

**THE CORPORATION OF THE
TOWN OF WASAGA BEACH**

BY-LAW #2007-64

A BY-LAW TO REGULATE “OPEN FIRES”

WHEREAS the Fire Protection and Prevention Act, 1997, as amended, and The Municipal Act, 2001, as amended, provides that the Council of a Municipality may pass By-Laws regulating the setting of fires, including establishing the times during which such fires may be set, as well as to regulate or prohibit setting and requiring persons to do things respecting the setting of fires;

AND WHEREAS this Council of the Corporation of the Town of Wasaga Beach deems it appropriate to pass such a By-Law to protect the residents and businesses from the adverse effects and nuisances that can be created by open fires;

THEREFORE this Council of the Corporation of the Town of Wasaga Beach hereby enacts as follows:

1. DEFINITIONS: In this By-Law:

- 1.1 **“Campfire”** shall mean a small fire set in an **“Outdoor Burning Device”** designed to burn firewood.
- 1.2 **“Dry Seasoned Firewood”** shall mean commercially produced charcoal or briquettes, kindling, or dry wood that has been aged for at least a one (1) year period, but does not include any type of building material.
- 1.3 **“Extinguish(ed)”** shall mean to put out or quench a fire completely, no smoke, hot or glowing embers are to remain.
- 1.4 **“Fire”** shall also mean a campfire, a bonfire, or open air burning, and for the purposes of this By-Law, shall mean the burning of dry seasoned firewood, and shall include the embers, ashes, coals, etc.
- 1.5 **“Fire Chief”** shall mean the Fire Chief of the Town of Wasaga Beach or his/her designate.
- 1.6 **“Kindling”** shall mean small pieces of dry wood, twigs or sticks normally used to start a fire.
- 1.7 **“Officer”** shall mean the Fire Chief or his/her designate, or a Municipal Law Enforcement Officer.
- 1.8 **“Open Air”** shall mean and shall include any open place, yard, field or construction area which is not enclosed by a building or structure.
- 1.9 **“Owner”** shall mean any person, firm or corporation having control over any portion of the building or property under consideration and includes the persons in the building or property.
- 1.10 **“Outdoor Burning Device”** includes a clay, brick, porcelain or metal receptacle, or chiminea, complete with a spark arrester to contain stray embers and ash.
- 1.11 **“Nuisance”** shall mean use of property or course of conduct that interferes with the rights of others by causing damage, inconvenience or annoyance, or something that causes harm, offence, or adverse effect, either to people in general or to a private individual.
- 1.12 **“Town”** shall mean the Corporation of the Town of Wasaga Beach.
- 1.13 **“Spark Arrester”** shall mean a screen or mesh cover to prohibit sparks from rising.

2. General Provisions Applicable to All Properties:

- 2.1 No person shall set or maintain a fire unless it is enclosed in an outdoor burning device as defined in this By-Law.
- 2.2 No person shall burn anything other than dry seasoned firewood.
- 2.3 No person shall set or maintain a fire unless the necessary tools and/or water to extinguish same, is within four (4) metres of the location of the fire.
- 2.4 No person shall set or maintain a fire exceeding one (1) meter in diameter, nor shall the fire exceed one-half (1/2) a meter in height.
- 2.5 No person shall set or maintain a fire without four (4) metres of space free and clear of combustible material around the perimeter.
- 2.6 No person shall set a fire within four (4) metres of any building, structure, tent/trailer, hedge, fence, overhead wire or lot line.
- 2.7 No outdoor burning device shall fail to be located on a non-combustible surface extending beyond the outdoor burning device to a distance equal to the height of the device.
- 2.8 No person shall set or maintain a fire between the hours of 9:00 a.m. to 11:00 a.m., 2:00 p.m. to 5:00 p.m., or 1:00 a.m. to 7:00 a.m.
- 2.9 No person shall leave a fire attended by anyone under the age of sixteen (16).
- 2.10 No person shall leave a fire without ensuring it is properly extinguished.
- 2.11 No person shall set or maintain a fire when a fire ban is in effect.
- 2.12 No person shall set or maintain a fire when there is no air movement or when Environment Canada issues an air quality advisory for this area.
- 2.13 No person shall set or maintain a fire in rain, fog or when the wind velocity is reported to be greater than twenty-four (24) kilometers per hour.
- 2.14 No person shall set or maintain a fire that is creating a nuisance or has an adverse effect on a neighbouring property(s) or property owners.
- 2.15 No person shall fail to extinguish a fire when such fire is creating a nuisance or has an adverse effect on a neighbouring property(s) or property owners.
- 2.16 No person shall set a non-confined fire unless written permission has been received from the Fire Chief.
- 2.17 No person shall set or maintain a fire on land owned by the Town without first obtaining written permission to do so from the Fire Chief.
- 2.18 The owner of property on which a fire has been set or permitted to burn shall be deemed to have permitted the fire to burn and assumes all responsibility and liability.

3. Additional Provisions specific to Commercial Properties:

- 3.1 The owner or operator of such business(es) shall ensure fires are maintained pursuant to the General Rules as specified in Sections 2.1 to 2.18.
- 3.2 When conducting an inspection on an application/renewal for a Business Licence for a tourist establishment or tourist & trailer camp/campground, the Fire Chief shall determine, in consultation with the owner or operator, the number of fires to be allowed. In making this

determination the Fire Chief may require drawings or site plans, or set out requirements to ensure maximum public safety and to prohibit any nuisance as defined in this By-Law. The decision of the Fire Chief or designate shall be final.

- 3.3 No owner or operator of tourist establishment or tourist & trailer camp/campground, shall exceed the number of fires as determined by the Fire Chief under Section 3.2 above.
- 3.4 The owner or operator of such business(s) affected by Section 3.2 shall make every effort to have their tenants/occupants utilize hibachis, camp stoves, or fires using coal or briquettes, for the purposes of cooking food, in an effort to minimize smoke pollution within the Town of Wasaga Beach.

4. ENTRY AND INSPECTION:

- 4.1 An Officer may, at any time, enter onto land to determine whether this By-Law is being complied with and direct that action be taken to bring the fire into compliance, including ordering that the fire be extinguished.
- 4.2 Every owner shall permit the Officer to inspect any land for the purpose of determining compliance with this By-Law.

5. OBSTRUCTION:

- 5.1 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.
- 5.2 Any person who has been alleged to have contravened any of the provisions of this By-Law, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of his duties.

6. PENALTY

- 6.1 Any person who contravenes any of the provisions of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, chP33, as amended.

7. ADMINISTRATION AND ENFORCEMENT:

- 7.1 An Officer is hereby vested with the authority of enforcing the provisions of this By-Law.
- 7.2 Upon the Fire Department attending to extinguish a fire that is not in accordance with any section of this By-Law, the owner is responsible to pay the following charges.
 - a) three hundred and fifty (\$350.00) dollars per vehicle for the first hour or part thereof;
 - b) one hundred and seventy-five (\$175.00) dollars per vehicle for each additional one-half (1/2) hour or part thereof;
 - c) twenty (\$20.00) dollars per man hour to extinguish the fire.

Any unpaid charges will be added to the tax roll of the subject property and be collected in the same manner as municipal taxes.

8. INDEMNIFICATION:

- 8.1 The owner shall indemnify and save harmless the Corporation of the Town of Wasaga Beach from any and all claims, demands, causes of action, losses, costs or damages that the Town may suffer, incur or be liable for resulting from the open air fires as set out in the By-Law whether with or without negligence on the part of the owner or the owners agent.

9. VALIDITY AND SEVERABILITY:

9.1 Should any provision of this By-Law be declared invalid by a Court of competent jurisdiction such offending provision shall be deemed to have been severed from this By-Law and the remaining sections shall continue in full force and effect and shall remain valid and binding.

10. REPEAL:

10.1 By-Law #2005-87 passed the 13th day of December, 2005, is hereby rescinded.

11. EFFECTIVE DATE:

This By-Law shall come into full force and affect on the date of its final passing.

Read a first, second and third time, and finally passed this 12th day of June , 2007.

Original Signed by: C. Patterson
MAYOR

Original Signed by: A. Johnstone
CLERK