

THE CORPORATION OF THE TOWNSHIP OF CRAMAHE

BY-LAW NO. BL-2024-29

Being a By-law to Regulate and Control "Open Air Burning" within the Township of Cramahe and to require notification of the Township of Cramahe Fire Department for the purpose of the control and regulation of open air burning and the setting of controlled fires within the

WHEREAS the Municipal Act, 2001, SO. 2001, as amended, c.25, Part I authorizes a Council to pass by-laws respecting health, safety, and well-being of persons:

WHEREAS subsection 7.1(1) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, authorizes the council of a municipality to pass by-laws regulating the setting of open-air fires, including establishing the times during which open air fires may be set.

WHEREAS The regulation of open-air burning is important for the health, safety, and well-being of the inhabitants of the municipality:

WHEREAS, Section 391 of the Municipal Act, 2001 S.O. 2001, c. 25 authorizes a Municipality to pass by-laws imposing fees for services provided,

NOW THEREFORE, the Council of The Corporation of the Township of Cramahe hereby enacts as follows:

Section 1- Interpretation

DEFINITIONS

1. In this By-Law.

"Adverse Effect" means impairment of the safety of any person or their ability to enjoy their property or premises and or damage to property.

"Agricultural Fire" means an open-air fire where materials to be burned that does not exceed 5 metres in height, 5 metres in width and 5 metres in length and where the open-air fire is set and maintained solely for the purposes of burning wood, tree limbs and branches.

"Approved" means approved by the "Chief Fire Official" as defined in section 1.2.1.2 on Ontario Regulation 213/07 (Ontario Fire Code), as amended, made under the Fire Protection and Prevention Act 1997, S.O. 1997, c. 4 as amended.

"Approval" means written authorization from the Chief Fire Official or designate.

"Approved Device" means a device/container that is approved or listed by a recognized national or international testing/certification organization that is designed and approved to contain an open-air fire and or as approved by the Fire Chief or designate to contain an open-air fire.

"Barbeque" means 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 campfire.

"Balcony" means a platform projecting from a wall of multiple unit dwelling, surrounded by a railing or balustrade.

"Brush fire" means an open-air fire where the material to be burned does not exceed 3 metres in height, 3 metres in width and 3 metres in length and where the open-air fire is set and maintained solely for the purposes of burning wood. tree limbs and branches

“Nuisance” means excessive smoke, smell, airborne sparks, or embers that is likely to disturb others, or that is likely to reduce visibility on roads in the vicinity of the Open-Air Burning.

“Open Air Burning” means the setting of a fire in the open air for the purpose of burning grass, leaves, petroleum products, household garbage, plastics, rubber, painted or pressure treated lumber or any other rubbish and combustible material and includes burning in barrels, drums, pits, outdoor fireplaces either masonry, metal, or clay pot type, but does not include small confined fires, or fires used to cook on a grill or barbecue that are supervised at all times;

“Outdoor Appliance” means a manufactured non-combustible solid fuel burning device that:

- (a) is not contained within a building.
- (b) is wholly or partly enclosed; and
- (c) has a chamber intended to contain combustion and may include a stack to direct the flow of air or combustion gases from the appliance and may include, but is not limited to, appliances such as stoves, furnaces, boilers.

“Outdoor Fireplace” means a non-combustible, wholly enclosed or partially enclosed container designed to hold a fire for decorative purposes and the size of which is not larger than 1 metre in any direction, and may include, but is not limited to, chimineas or fire bowl, and which is not fueled by natural gas or propane.

“Partial Burn Ban” means a period of time which the Fire Chief declares open-air burning restricted to the use of campfires, outdoor fireplaces and cooking devices

“Person” means any individual, association, firm, partnership, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law.

“Portable appliance” means a device to convert fuel into energy, and includes all components, controls, wiring and piping for outdoor use and installed in accordance with the manufacturer's instructions:

“Prohibited Materials” includes wet materials, green timber, household waste, rubber or rubber products, plastic or plastic products, pressure treated or painted lumber and waste petroleum products and any material or materials which are prohibited by the Environmental Protection Act, R.S.O. 1990, c.E. 19, as amended;

“Prohibited Areas” are those areas within the Township of Cramahe as outlined in Schedule 1 of this By-Law;

“Property” includes a building or structure or part of a building or structure, and includes the lands appurtenant thereto and all mobile homes, mobile buildings or mobile structures and vacant land:

“Registered owner” includes the person who is shown as owner of a property in the records of the Land Registry Office, a trustee acting on behalf of the registered owner, the estate trustee of a registered owner, a person with a leasehold interest in the land and an authorized representative of a corporate registered owner;

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

“Spark Screen” means a metal screen or shield placed *over* - above cooking

Prohibition - Setting Fires

5. Except as provided in Section 4, no person shall set a fire in the Municipality unless:
 - a) The fire is in accordance with all the conditions and permit requirements included in this By-Law.
 - b) The fire set in an "approved device" and does not constitute a health or environmental concern to any resident or business.

Training or Demonstration Fires

6. (a) For the purpose of the By-law, a training or demonstration fire is a fire which is set in the Municipality for the purpose of demonstrating firefighting equipment or as a training exercise.
(b) The Fire Chief is authorized to give written consent for the setting of a demonstration or training fire.

Permitted Fire

7. For the purposes of this By-law, a permitted fire is a fire that complies with all Regulations and conditions as described within this by-Law.

General Prohibitions

8.
 - a) No person shall set or maintain an open-air fire that is in contravention with any part of this By-Law.
 - b) No person shall set or maintain any open-air "Brush Fire" within any of the identified area in Schedule 1 Zone A or B of this By-Law unless approved.
 - c) No person shall set or maintain a fire in a burn barrel or other non-approved container within the Township of Cramahe unless approved.
 - d) No person shall set or burn grass.
 - e) No person shall burn prohibited materials or household waste in an open-air fire.
 - f) No person shall use a flying/floating lantern as defined.
 - g) No person shall use gasoline, diesel fuel or any other type of hydrocarbon fuel to start a fire.
 - h) No person shall set or maintain any open-air fires other than a permitted campfire as defined and the use of cooking devices as defined when a partial burn ban on open-air fires has been issued by the Fire Chief or designate.
 - i) No person shall set or maintain any open-air fire when a total burn ban on open-air fires has been issued by the Fire Chief or designate without approval:

Fire in an Outdoor Fireplace / Burning Appliance

12. No person shall set or maintain a fire in an outdoor fireplace / burning appliance unless all of the following conditions are met:
- a) No person shall conduct open air burning without obtaining a permit as outlined in Part 4
 - b) The outdoor fireplace / burning appliance is constructed of non-combustible metal, masonry, ceramic, or stone on grade.
 - c) The outdoor fireplace is not located on a balcony or deck.
 - d) The outdoor fireplace is not located on any combustible surface.
 - e) The outdoor fireplace is in good working order.
 - f) The fire in the outdoor fireplace / burning appliance shall occur between the hours of 5 pm and 11 pm.
 - g) The outdoor fireplace / burning appliance is located not less than three (3) metres from any structure, overhead wiring or other combustible material and be three (3) meters from the lot line.
 - h) The person burns only clean, dry, untreated wood or commercial charcoal in the outdoor fireplace.
 - i) Any fire in an outdoor fireplace within the areas identified in Zone A or B of Schedule 1, the appliance or fireplace must be equipped with a spark screen or cover with a maximum opening of 13mm, and flames shall not extend more than 15 cm through and above the spark arrestor.
 - j) The fire is not set or maintained during a period identified as having a "Total Burn Ban" in place.

Permit and Specific Approval Required for Brush, Agricultural and Special Events

Brush Fire

13. No person shall set or maintain a brush fire unless they ensure all the following conditions are met:
- a) No person shall conduct a brush fire without obtaining a permit as outlined in Part 4.
 - b) The Brush fire shall occur between two (2) hours before sunset until two (2) hours after sunrise.
 - c) The fire is set and maintained at no less than twenty (20) metres from any building, hedge, fence, overhead wire or other combustible material, or lot line.
 - d) The pile of materials to be burned in the fire do not exceed three (3) metres in length, three (3) metres in width, and three (3) metres in height.
 - e) They have the necessary means immediately available at the site of the fire to permit them to extinguish the fire, to limit its spread, and if necessary, to summon Cramahe Fire Department.

- a) No person shall conduct a specific event fire without obtaining a permit as outlined in Part 5
- b) All conditions as set out on the permit and approval are followed.
- c) The person or organization issued the permit has the necessary means immediately available at the site of the permit to extinguish the fire or to limit its spread and if necessary, summon Cramahe Fire Department.
- d) Authorization approval issued is valid only for the time(s) and day(s) set out on the issued Authorization to burn.

Fire in a Cooking Device

16. No person shall set or maintain a fire in a cooking device unless they ensure all the following conditions are met:

The cooking device:

- a) Is not located on a balcony of a multi-unit residential building.
- b) Is located at least one (1) metre from any building or structure; and is in good working order, and/or the clearances labelled on the device can be met.
- c) The person burns only commercial charcoal, compressed gas or wood in the cooking device, as is appropriate for the design of that cooking device.

Heating During Construction

17. No person may set or maintain a fire in a portable appliance during a construction or maintenance process unless they ensure all the following conditions are met:

- a) The portable appliance is designed for that purpose.
- b) The portable appliance is only used for that purpose.
- c) The portable appliance is used in accordance with manufacturer's instructions.
- d) The portable appliance is in good working order.
- e) Burn Barrels or drums are not permitted Request for a Burn Permit

18. Any person eighteen (18) years of age or older may apply for an open-air fire burn permit prior to the proposed date of any open-air burning.

- a) The applicant for a burn permit shall provide all the information and such other documentation or materials as may be requested by Township of Cramahe prior to obtaining the burn permit.

Issuing of a Burn Permit

Part 7 Enforcement and Cost Recovery

Enforcement

- 24 No person shall obstruct, hinder or in any way interfere with any person designated to enforce this By-law:
- 25 A person is guilty of an offence if the person:
- (a) furnishes false information in an application for a Permit under this By-law:
 - (b) contravenes any provision of this By-law; or
 - (c) contravenes an order issued under section 15.
- 26 A person who is convicted of an offence under this by-law is liable to a fine and penalty as pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c.P.33.
- 27 A Permit issued under this By-law may be revoked by Fire Chief if the Permit holder fails to comply with the requirements of the Permit or any other provision of this By-law.
- 28 In accordance with section 7.1 of the FPPA, a Firefighter may enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether this by-law is being complied with.

For the purposes of an inspection pursuant to s. 28 above, an Officer may:

- (1) require the production for inspection of documents or things relevant to the inspection.
- (2) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts:
- (3) require information from any person concerning a matter related to the inspection; and
- (4) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- (5) If an Officer is satisfied that this by-law has been contravened, the Officer may require the person contravening the by-law to immediately extinguish the fire or take action to extinguish the fire.

Conflict with Other By-laws


- 34 That By-law 2013-40 is hereby repealed and in the *event* of any conflict between the provisions of this by-law and any other by-law regarding the regulation of open-air fires the provisions of this by-law shall prevail, but nothing in this by-law shall invalidate the enforceability of other provisions of those by-laws.
- 35 The clerk of the Township of Cramahe is hereby granted to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically, or descriptive nature or kind to the By-Law and schedule as may be deemed necessary after the passage of this By-Law, where such modifications or corrections do not alter the intent of the By-Law.

This by-law shall come into force and take effect on the day it is passed.

Read a first, second and third time and finally passed this 30th day of April 2024.

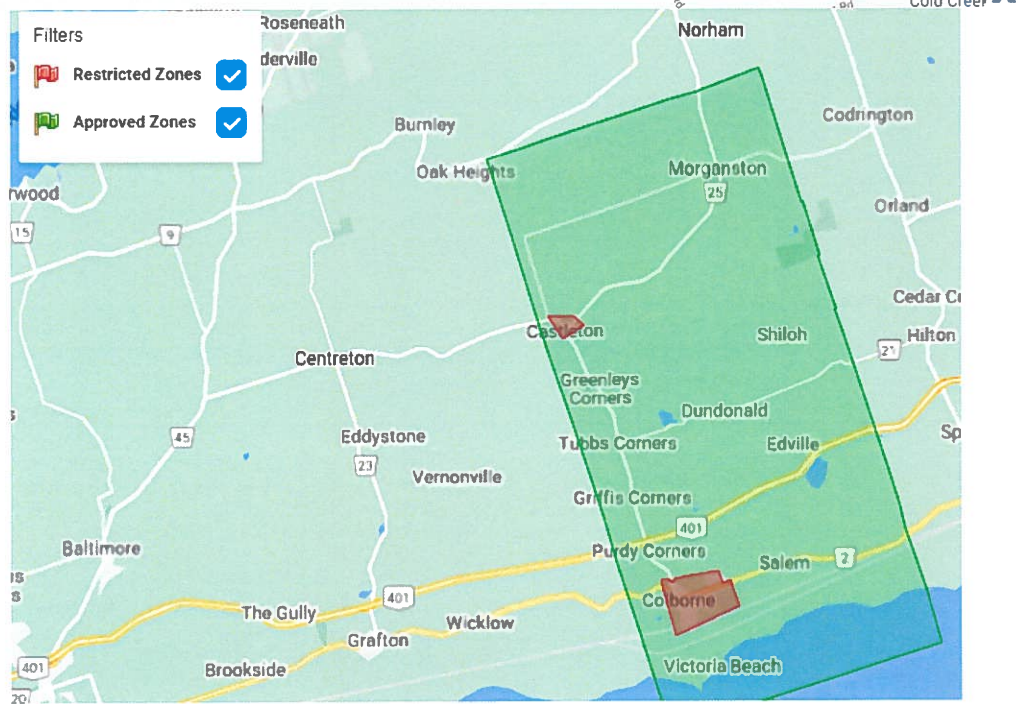
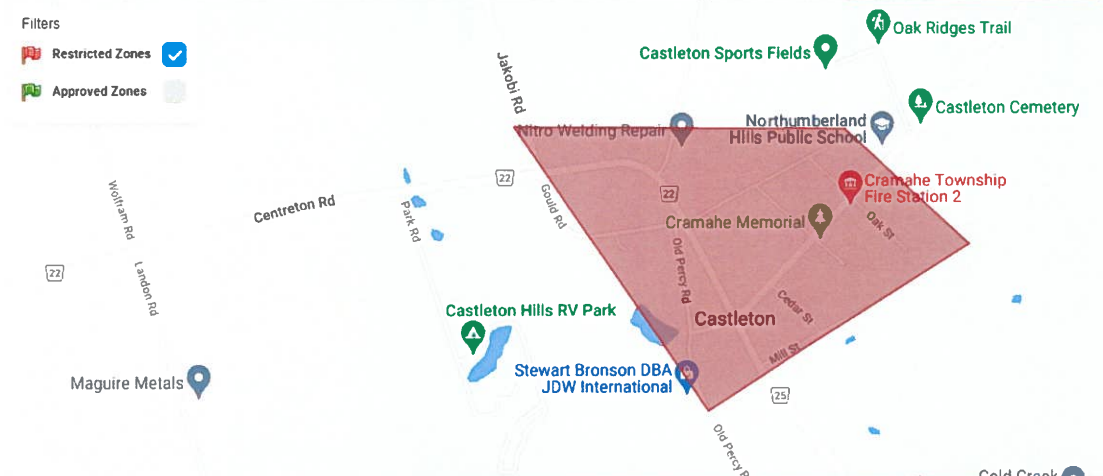
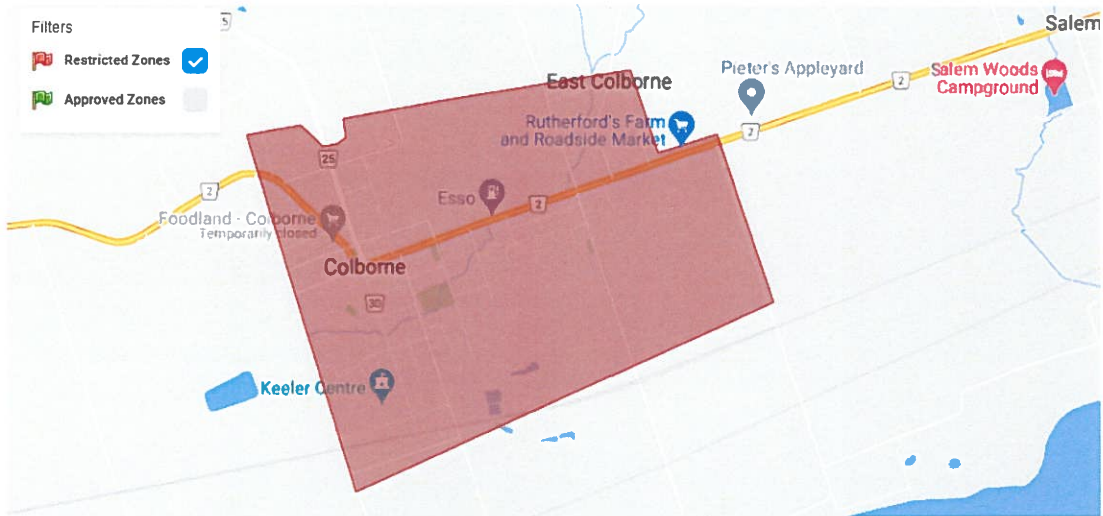


Mandy Martin, Mayor



Holly Grant, Clerk

By-Law 2023-56 Schedule '1' Map of Restricted and Approved Zones



SCHEDULE "2"

FIRE DEPARTMENT

Please refer to the current Township of Cramahe' s Fees and Charges By-law for the current fire department rates.

The cost of a burn permit will be found in the General Fees and Charges By-Law effective January 1, 2025.