

THE CORPORATION OF THE MUNICIPALITY OF GREENSTONE

BY-LAW 22-47

A By-law to Regulate Open Air
Burning in the Municipality of
Greenstone (Being a by-law to regulate
Open Air Fires and Outdoor Furnace
Fires in order that ratepayers may make
use of fire without detriment to
themselves or their neighbours or the
environment.)

WHEREAS pursuant to Section 7.1, paragraph (a) and (b) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4 as amended, Councils may pass by-laws to establish regulations and precautions for the setting of fires, 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 The *Municipal Act, 2001* Subsection 10(2) 6 and 8 authorizes a Municipality to pass by-laws respecting the health, safety and well-being of persons and the protection of persons and property;

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 The *Ontario Fire Code* O. Reg. 213/07 Division B Article 2.4.4.4 provides that open fires shall not take place unless it has been approved or the open-air burning consists of a small, confined fire that is used to cook food on a grill, barbecue or spit, commensurate with the type and quantity of food being cooked and supervised at all times;

AND WHEREAS Council deems it desirable to regulate and prescribe conditions for open air fires within the Municipality of Greenstone as per the Forest Fire Prevention Act, R.S.O. 1990.

NOW THEREFORE the Council of the Municipality of Greenstone enacts as follows:

Part 1 - DEFINITIONS AND ADMINISTRATION

1.1 SHORT TITLE

This By-Law may be cited as the "Burning By-Law"

1.2 ADMINISTRATION

The Director of Fire Services/Fire Chief and By-law Enforcement staff shall administer this by-law.

1.3 FIRE SERVICES - EXEMPT

The Greenstone Fire & Emergency Services shall be exempt from the provisions of this by-law with respect to open air burning set for the purposes

of educating and training individuals, as required.

1.4 - DEFINITIONS

Adverse effect: means one (1) 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 or the impairment of the safety of any person
- V. Rendering any property or plant or animal life unfit for human use,
- VI. Loss of enjoyment of normal use of property
- VII. Interference with the normal conduct of business, and
- VIII. Nuisances including, but not limited to, excessive smoke, odour, dust, airborne sparks, embers or reduced visibility of a traveled portion of any public or private driveway or roadway

Approved: means approved in the sole and absolute discretion of the Director of Fire Services/Fire Chief or his/her designate.

Barbeque: means an appliance or structure designed and intended solely for the cooking of food in the open air, including hibachi, and any other similar device, but does not include devices designed for personal warmth such as firepits or campfires.

Campfire: means a fire area no larger than 1 meter squared (3ftx3ftx3ft), supervised at all times by a competent person.

Class "A" Materials: means combustible materials that are generally carbon based such as wood, paper, leaves, grass and are of a less toxic nature than petroleum-based combustibles such as plastics.

Combustible Structure or Object: means any structure or object that will catch on fire, burn or release flammable vapors. Typical structures or objects are constructed from Class "A" Materials.

Competent Person: means a person that has knowledge of any potential or actual danger to health or safety (that may be caused by fire).

Council: means the Municipal Council for the Municipality of Greenstone.

Day Burning: means the use of open fire between two hours after sunrise to two hours before sunset.

Fire Ban: means a complete ban of all open-air fires, whether put in place by the Municipality of Greenstone or the Province of Ontario through the Ministry of Natural Resources and Forestry.

Director of Fire Services/Fire Chief: means the person appointed by Council to act as Fire Chief of the Fire Department for the Municipality and who is ultimately responsible to Council as defined in the Fire Protection and Prevention Act, 1997, S.O.1997, c.4, may also be referred to as the Chief Fire Official.

Fire Department: means the Greenstone Fire & Emergency Services.

Fire District: means that part of the province of Ontario as described in O. Reg. 207/96 under the Forest Fires Prevention Act. The Municipality of Greenstone is located in the Nipigon and Wawa District.

Fire Season: means that period from April 1 to October 31 when open fire is more

strictly regulated due to the increased hazard and potential for loss.

Flying Lantern: means a small hot air balloon or other device designed to carry an open flame as an airborne light, also known as Sky Lantern, Chinese Lantern, Kongming Lantern or Wish Lantern, or other similar device which are devices containing a fuel pack, which fuel pack is usually a petroleum or wax based fuel that when lit causes the lantern to rise by open flame.

Municipality: means the Municipality of Greenstone.

Municipal By-law Enforcement Officer: means a person appointed by Council under section 15 of the Police Services Act R.S.O. 1990, c.P.15 to enforce the Municipality’s by-laws.

Open Air Burning: shall mean the burning of any material, including without limiting the generality of the foregoing, wood, cardboard, brush or garden waste, grass where the flame is not wholly contained and is, thereby, open to the air.

Owner includes:

- I. the registered owner of the property in question as revealed in the Land Registry Office of the Ministry of Consumer and Commercial Relations,
- II. any occupant of the property in question with authority to act on behalf of the registered owner,
- III. any person authorized by the registered owner to act on his or her behalf,
- IV. and any mortgagor or receiver and manager or trustee in bankruptcy with possession and control of the property.

Outdoor Wood Burning Furnace: means a device used to burn wood set adjacent to and exterior to a building to provide heat to that building.

Person: means any individual, partnership, group or association, organization, company, corporation or cooperative.

Restricted Fire Zone: means complete bans of all open-air fire in the Fire District and is enacted by the Ministry of Natural Resources & Forestry (MNR) under the Forest Fire Prevention Act and may be enforced by the MNR or the Municipality.

Wood by-products: means wood or wood product, including tree trunks, tree branches, brush, that do not contain chromated copper arsenate, ammoniacal copper arsenate, pentachlorophenol, creosote, pesticides, paint, or any other wood treatment chemical and from which easily removable hardware, fittings and attachments, unless they are predominantly wood or cellulose, have been removed, plywood or composite wood products containing varnish or glue, an upholstered article i.e. Couches, or an article to which a rigid surface treatment is affixed or adhered, i.e. Countertops, unless the rigid surface treatment is predominantly wood or cellulose.

Part 2 – GENERAL PROVISIONS

2.0 BURNING RESTRICTIONS

- 2.1 Every person conducting a campfire for recreational use shall confine the burn area no larger than one cubic metre in size (3ftx3ftx3ft)
- 2.2 No person shall set or maintain a fire in open air without first having obtained a permit from the Municipality under this by-law.
- 2.3 Only dry seasoned wood or wood by products and Class “A” materials shall be used to fuel any open-air burning or campfire.
- 2.4 Only the property Owner or agent shall apply for a fire permit. The agent must have written permission from the property Owner to apply for a fire

- permit.
- 2.5 Every person conducting an open air burn or campfire shall confine the fire to a location that provides for a minimum distance of ten (10) feet from combustible structures, objects & forest, if applicable.
 - 2.6 Every person conducting an open air burn or campfire shall have immediately available for use an effective extinguishing agent or device of sufficient size and with the capability of extinguishing the fire.
 - 2.7 The Chief Fire Official may declare a total fire ban against Open Air Burning and campfires when the atmospheric conditions or local circumstances make such fires hazardous. Bans against burning shall be advertised through email, the Municipal webpage, the Municipal Social Media Accounts and any other means of advertisement deemed necessary by the Chief Fire Official.
 - 2.8 No person shall set out an open-air fire during a restricted fire zone or a municipal fire ban.
 - 2.9 No person shall conduct more than one open air burn or campfire per residence.
 - 2.10 No person shall start a fire outdoors unless conditions will allow the fire to burn safely from start to extinguishment.
 - 2.11 No person who starts a fire outdoors shall leave the fire without leaving a competent person in charge of the fire
 - 2.12 No person shall ignite or release into the air, an ignited Flying Lantern within the Municipality of Greenstone.
 - 2.13 No person shall conduct an open air burn or campfires upon any land owned by the Municipality without having first obtained written permission to do so from the Chief Fire Official.
 - 2.14 A person who starts a fire outdoors or, if the person who started the fire is not present, a person in charge of a fire outdoors shall take all necessary steps to tend the fire, keep the fire under control, and extinguish the fire before leaving the site.
 - 2.15 No person shall start or tend a fire outdoors except on land they legally occupy, or they have the written permission of the person who has lawful occupation of the property on which the fire is started.
 - 2.16 Persons setting any fire within the Municipality shall ensure that they can, if needed, summon assistance from the Fire Department.
 - 2.17 No person shall continue to burn when wind conditions or other factors cause any or all of the following:
 - i. a decrease in visibility on any highway or road way;
 - ii. a rapid spread of fire through grass or brush areas;
 - iii. an adverse effect on neighbouring lands or persons
 - 2.18 Any fire out of control shall be reported to the Fire Department by calling 911. A person who sets out an open-air fire and loses control of the said fire is required by this by-law to report the fire and loss of control to the Fire Department Immediately by calling 911.
 - 2.19 If the Fire Department attends at an open air burn or campfire to respond to public safety concerns due to smoke or fire hazard, whether in response to a complaint or otherwise, the most senior firefighter has the discretion to order the fire extinguished and/or brought into compliance with this By-law and this order shall be final.
 - 2.20 Every person conducting the fire or the property owner shall comply with such an order. If they fail to do so as directed, the most senior firefighter may take action to have the fire extinguished or otherwise brought into compliance
 - 2.21 The person conducting the fire and/or the property owner may be held liable for any and all costs incurred by the Fire Department to extinguish the fire or bring it into compliance. Where applicable, such costs shall be calculated in accordance with the Fees and Charges By-law.

3.0 – OPEN-AIR BURNING (Non-recreational)

All persons setting an open-air burning site in the Municipality for non-recreational use shall first obtain a permit, which may be granted if the conditions outlined in 2.0 are met unless otherwise stated below:

- 3.1 All non-recreational open-air burning permits are valid for 7 days from day of issue.
- 3.2 A competent person will be on site to monitor the fire from start to extinguishment.
- 3.3 Every person conducting an open air burn shall take all reasonable steps to ensure that adjacent properties and individuals are protected from any fire or smoke hazard and are not adversely affected by the products of combustion.
- 3.4 The person is burning piled wood, brush, leaves, grass, discarded wood by-products or Class “A” materials only.
- 3.5 The material is burned in a single pile that is less than two metres in diameter and less than two metres high. (6.5ft x6.5ft x6.5ft)
- 3.6 The fire is started not earlier than two hours before sunset and is extinguished not later than two hours after sunrise the following day, or earlier, during the fire season, unless day burning is permitted, or written approval has been obtained by the Chief Fire Official
- 3.7 The fire is at least six metres(19.6ft) from any combustible structure, object, forest or flammable materials.
- 3.8 The person tending the fire has tools or water adequate to contain the fire within the fire site.

CAMPFIRES (Recreational)

- 3.9 All persons setting a campfire in the Municipality for recreational use shall first obtain a permit providing all conditions under 2.0 are met.
- 3.10 No Person shall start a fire not earlier than two hours before sunset and is extinguished not later than two hours after sunrise the following day, or earlier, during the fire season, unless the campfire is used for cooking or warmth.
- 3.11 Recreational permits will be valid until December 31 of the issued year.
- 3.12 Campground owners are required to follow all provisions under 2.0 and Schedule “B” attached.

4.0 OUTDOOR WOOD BURNING FURNACE FIRES

- 4.1 An outdoor wood burning furnace shall be equipped with a spark arrestor on the flue when used during the fire season or any other time when in the opinion of the Chief Fire Official, sparks could contribute to the spread of fire.
- 4.2 The outdoor furnace shall not be used to burn garbage. It is designed to burn wood only.
- 4.3 A burn permit is not required for Outdoor Wood Burning Furnaces.
- 4.4 The outdoor wood burning furnace is at least 2 metres from any flammable material and at least 5 metres from any combustible structure or forested area.

5.0 FLYING LANTERNS

5.1 No person within the Municipality shall ignite or release an ignited Flying Lantern. Any person who ignites or releases a Flying Lantern and causes an open-air fire in the Municipality assumes full responsibility for fire control and shall:

- I. be responsible for any damage to property or injury to persons or animals occasioned by said fire;
- II. assumes full responsibility for fire control and may be liable for costs incurred by the Fire Department, including the costs of the personnel and equipment as authorized and set out in the Municipal Fees & Charges By-Law in effect at the time of the incident and authorized by the Director of Fire Services/Fire Chief or his or her designate.

5.2 No person within the Municipality shall offer for sale, cause or permit to be sold, or sell any flying lanterns.

6.0 FIRE BAN

6.1 Fire Ban is enforced by the Chief Fire Official or designate under this by-law and the Fire Prevention and Protection Act. Graduated Fire Restrictions have the intent to gradually reduce the number of permitted open air fires as outlined herein and will be enacted at the discretion of the Chief Fire Official.

Low; no concern, issue burning permits, allow open-air fire and campfires

Moderate; daily monitoring conditions, suspend issuance of new open-air fire burning permits, current open-air fire and campfire issued permits permitted

High; cancel all burning permits, campfires permitted in “organized campgrounds” as outlined in Schedule “B” of this by-law,

Extreme; complete fire ban, campfires not permitted in “organized campgrounds”

6.2 A Fire Ban may be enacted by the Municipality at the direction of the Chief Fire Official or by the Province at the direction of the Ministry of Natural Resources and Forestry.

7.0 REVOCATION OR SUSPENSION OF FIRE PERMIT

7.1 The Director of Fire Services/Fire Chief may suspend or revoke a Fire Permit of any property owner.

7.2 Upon the suspension or revocation of the Fire Permit, the Director of Fire Services/Fire Chief shall give notice in writing to the property owner by email, registered mail, personal delivery or by posting it in a conspicuous place on the property

7.3 A suspended or revoked Fire Permit results in the surrender of all fees associated with the Fire Permit

7.4 No person shall engage in, or continue to conduct, or permit any person to engage in or continue to conduct open-air burning or campfires where a fire permit has been suspended or revoked under the provisions of the By-law.

8.0 RIGHT OF ENTRY

8.1 An Officer may at any time, enter onto land to determine whether this By-law is being complied with.

8.2 Every owner shall permit the Officer to inspect any land for the purposes of determining compliance with this By-law.

8.3 Notwithstanding any provision of the By-law, an Officer shall not enter or remain in any room or place actually being used as a dwelling, unless;

- i. the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of a warrant issued under the Provincial Offences Act, R.S.O1990, as amended.
- ii. a warrant issued under the Provincial Offences Act, R.S.O1990, as amended is obtained.

9.0 REMEDIATION

- 9.1 The Chief Fire Official is authorized to order any person to extinguish any fire or to cause such a fire to be extinguished when there is a breach of any of the provisions of this By-law or where, in his/her sole discretion, there is a danger of such fire spreading or otherwise endangering life or property and the person shall comply with any such order.
- 9.2 Where an owner is in default of doing any matter or thing directed or required to be done under this By-law, The Chief Fire Official or Municipal By-law Enforcement Officer may direct such matter or thing to be done at the owner's expense.
- 9.3 The Municipality may recover the remedial action costs incurred under any section of this by-law by action, or by adding them to the tax roll and collecting them in the same manner as taxes in accordance with Section 446 of the Municipal Act.

10.0 OBSTRUCTION

- 10.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this by-law
- 10.2 Any person who has been alleged to have contravened any of the provisions of the by-law, shall identify themselves to the Chief Fire Official or Municipal By-law Enforcement Officer upon request, failure to do so shall be deemed to have obstructed or hindered the officer in the execution of their duties.

11.0 OFFENCES AND PENALTIES

- 11.1 Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided in Section 61 of the Provincial Offences Act, R.S.O 1990, Chapter P.33, as amended.
- 11.2 Any person who contravenes any provision of this By-Law is guilty of an offence and liable to a fine not more than \$5,000.00 exclusive of costs, under the Provincial Offences Act, as per Schedule "A" attached.

12.0 MUNICIPALITY NOT LIABLE

- 12.1 The Municipality assumes no liability for property damage or personal injury resulting from remedial action or remedial work undertaken with respect to any person or property that is subject of this By-law.

13.0 VALIDITY AND SEVERABILITY

- 13.1 Should any section, subsection, clause, paragraph or provision of this By-law be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the Part so declared to be invalid.

14.0 SEPARATE OFFENCE

- 14.1 For the purpose of this By-law, each day of a continued offence shall be deemed to be a separate offence.

15.0 REPEALED

15.1 By-law No.02-15 is hereby repealed.

16.0 EFFECTIVE DATE

16.1 This By-law shall come into force and take effect on May 24, 2022.

PASSED and **ENACTED** this 24th day of May, 2022



Original Signed by Mayor Beaulieu

Original Signed by Kristina Miousse

Renald Y. Beaulieu, Mayor

Kristina Miousse, Clerk

Municipality of Greenstone
BY-LAW #22-47
SCHEDULE “A”

Set Fine Schedule

Part 1, Provincial Offences Act

Item	Short Form Wording	Offence Creating Provision	Set Fine (includes costs)
1	Day Burning	3.6, 3.10	\$250.00
2	Oversized Burn Area	2.1, 3.5	\$150.00
3	Failure to obtain a fire permit	2.2, 3.1, 3.9	\$150.00
4	Burn material other than dry wood or wood by products Class “A” materials	2.3, 3.4, 4.2	\$350.00
5	Within allowable distance from a combustible structure, forest or object	2.5, 3.7, 4.4	\$150.00
6	Setting out an open-air fire or campfire during a fire ban	2.8	\$300.00
7	Set a Fire in unsafe weather conditions	2.10, 2.17	\$150.00
8	Leave an open-air fire unattended or unsupervised	2.11, 3.2	\$150.00
9	Ignite or release an ignited flying lantern	2.12	\$250.00
10	Open-air Fire/Campfire on Municipal Property	2.13	\$150.00
11	Failure to report a set fire out of control	2.18	\$150.00
12	Failure to extinguish any fire as ordered by the Chief Fire Official or designate	2.20	\$150.00
13	Continuing a non-recreational fire with an expired permit	3.1	\$250.00
14	Open air fire causing adverse effect	2.17(iii), 3.3	\$200.00
15	Burning garbage in an outdoor furnace	4.2	\$150.00
16	Sell, cause or permit to be sold flying lanterns	5.2	\$250.00
17	Hinder or obstruct enforcement officer	10.1	\$450.00

Municipality of Greenstone

BY-LAW #22-47

SCHEDULE “B”

**Outdoor Fires in Campgrounds During
A Restricted Fire Zone
ONTARIO REGULATION 207/96
As Amended by Ontario Regulation 64/10**

"Regulations" means the regulations made under Forest Fires Prevention Act. R.S.O. 1990.c.F.24,s.1.

1. No person shall start a fire outdoors unless conditions will allow the fire to burn safely from start to extinguishment. O. Reg. 207/96, s.1 (1)
2. A campground offers camping facilities to the public on a temporary basis and meets all of the following criteria:
 - I. The campground allows camping only in cabins and designated campsites, and all are accessible by motor vehicle as defined in the Highway Traffic Act.
 - II. The campground does not allow campfires between 9 a.m. and 6 p.m during the fire season except for the purpose of cooking or warmth.
 - III. The campground clearly posts the hours campfires will be allowed.
 - IV. The campground has printed information on safe campfires and provides it to all of its guests.
 - V. The campground has adequate equipment to control and extinguish a fire, that can be taken to any campsite or cabin within 5 minutes.
 - VI. The campground has on site at all times staff or a competent person who are instructed in the location and the use of the equipment described in 2(V).
 - VII. The campground has reliable two-way telecommunications equipment to allow it to obtain assistance if a fire escapes control.
3. No person shall use a portable or permanent charcoal installation for cooking or warmth in a restricted fire zone in a campground described in section 2 unless all of the conditions in subsection 2(II) are met and all of the following conditions are met:
 - I. The installation is designed to use commercially produced charcoal as fuel, and
 - II. Commercially produced charcoal is used as the fuel, and
 - III. The owner or operator of the campground expressly permits a charcoal installation to be used during a time when the campground is in a restricted fire zone.
4. No person shall set a wood fire in a permanent fire installation in a campground described in section 2 in a restricted fire zone unless all of the following conditions are met:
 - I. The fire is contained in,
 - (a) an above ground fire grate or fireplace that is designed to burn wood safely and that cannot be moved to an unsafe location, or
 - (b) a pit in the ground that has fireproof walls and is designed to burn wood safely.
 - II. The fire is at least 3 metres from any forest or woodland, and the area within the 3 metre radius is completely free of flammable material, and
 - III. The space immediately above the fire installation is at least 3 metres from any overhanging vegetation, and
 - IV. The owner or operator of the campground expressly permits the fire to be

set during a time when the campground is in a restricted fire zone.

During a total fire ban no fires are permitted even for cooking or warmth, whether in a campground or not.