall set a fire in a burn barrel unless the burn barrel includes a metal mesh top with an opening size not greater than 0.5 centimeter.
- 7.6. No person shall set a fire in a burn barrel that fails to maintain the following minimum setbacks:
 - 7.6.1. Building or other structure - 15.0 meters
 - 7.6.2. Other combustible material - 3.0 meters
 - 7.6.3. Lot line - 30.0 meters
 - 7.6.4. Abutting Dwelling - 75.0 meters

- 7.6.5. Forested or Wooded area – 5.0 meters
- 7.7. In addition to the setbacks as contained herein, no person shall set a fire in an incinerator that is located within a developed area or within 200 meters of a developed area.

8. **Brush Fires**

- 8.1. In addition to such other provisions as provided for herein, the following provisions shall apply with respect to brush fires.
- 8.2. No person shall allow a brush fire on a parcel of land that is less than 1.0 hectare in area.
- 8.3. No person shall allow a brush fire where the dimensions of the brush fire exceed the following dimensions:
- 8.3.1. Width – 2 meters
- 8.3.2. Length – 2 meters
- 8.3.3. Height – 2.0 meters.
- 8.4. No person shall set a brush fire that fails to maintain the following minimum setbacks:
- 8.4.1. Building or structure 30.0 meters
- 8.4.2. Forested area - 30.0 meters
- 8.4.3. Other combustible material - 6.0 meters
- 8.4.4. Lot line - 15.0 meters
- 8.4.5. Overhead wiring – 15 meters
- 8.4.6. Highway – 15 meters
- 8.4.7. Abutting Dwelling – 75 meters
- 8.5. No person shall set multiple brush fires.

9. **Enforcement**

- 9.1. Penalties may be imposed upon any person who contravenes a provision of this by-law in accordance with the Schedule of Short Form Wordings and Set Fines attached hereto and which shall comprise part of this By-law. The Schedule of Short Form Wordings and Set fines shall come into effect upon the approval of the Regional Senior Justice of the Ontario Court of Justice (Provincial Division)
- 9.2. Amendments to the Short Form Wordings and Set Fines arising from the approval of same by the Regional Senior Justice of the Ontario Court of Justice (Provincial Division) shall be enforceable without an amendment to this by-law.
- 9.3. In addition to such other remedies as identified herein, every person who sets a fire or causes to set a fire except in compliance with this by-law, may be charged a fee to a maximum of 100% of all expenditures incurred by the Municipality to extinguish the fire as determined by the Township Of Stone Mills Tariff of Fees Bylaw in effect at the time of the fire.
- 9.4. All fees for the extinguishment of a fire in accordance with Paragraph 8.4 herein, shall be due within 90 days from the date of the invoice prepared by the Municipality.
- 9.5. All fees charged in accordance with Paragraph 8.4 herein shall be subject to 1.25% interest on the outstanding amount following the date the fee is due.
- 9.6. All fees including any interest thereon and due to the Municipality in accordance with this By-law may be added to the tax roll of the real property owned by the person(s) that incurred the fees and collected in like manner as municipal

taxes in accordance with Section 398 Subsection 2 of the Municipal Act, R.S.O. 2001.

10. **Severability**

10.1. If the decision of any court deems any provision or requirement of this By-law, or the application of this By-law to any person to be invalid or unenforceable, this decision shall not affect any other provision or requirement, and the balance of this by-law shall remain in full force and effect.

11. **Effective Date**

11.1. This By-law shall be deemed to have come into effect following third reading and adoption by the Council of the Corporation of the Township of Stone Mills.

This By-law having been read:


A first time on January 4, 2016;

A second time on March 4, 2016;

And a third time on March 21st, 2016;

Is hereby adopted this 21st day of March, 2016.


Eric Smith, Reeve


Bryan Brooks, CAO/Clerk