

The Corporation of the Town of Minto
By-Law No. 2015-54

Being a by-law to regulate the setting of open fires
within the limits of the Town of Minto.

WHEREAS Section 7.1 (1) of the Fire Protection and Prevention Act, S.O. 1997, c. 4. As amended provides authority to the Council of a municipality to pass by-laws to regulate fire prevention including the prevention of spreading fires, and regulating the setting of open-air fires, including establishing the times during which open-air fires may be set;

AND WHEREAS Section 7.1.(3). Of the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, provides that a by-law under this section may deal with different areas of the municipality differently;

AND WHEREAS Part 2 of the Ontario Fire Code, O. Reg. 388/97, provides that open-air burning shall not be permitted unless approved, or unless such burning consists of a small confined fire supervised at all times, and used to cook food on a grill or barbeque or such burning take place in an appliance that is in compliance with the Technical Standards and Safety Act, 2000, for outdoor use and is installed in accordance with the manufacturer's instructions;

AND WHEREAS section 7.1.(4). Of the Fire Protection and Prevention Act, 1997, S.O. 1997 c. 4, as amended, provides 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 128 of the Municipal Act, S.O. 2001, c. 25 as amended provides that a municipality may pass by-laws to prohibit and regulate public nuisances, including matters that, in the opinion of Council are or could become public nuisances;

AND WHEREAS Council considers excessive smoke, odour, airborne sparks or embers, and airborne particles of burnt materials to be or become or cause public nuisance by creating negative health effects on neighbouring residents, increasing fire exposure hazards, infringing the enjoyment of the use of neighbouring properties and generating false fire alarms;

NOW THEREFORE, the Council of the Corporation of the Town of Minto hereby enacts as follows:

1. DEFINITIONS

1.1. Definitions for this by-law:

"Cooking Fire" means a small confined fire, supervised at all times, and used to cook food. Maximum size 0.6m by 0.6m (2 feet by 2 feet) and no more than 0.6m (2 feet) in height and contained by non-combustible material such as rocks, cement blocks, etc.

"Barbeque" shall mean appliances including a hibachi, a 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 predominately designed for personal warmth.

"Burn Barrel" means a metal barrel in sound condition no larger than a 205 litre (45 gallon) drum with a heavy duty screen with a mesh size not greater than 2.5 cm by 2.5 cm (1 inch by 1 inch) over the top to prevent debris from flying out of the barrel.

“Fire Chief” means the Fire Chief of the Minto Fire Department of the Corporation of the Town of Minto or his/her designate.

“Fire Fighter” means the Fire Chief and any other person employed in or appointed to, the Minto Fire Department and assigned to undertake fire protection services.

“Ground Cover” including, but is not limited to, leaves, grasses, weeds, tree needles or wood chips on the ground.

“By-Law Enforcement Officer” means a duly appointed Municipal By-Law Enforcement Officer for the Corporation of the Town of Minto.

“Open Air” means any open place, yard, field or construction area which is not enclosed by a building or structure.

“Open Air Burning” means a fire set in the Open Air.

“Outdoor Fireplace” means a manufactured non-combustible enclosed container designed to hold a small fire for decorative purposes and may include, but is not limited to chimineas.

“Owner” means the registered owner and/or any person (over the age of 18), firm or corporation having control over, or possession, of any portion of a building or property under consideration and includes the persons in the building or property.

“Permit” means a permit issued by the Fire Chief or his designate to set a fire in the Open Air for a specified time period.

“Public Nuisance” as determined by the Fire Chief, designate, or By-Law Enforcement Officer, means excessive smoke, odour, airborne sparks or embers, and airborne particles of burnt materials that are likely to be a concern of others by, increasing fire exposure hazards, being adverse to public safety, and generating false alarms.

“Smog Alert” means an alert issued by the Ministry of the Environment with respect to air quality.

“Incinerator” means an apparatus for burning material at high temperatures until it is reduced to ash.

2. ADMINISTRATION

2.1. The Fire Chief, their designate, or By-Law Enforcement Officer shall be responsible for the administration and enforcement of this By-Law.

2.2. The Fire Chief, their designate or By-Law Enforcement Officer is authorized to order any person to extinguish any fire when there is a breach of any of the provisions of this by-law, or where, in their judgment, there is a danger of such fire spreading and endangering life or property every person shall comply with such an order.

2.3. The Fire Chief or designate may issue a total ban on Open Air Burning if dry conditions or drought make burning dangerous. No person shall burn during a fire ban.

2.4. The Minto Fire Department shall be exempt from the provisions of this by-law with respect to Open Air fires for the purpose of training, educating individuals in fire safety or for research purposes.

2.5. Burning of leaves, yard or garden waste is prohibited in the urban areas of The Town of Minto.

3. ENVIRONMENT

3.1. All Open Air Burning shall comply with the provisions of the Environmental Protection Act, R.S.O. 1990, c.E. 19, as amended.

3.2. No Open Air Burning shall be permitted when a Smog Alert has been issued for the forecast area of the County of Wellington which includes the Town of Minto.

4. OPEN AIR BURNING

4.1. No person shall set, maintain or cause to be set or maintained a fire in the Open Air unless a Permit has been issued by the Fire Chief or designate except those items listed under Sections 6, 7 and 9.

4.2. An application for a Permit must be completed on forms attached to this by-law as Appendix 'A' and submitted to the Town of Minto Administration Office during regular business hours or;

4.3. Applications for a Permit may be completed by contacting the Town of Minto Administration Office during regular business hours at (519) 338-2511. Permits will not be issued outside of regular business hours.

4.4. Only the following materials may be burned: wood, organic materials and paper products. Under no circumstances may paint, solvents, rubber, wire (including coating), plastics, asphalt, shingles, toxic chemicals, or any materials that violate the regulations of the Ministry of the Environment be burned, ignited or added to the fire at any time.

4.5. Except as otherwise permitted through a permit issued under this section, a Permit holder shall not set or maintain Open Air Burning, or cause Open Air Burning to be set or maintained:

4.5.1 After sunset and prior to sunrise;

4.5.2 At a distance of less than 150 meters (500 feet) from any building, structure, property line, tree, hedge, fence, roadway, overhead wire or other combustible article;

4.5.3 If the wind velocity is greater than 20 km/h;

4.5.4 That exceeds more than 3 meters (10 feet) in diameter;

4.5.5 That exceeds 3 meters (10 feet) in height;

4.5.6 That includes burning garden waste or leaves in the boundaries of the three urban areas;

4.5.7 Within five meters (16 feet) of any combustible ground cover;

4.5.8 Without a suitable means of extinguishment available while the fire is burning; or

4.5.9 That creates a Public Nuisance. This shall include allowing smoke to enter into a neighbouring residence or building.

4.6 In issuing a Permit under this Section for Open Air Burning, the Fire Chief or designate may impose any additional requirements and/or exempt any conditions under Section 4 of this By-Law as the Fire Chief or designate considers necessary in the interest of public safety, or to minimize inconvenience to the general public or to comply with the intent of this By-Law.

4.7 The Holder of a Permit issued under Section 4 of this By-Law shall:

4.7.1. Comply with any condition and/or restrictions contained forming part of the issued permit; and

4.7.2. Maintain constant watch and control over the Open Air Burning from the time of the setting of the fire until the fire is totally extinguished.

5. OUTDOOR FIREPLACES

5.1. An Outdoor Fireplace may be operated without a permit between two hours after sunrise and 11 p.m. if:

5.1.1. it is located at a distance of not less than 3 meters (10 feet) between the fireplace and any building, structure, property line, tree, hedge, fence, roadway, overhead wires or other combustible article;

5.1.2. It is located on a non-combustible surface extending beyond the unit to a dimension equal to the height of the unit;

5.1.3. It does not create a Public Nuisance;

5.1.4. A portable extinguisher or operable garden hose is readily accessible while the unit is in operation and,

5.1.5. The Owner maintains constant watch and control over the Outdoor Fireplace from the time of the setting of the fire until the fire is totally extinguished.

6. COOKING FIRES

6.1 A Person may set or cause to be set or maintained a Cooking Fire without obtaining a permit between two hours after sunrise and 11 p.m. provided that: The fire is not more than 0.6 meters (2 feet) by 0.6 meters (2 feet) in size and not more than 0.6 meters (2 feet) in height;

6.1.1 The fire is located at a distance of not less than 3 meters (10 feet) between the fire and any building, structure, property line, tree, hedge, fence, roadway, overhead wires or other combustible article;

6.1.2 The wind velocity is not greater than 20 km/h

6.1.3 There is no combustible ground cover within 1 meter (3 feet) of the fire;

6.1.4 The fire does not create a public nuisance;

6.1.5 A portable extinguisher or operable garden hose is readily accessible while the unit is in operation and,

6.1.6 The Owner maintains constant watch and control over the Cooking Fire from the time the fire is ignited until the fire is totally extinguished.

6.2 Children under the age of 18 years shall not light or ignite a cooking fire.

6.3 Only the following materials may be burned: wood, organic materials and paper products. Under no circumstances are paint, solvents, rubber, wire (including coatings), plastics, asphalt, shingles, toxic chemicals or any materials that violate the regulations of the Ministry of the Environment to be burned, ignited or added to the fire at any time.

7 INCINERATORS

7.1 All outdoor incinerators will be built and maintained as per NFPA 82 *Standard on Incinerators and Waste and Linen Handling Systems and Equipment* where applicable. All Incinerators outside of this standard will be approved by the Fire Chief or designate. All incinerators will be inspected before they are commissioned and a yearly permit will be issued every year thereafter. The Fire Chief or designate may revoke such stated permit at any time, as he or she deems necessary.

7.2 All outdoor incinerators shall be kept in good repair and in good working condition. Any permit may be revoked at any time the Fire Chief or designate deems the incinerator in poor condition.

7.3 The incinerator is located at a distance of not less than 15 m (50 feet) between the fire and any building, structure, property line, tree, hedge, fence, roadway, overhead wires or other combustible article;

7.4 A fire in an incinerator shall not be set if one of the following conditions are present;

7.4.1 The wind velocity is greater than 20 km/h

7.4.2 There is combustible ground cover within 5 meters (15 feet) of the fire or

7.4.3 It creates a Public Nuisance.

8 BURN BARRELS

8.1 The use of burn barrels shall not be permitted within the urban areas of the Town of Minto;

8.2 Properties zoned for agricultural use, or farmland, shall be exempt from the provisions of Section 8.1 of this by-law;

8.3 A permit for open air burning shall not be required for burn barrels, provided that each of the following conditions are complied with;

8.3.1 A burn barrel shall be a metal barrel in sound condition no larger than a 205 litre (45 gallon) drum with a heavy duty screen with mesh size not greater than 2.5 cm by 2.5 cm (1 inch by 1 inch) over the top to prevent debris from flying out of the barrel;

8.3.2 Vent holes shall be punched in the side for ventilation, and drainage holes in the bottom with adequate ground clearance and,

8.3.3 Burn barrels shall be located at a distance of not less than 15 meters (50 feet) from any building, structure, property line, tree, hedge, fence, roadway, overhead wires or other combustible article

9. BARBEQUES

9.1 Barbeques are permitted within the Town of Minto and a permit for open air burning is not required, provided that the following regulations are complied with:

9.1.1 The barbeque shall be supervised at all times.

9.1.2 The fuel used is a commercially produced charcoal, briquette, or a flammable liquid commercially produced for the purpose of cooking (natural gas or propane) and,

9.1.3 No person shall light, ignite, start or permit to be lighted, ignited or started, a fire in a grill or barbeque on a balcony of any building containing two (2) or more dwelling units.

10. OFFENCE AND ENFORCEMENT

10.1. 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, R.S.O., 1990, c. P. 33.

10.2. A Permit issued under this by-law may be revoked by the Fire Chief if the Permit holder fails to comply with the requirements of the Permit and/or any other provisions of this by-Law.

10.3. The Fire Chief or designate must be notified if there are any changes to the conditions in which the permit was issued.

10.4. If the contravention of this by-law result in fire suppression or fire prevention personnel and vehicles being dispatched to respond to the property, the person in control of the fire and/or the property owner may be charged, at the discretion of the Fire Chief, for the cost of such response in accordance with the Fee By-Law. However, nothing in any schedule of rates shall be construed as limiting the rights of the Town of Minto to seek restitution for other direct or consequential damages or costs incurred beyond those listed.

10.5. No person shall hinder or obstruct the Fire Chief, their designate or a by-law officer in the enforcement of this by-law.

10.6. The Fire Chief, their designate, or a by-law enforcement officer may enter on the land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the by-law is complied with.

10.7. A Fire Fighter or by-law enforcement officer may order a fire to be extinguished immediately if the fire:

10.7.1. Is not set in compliance with this by-law; or

10.7.2. Is determined, upon inspection by a Fire Fighter or Officer, to constitute a safety hazard or concern.

11. VALIDITY

11.1. If a court of competent jurisdiction declares any provision or part of a provision of this By-Law to be invalid or to be of no force and effect, it is the intention of Council that the remainder of the by-law shall continue to be in full force and effect.

12. REPEAL

12.1. This By-Law repeals **By-Law 10-36**.

13 BY-LAW IN FORCE

13.1 This By-law shall come into force and take effect on the date of its final passing.

Read a first, second, third time and passed in open Council this 2nd day of June, 2015

George A. Bridge, Mayor

Bill White, C.A.O. Clerk



Controlled Burn - Town of Minto

Date of Burn:

Burn Start Time:

Burn End Time:

Address of Burn:

Material to be burned:

Approximate size of burn:

Contact Information:

(name & phone #)

Fire Dispatch : 519-824-3232 (phone)

Town of Minto 519-338-2511

Fire Chief Harrow 519-503-9545 c.harrow@mintofiredept.on.ca

Clifford Fire Hall 519-327-8411 (phone) 519-327-8241 (fax)

Harriston Fire Hall 519-338-3046 (phone) 519-338-3882 (fax)

Palmerston Fire Hall 519-343-3735 (phone) 519-343-4671 (fax)

I have read the excerpts from the regulation extracted from By-Law 10-36 as amended and the FPPA and certify that all aspects if the regulations are capable of being met at the site and further, that the burning will be in full compliance with the Town of Minto By-Law 2015-54 as well as, applicable sections of the FPPA and the Environmental Protection Act. I recognize any deviations, violations or reasonable public complaint can result in charges being laid, extinguishment of the fire and cancellation of the Permit.

APPLICANT'S SIGNATURE _____ DATE _____

CONDITIONS

No fires must be set:

1. Between the hours of sunset and sunrise
2. At a distance less than 150 meters from any building, structure, power line, tree, fence, hedge, fence, roadway, overhead wires or other combustible materials.
3. If the wind velocity is greater than 20 kilometers per hour
4. If it creates a public nuisance
5. If a smog warning has been issued for Wellington County or directly for the Town of Minto
6. The Fire Chief or Designate has issued a total ban on burning due to dry or drought conditions
7. Without a suitable means of extinguishment available while the fire is burning
8. Other conditions as laid out in By-Law 2015-54

This Permit may be extended beyond the recorded date if the conditions above are not met. The holder of the Permit must contact the Town Of Minto Offices during normal business hours to request an extension.

Those found to be in contravention of this By-Law by the Fire Chief or Designate or Officer could be subject to suspension of the Permit and/or fines as laid out in the By-Law.

RELEASE AND INDEMNITY

I Hereby release and forever discharge and agree to indemnify and save harmless the Town of Minto and its servants and agents from any and all actions, cause of action, claims and demands, loss or injury to persons or property sustained by any person or persons in consequences of Open Air Burning to be held on the stated dates and locations, said burning being the subject matter of the above notification.

Contact Information

Town of Minto Office 519-338-2511

The Corporation of the Town of Minto

PART 1 Provincial Offences Act

By-law 2015-54 Open Air Burning By-law

ITEM	COLUMN 1 Short form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1	Refusal to extinguish fire	Section 2.2.	\$200.00
2	Burn fire in dry or drought conditions.	Section 2.3.	\$200.00
3	Set fire without permit	Section 4.1.	\$200.00
4	Burn paint, rubber, wire, plastics, asphalt, shingles or other prohibited materials	Section 4.4.	\$200.00
5	Permit open air burning outside of permitted times.	Section 4.5.1.	\$100.00
6	Fail to keep extinguishing agents on hand at all times during a fire	Section 4.5.8.	\$100.00
7	Burn fire which causes discomfort, danger, irritation or nuisance to residents.	Section 4.5.9.	\$100.00
8	Fail to maintain constant supervision of fire.	Section 4.7.2.	\$100.00
9	Permit burn barrel to be used in residential area.	Section 8.1.	\$100.00
10	Fire in grill or barbeque on balcony of multi-residential dwelling.	Section 9.1.3.	\$100.00
11	Obstruction	Section 10.5	\$300.00

Note: the general penalty provision for the offences listed above is section 10.1 of by-law 2015-54, a certified copy of which has been filed.