



**BY-LAW NO. 2022-40**

DATE: June 15, 2022

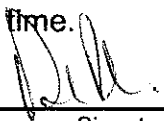
MOVED BY: Councillor Constable

SECONDED BY: Councillor Gregory

THAT By-law No. 2022-40

Being a By-law Prescribing Times for Setting Fires;  
Precautions to be Observed and Penalties for  
Contraventions and to Repeal By-law No. 2019-28.

be introduced and read a **FIRST** and **SECOND** time.

Carried   
Signature

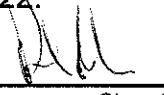
Defeated \_\_\_\_\_  
Signature

MOVED BY: Councillor Gregory

SECONDED BY: Councillor Constable

THAT By-law No. 2022-40 be read a **THIRD** time, **PASSED, SIGNED** and

**SEALED** this 15<sup>th</sup> day of June, 2022.

Carried   
Signature

Defeated \_\_\_\_\_  
Signature

<u>DIVISION LIST</u>	<u>FOR</u>	<u>AGAINST</u>
<b>First and Second Reading</b>		
Councillor Constable	_____	_____
Councillor Gregory	_____	_____
Councillor Malott	_____	_____
Councillor Ryman	_____	_____
Mayor Robinson	_____	_____
<b>Third Reading</b>		
Councillor Constable	_____	_____
Councillor Gregory	_____	_____
Councillor Malott	_____	_____
Councillor Ryman	_____	_____
Mayor Robinson	_____	_____

THE CORPORATION OF THE MUNICIPALITY OF McDOUGALL

BY-LAW NO. 2022-40

**Being a By-law Prescribing Times for Setting  
Fires; Precautions to be Observed and Penalties  
for Contraventions and to Repeal By-law No.  
2019-28.**

**WHEREAS** Section 7.1 of the *Fire Protection and Prevention Act*, provides that the council of a municipality may pass by-laws regulating fire prevention, including the prevention of the spreading of fires and the setting of open air fires, including establishing the times during which they may be set; and

**AND WHEREAS** the *Forest Fires Prevention Act* and O. Reg 207/96, as amended, provide rules for outdoor burning within the Fire Regions;

**NOW THEREFORE** the council of the Corporation of the Municipality of McDougall hereby enacts the following:

**1. DEFINITIONS**

**1.1. In this by-law:**

**1.1.1. Camp Fire** means any fire that is:

- a) confined to a single pile of material that is less than 1 meter in diameter; and
- b) has a flame height less than 1 meter; and
- c) which is ignited for the purposes of cooking, warmth or socializing.

A chiminea as defined in section 1.1.3 constitutes a camp fire if the receptacle is less than 1 meter in diameter and has a flame height less than 1 meter high.

**1.1.2 Chief Fire Official** means those persons defined as the Chief Fire Official in the Ontario Fire Protection and Prevention Act and the Ontario Fire Code;

**1.1.3 Chiminea** means clay, porcelain or metal receptacle used for the purposes of burning.

**1.1.4 Extinguish** means to put out or quench a fire completely, such that no smoke or hot or glowing embers or heat remain.

**1.1.5 Fire Hazard Rating** means a Low, Medium, High or Extreme Fire Hazard as declared by the Chief Fire Official.

**1.1.6 Fire season** means the period of the 1<sup>st</sup> day of April to the 31<sup>st</sup> day of October in each year or as otherwise declared by the Minister of Natural Resources and Forestry (or such otherwise constituted Ministry responsible for the *Forest Fires Prevention Act*).

**1.1.7 Daytime Outdoor Fire** means any fire that is not a campfire and which is:

- a) confined to a single pile of material that is less than two meters in diameter; and
- b) has a flame height that is less than two meters; and

- c) which is ignited and maintained between 2 hours after sunrise and 2 hours before sunset.

**1.1.8 Evening Outdoor Fire** means any fire that is not a campfire and which is

- a) confined to a single pile of material that is less than two meters in diameter; and
- b) has a flame height that is less than two meters; and
- c) which is ignited during the hours of 2 hours before sunset until 2 hours after sunrise the following day.

**1.1.9 Residential Fireworks** means fireworks which members of the public can purchase and which do not require the member of the public to hold a license to purchase, possess and/or store such fireworks.

**1.1.10 Commercial Fireworks** means fireworks other than Residential Fireworks as defined in section 1.1.9.

**1.1.11 Municipality** means the Municipality of McDougall;

**1.1.12 Officer** means Chief Fire Official or designates, Assistant to the Fire Marshal, Municipal Law Enforcement Officer, and Police Officer.

**1.1.13 Open Air Fire** means any outdoor fire including a camp fire, a daytime outdoor fire and evening outdoor fire.

**1.1.14 Chinese Lantern** means a sky lantern, also known as Kongming lantern or Chinese lantern, is a small hot air balloon made of paper, with an opening at the bottom where a small fire is suspended.

## **2 GENERAL BURNING RESTRICTIONS**

- 2.1** No person shall start, tend or maintain an open air fire unless it is a camp fire, daytime outdoor fire or evening outdoor fire.
- 2.2** No person shall start or continue to allow an open air fire to burn unless conditions will allow the fire to burn safely from start to extinguishment.
- 2.3** No person who starts an open air fire shall leave the fire unattended.
- 2.4** A person who starts an open air fire or, if the person who started the fire is not present, a person in charge of an open air fire shall take all necessary steps to tend the fire, keep the fire under control, and extinguish the fire before leaving the area of such open air fire.
- 2.5** No person shall start or tend an open air fire except on land that person legally occupies or has the permission of the person who has lawful occupation of the land on which the fire is started.
- 2.6** No person shall use as fuel for an open air fire any substance other than dry wood, discarded wood by-products, brush, leaves or grass.
- 2.7** No person shall burn in an open air fire, any kitchen waste, general garbage, construction materials (excluding dry wood or

discarded wood by-products) or materials made of or containing rubber, plastic, petroleum, synthetics or tar.

**2.8** No person shall start or tend any open air fire such that it may or does cause any of the following:

**2.8.1** a decrease in visibility on any highway;

**2.8.2** an inconvenience or irritation to others;

**2.8.3** the ignition of and/or spread of fire through grass, brush, forested area or other property that was not intended to be burned;

**2.8.4** the contravention of any applicable municipal law, provincial or federal legislation, regulation, order or by-law.

**2.9** No person shall:

**2.9.1** start or maintain any open air fire during a period of Extreme Fire Hazard.

**2.9.2** start or maintain any open air fire during a period of High Fire Hazard, other than a campfire as defined in section 1.1.1 of this by-law.

**2.10** No person shall start or maintain an open air fire within two meters from any flammable materials including any flammable materials intended to be stored and used as fuel for such open air fire.

**2.11** No person shall start, tend or maintain an open air fire unless such person has adequate tools or water readily accessible to contain the fire within the fire site.

**2.12** No person shall ignite residential fireworks during a period of High or Extreme Fire Hazard.

**2.13** No person shall ignite a Chinese lantern, and or ignite and launch a Chinese lantern as defined in section 1.1.14 of this by-law.

### **3 REQUIREMENT FOR PERMIT**

**3.1** No person shall start or maintain a daytime outdoor fire during the Fire Season unless the person has a permit issued under Section 4.1 of this By-law.

**3.2** No person shall start or maintain a nighttime outdoor fire during the fire season unless the Fire Danger Rating is; Moderate or Low.

**3.3** No person shall ignite commercial fireworks unless the person has a permit issued under Section 4.1.1 of this By-law.

### **4 ISSUANCE OF PERMITS**

**4.1** The Chief Fire Official may issue a person a fire permit, substantially in the form of Schedule "A", as provided for in Section 3 of this By-law if the Chief Fire Official is satisfied that the fire can be started, tended and extinguished safely in consideration of, among other things, the declared Fire Hazard Rating, the prevailing weather, site and site conditions.

- 4.1.1** The Chief Fire Official may issue a qualified person a fire permit to ignite commercial fireworks substantially in the form of Schedule "A", as provided for in Section 3 of this By-law if the Chief Fire Official is satisfied that the commercial fireworks can be safely ignited in consideration of , the declared Fire Hazard Rating, the prevailing weather, site controls, site conditions, fire prevention and suppression methods available at the time of ignition and certification of the qualified person in charge of the commercial fireworks.
- 4.2** The person whom a permit is issued shall ensure that the material burned and the method of burning are consistent with the information provided to the Chief Fire Official in order to obtain the permit and in accordance with all conditions of the permit.
- 4.3** The Chief Fire Official may cancel or revoke any permit issued under this by-law and/or order any fire extinguished, or enact a fire ban at any time within the Municipality in the interest of public safety. Upon issuance of such cancellation, revocation, or order, no person shall refuse to extinguish an open air fire.

## **5 ENFORCEMENT AND PENALTY**

- 5.1** An Officer is hereby vested with the authority of enforcing the provisions of this bylaw.
- 5.2** An Officer may enter onto land at any reasonable time to inspect the land and to determine whether there is compliance with this By-law.
- 5.3** Every person who contravenes any of the provisions of this By-law or an order issued hereunder is guilty of an offence and on conviction is liable to the fines and other penalties prescribed by the Provincial Offences Act.
- 5.4** Any costs and expenses for services, provided by or on behalf of the Corporation of the Municipality of McDougall, or for which the said Corporation is liable in endeavoring to control or extinguish any fire caused by or resulting from a person contravening or failing to comply with any provision of this By-law, shall be a fee or charge pursuant to section 391 of the Municipal Act, 2001 and shall constitute a debt of such person to the Municipality
- 5.5** Any such fee or charge imposed pursuant to this By-law shall be payable within 15 days after the said Corporation has delivered or sent by pre-paid registered post an invoice to the person responsible, at the person's last known address, and interest shall accrue and be added to the amount at the rate of 1.25% per month commencing on the sixteenth day following the delivery or sending of the fire invoice.

## **6 VALIDITY AND SEVERABILITY**

- 6.1** Every provision of this by-law is declared to be severable from the remainder and if any provision of this by-law shall be declared invalid by a court of competent jurisdiction such declaration shall not affect the validity of the remainder.

**7 REPEAL OF PREVIOUS BY-LAWS**

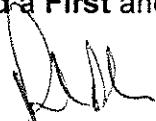
7.1 That By-law 2019-28 is hereby repealed.

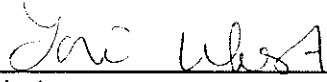
**8 ADMINISTRATION**

8.1 This By-law applies to the entire geographic area of the Municipality.


8.2 This By-law shall come into effect on the date of passage.

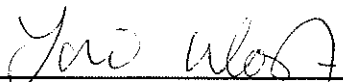
Read a First and Second time this 15<sup>th</sup> day of June 2022.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk

Read a Third time, Passed, Signed and Sealed this 15<sup>th</sup> day of June 2022.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk



Schedule "A" to  
THE CORPORATION OF THE MUNICIPALITY OF McDougall  
BY-LAW NO 2022-40

5 Barager BLVD  
McDougall ON, P2A 2W9  
Telephone: (705)-342-5252

Date: \_\_\_\_\_

Fire Permit Application

Contractor/Company Name: \_\_\_\_\_

Property owner's name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact#: \_\_\_\_\_

Property location of burn site: \_\_\_\_\_

Person in charge of site: \_\_\_\_\_

**Burning Details & Equipment**

Materials to be burned: \_\_\_\_\_

Size of piles: \_\_\_\_\_

Number of piles: \_\_\_\_\_

Number of people assigned to control fire: \_\_\_\_\_

Heavy equipment on site: \_\_\_\_\_

Power pumps on site: \_\_\_\_\_

Hoses and sizes on site: \_\_\_\_\_

Hand tools on site (axes, shovels, other): \_\_\_\_\_

**Permittee Agrees to the Following Conditions**

1. Permittee requests approval for the following dates: \_\_\_\_\_ to \_\_\_\_\_
2. No burning in high winds
3. Permittee and land owner will be responsible for cost of extinguishing all escaped or abandoned fires
4. This permit is issued to burn brush and other wood by-products only.
5. All fires must be supervised at all times by an attendant on site.
6. All fires must be extinguished before leaving the site for the day.
7. The Fire Permit, including all conditions must be at the burning site location at all times.

**Permit Approval**

Signature (McDougall Fire Department): \_\_\_\_\_

Signature of Permittee: \_\_\_\_\_

**SCHEDULE 'B' to By-law No. 2022-40  
as amended : Fire Regulation  
Municipality of McDougall**

**PART 1 Provincial Offences Act Contravention Set Fines**

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Set Fine
1	Burning without a valid permit	3.1	\$200.00
2	Burning restricted materials	2.7	\$200.00
3	Burning in unsafe conditions	2.2	\$200.00
4	Burning during a period of Extreme Fire Hazard	2.9.1	\$200.00
5	Fire left unattended	2.3	\$200.00
6	Fail to extinguish fire	2.4	\$200.00
7	Burning during a period of High Fire Hazard	2.9.2	\$200.00
8	Ignite residential fireworks During high or extreme Fire Hazard	2.12	\$200.00
9	Ignite commercial fireworks Without a permit	3.3	\$400.00
10	Ignite and launched a Chinese Sky Lantern	2.13	\$200.00

**Note:** The penalty for the offences indicated above is Section 5 of By-law No. 2022-XX, a certified copy of which has been filed.