

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NUMBER 057-16

BEING A BY-LAW TO REGULATE THE SETTING OF OPEN AIR FIRES WITHIN THE TOWNSHIP OF WELLINGTON NORTH AND TO REPEAL BY-LAW 006-15

THE Council of the Corporation of the Township of Wellington North hereby enacts as follows:

1. Definitions

For the purpose of this by-law, the following definitions apply:

“Agricultural Use” means a use of land, buildings or structures for farming or agriculture that includes a detached dwelling accessory to the main farming

“Barbeque” means an appliances or structure designed and intended solely for the cooking of food in the open air

“Burn Barrel” means a metal barrel not exceeding 205 litres (45 imperial gallons)

“Cooking Fire” means a fire used to cook food

“Extinguishing Agent” means a material used with fixed, automatic, or portable fire extinguishing systems to suppress or put out fires and include water or fire extinguisher

“Fire Chief” means the Chief of the Fire Department of the Township of Wellington North or designate

“Outdoor Fire Place” means a structure for containing fires outside of the home that are similar in construction to an indoor fireplace

“Owner” means the registered owner and/or any person, firm or corporation having control over or possession of any portion of a building or property.

“Permit” means a permit for Open Air Burning, issue by the Township of Wellington North

“Public nuisance” means excessive smoke, odour, airborne sparks, embers or particles of burnt materials that may be a concern to others, increase fire hazards, be adverse to public safety or generating false alarms.

“Recreational Camp Fires” means burning in an open area, pit or with the use of a recreational burning device.

“Sky Lanterns” means a hot air balloon made of paper, with an opening at the bottom where a small fire is suspended

“Township” means the Corporation of the Township of Wellington North.

“Township Office” shall mean the Township of Wellington North Municipal Office located at 7940 Sideroad 7 West, Kenilworth, Ontario.

“Urban area” means properties located in the geographic limits of Arthur and Mount Forest as shown on the map in Schedule “B”

3. Administration

- 3.1. This by-law shall be administered and enforced by the Fire Chief or designate.
- 3.2. No person shall set or maintain an open fire during a declared fire ban as issued by the Fire Chief or designate (except for the use of barbeques).
- 3.3. Every person shall comply with an order by the Fire Chief or Designate to extinguish a fire when there is a breach of any of the provisions of this By-law or where, in their opinion, there is a danger of such fire spreading or otherwise endangering life or property.
- 3.4. The Fire Department shall be exempt from the provisions of this by-law for the purposes of educating and training.

4. General Provisions for all Fires

All persons who set or maintain a fire shall comply with the following conditions:

- 4.1. No person shall permit any individual under the age of 18 to be in the care and control of a fire.
- 4.2. The fire shall be under the care and control of an individual from the time of lighting until it is completely extinguished.

- 4.3. Appropriate extinguishing agents shall be on-hand at all times during the preparation of the fire, while the fire is underway, and until the fire is fully and completely extinguished.
- 4.4. The fire shall not in any way cause discomfort, danger, irritation and/or nuisance for other residents including smoke entering into a neighboring residence or building or across a highway.
- 4.5. Should the Fire Department be dispatched to a complaint regarding public safety or nuisance, the Fire Department will have the discretion to determine compliance with the by-law and this discretion shall be final.
- 4.6. Anyone who lights a fire in the Township shall be responsible and liable for any damage to property or injury to persons resulting from the fire.
- 4.7. No person shall release sky lanterns in the Township.
- 4.8. In order to seek an exemption to provisions within this by-law, persons must submit a written request, on the form provided, to the Fire Chief for approval.
- 4.9. No person shall burn household garbage, tires, paint, asphalt products, roofing materials, chemical waste, rubber, coated wire, plastic, combustible cylinders, aerosol cans and petroleum based products.

5. Permit to Burn Safely outside of Urban Areas

- 5.1. No person shall set or maintain an open air burn larger than 1 m (3 ft) in diameter without a permit.
- 5.2. Permits are not issued to property owners who reside within in the urban areas of Wellington North.
- 5.3. Permits shall only be issued to property owners, or to an agent with written permission of the property owner.
- 5.4. Permits are not required for burn barrels (where allowable), recreational camp fires, outdoor fireplaces, cooking fires or barbeques.
- 5.5. Any changes to the information on the permit or exemptions sought to any condition must be submitted in writing to the Fire Chief or Designate prior to lighting a fire.

- 5.6. Permits are valid to December 31 in the year issued.
- 5.7. Permits will not be issued unless a 911 number is posted at the property.
- 5.8. The holder of a permit issued shall comply with all conditions and/or restrictions in this by-law.
- 5.9. No person shall plan, set, light or maintain an open air burn except ½ hour after sunrise and be extinguished ½ hour before sunset.
- 5.10. No person shall plan, light or ignite a fire closer than 30 m (100 ft) from any building, structure, hedge, fence, road or overhead wire or obstruction of any nature.
- 5.11. No person shall set an open air burn exceeding an area of 3 m x 3 m x 2 m high (10 ft x 10 ft x 6.5 ft high) without an inspection by the Fire Chief or designate.

6. **Recreational Camp and Cooking Fires**

All persons setting or maintaining a recreational camp or cooking fire shall comply with the following conditions:

- 6.1. The burn area shall be contained by non-combustible material and be no larger than 1 m (3 ft) in diameter.
- 6.2. A fire shall be a minimum of 3 m (10 ft) from any combustible material and adjacent property/lot lines.
- 6.3. Only paper or kindling shall be used to start the fire.
- 6.4. Leaves, compostable material and yard waste shall not be burned in urban areas.

7. **Barbeques**

- 7.1. The only fuel that may be used, is a commercially produced charcoal or briquette, or a flammable liquid commercially produced for the purpose of

cooking, such as natural gas or propane gas.

7.2. No person shall light, ignite or start, a fire in a grill or barbeque on a balcony of any building containing two (2) or more dwelling units.

8. Burn Barrels

8.1. No person shall use a Burn Barrel within an urban area, unless in the instances of a strike or lockout and are located on an industrial or commercial property under constant supervision, at the strike or lockout location.

8.2. A Burn Barrel shall be in sound condition with a metal mesh screen over the top.

8.3. Vent holes shall be punched in the side for ventilation, and drainage holes in the bottom with the adequate clearance from surrounding vegetation or structures.

9. Offence

9.1. Any person who contravenes provisions of this by-law or fails to comply with an order given shall, pay the fee for the emergency service in accordance with the Township's Fees and Charges By-law for Fire Department Services and Rescue Operations, as established by by-law from time to time.

9.2. Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act and set out in Schedule "A".

10. Transition Period


9.1 All valid permits issued under By-law Number 006-15 will be considered to be issued under this by-law.

9.2 Property owners or their agents do not have to obtain a new permit to burn

10. Enactment

10.1 This By-law shall take effect and become in full force and effect upon the day of third reading and passage thereof.

READ A FIRST AND SECOND TIME THIS 11TH DAY OF JULY 2016.




ANDREW LENNOX, MAYOR



KARREN WALLACE, CLERK

READ A THIRD TIME AND FINALLY PASSED THIS 15TH DAY OF AUGUST, 2016



ANDREW LENNOX, MAYOR



MICHAEL GIVENS, DEPUTY CLERK

The Corporation of the Township of Wellington North
SCHEDULE "A"

PART I Provincial Offences Act

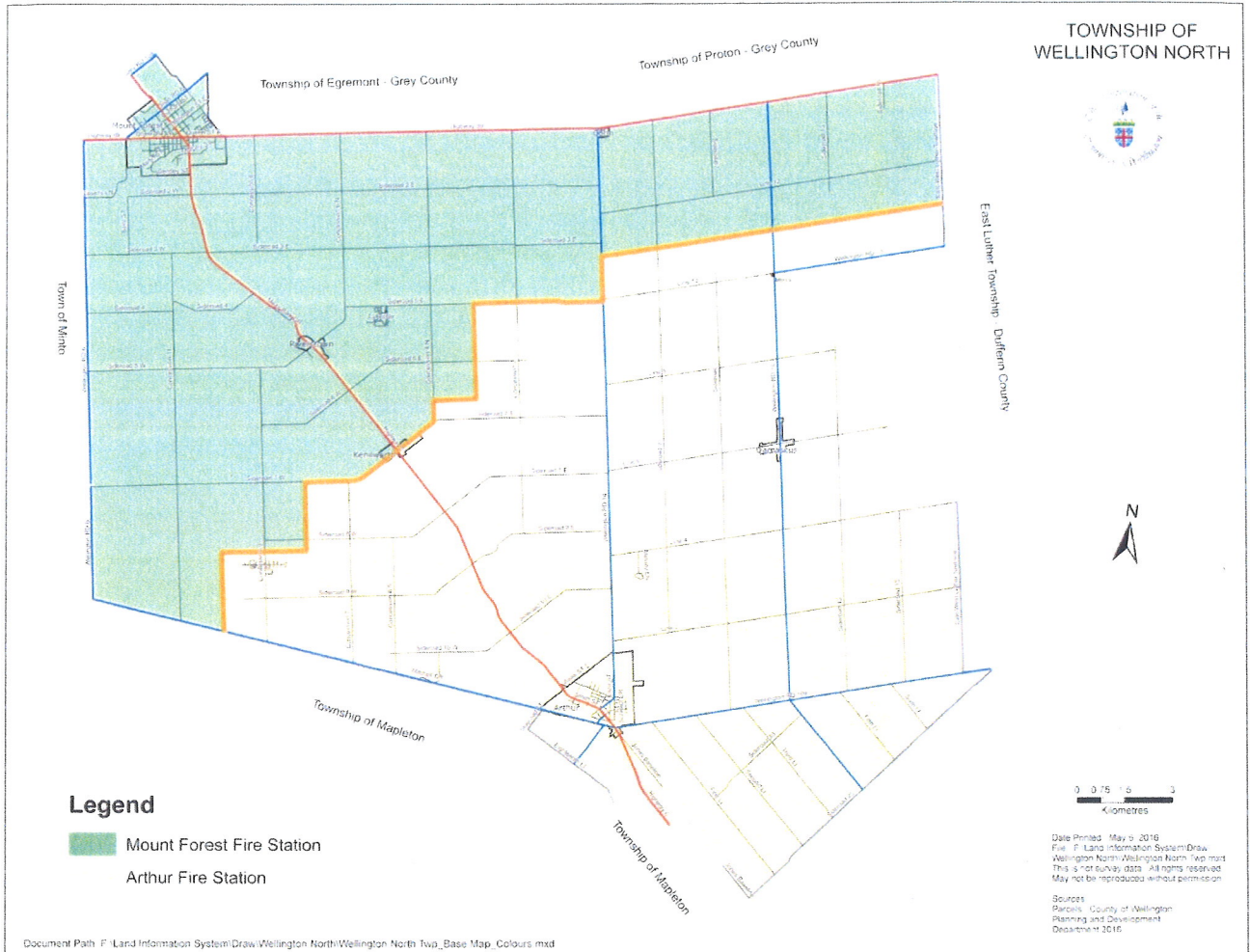
By-law Number 057-16: Open Air Burning

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	SET FINE
1.	Burn fire when a burn ban is in effect	Section 3.2	\$295.00
2.	Fail to extinguish a fire when ordered	Section 3.3	\$295.00
3.	Permit an individual under 18 to be in care and control of a fire	Section 4.1	\$295.00
4.	Fail to maintain care and control of a fire.	Section 4.2	\$295.00
5.	Fail to keep proper extinguishing agents on hand	Section 4.3	\$295.00
6.	Permit fire to cause discomfort, nuisance including smoke in a house or roadway	Section 4.4	\$295.00
7.	Permit sky lanterns to be released	Section 4.7	\$295.00
8.	Permit to be burned household garbage, tires, and other prohibited material	Section 4.9	\$295.00
9.	Set fire without permission/permit	Section 5.1	\$295.00
10.	Permit Open Air Burning outside of permitted times	Section 5.9	\$295.00
11.	Permit Open Air Burn within 30 m (100 ft) of structure.	Section 5.10	\$295.00
12.	Permit an open air burn exceeding 3mx3mx2m high without inspection	Section 5.11	\$295.00
13.	Permit a recreational, camp or cooking fire burn area to exceed 1 m (3 ft) in diameter	Section 6.1	\$295.00
14.	Permit a recreational, camp or cooking fire burn area less than 3 m (10 ft) adjacent to combustible material	Section 6.2	\$295.00
15.	Permit leaves, compostable material and yard waste burned in urban area	Section 6.4	\$295.00
16.	Permit Burn Barrel to be used in urban area.	Section 8.1	\$295.00

Note: The general penalty provision for the offences listed above is section 8.2 of by-law 057-16, a certified copy of which has been filed.

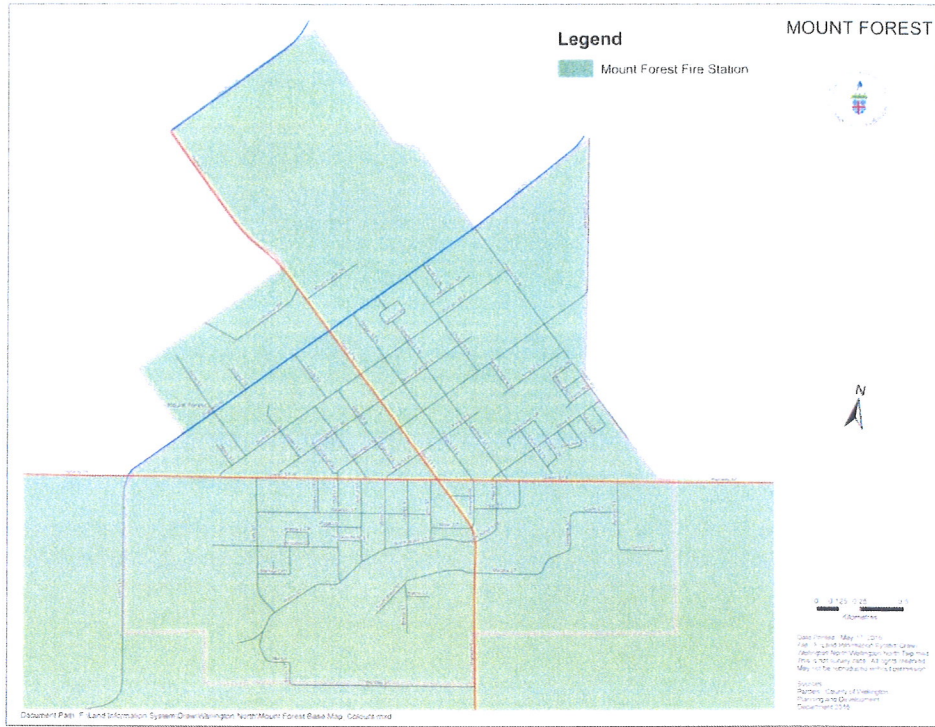
SCHEDULE "B" – MAPS

WELLINGTON NORTH FIRE SERVICE AREAS



URBAN AREAS

Mount Forest



Arthur

