

THE CORPORATION OF THE MUNICIPALITY OF TRENT HILLS

BY-LAW 2004-31

being a by-law to regulate or prohibit the setting of fires  
in the Municipality of Trent Hills

WHEREAS Section 130 of the Municipal Act, S.O. 2001, Chapter 25, as amended, provides that a municipality may regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety and well-being of the inhabitants of the municipality;

AND WHEREAS the Ontario Fire Code (O. Reg. 388/97) paragraph 2.6.3.4 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 barbecue;

AND WHEREAS the Ontario Fire Code (O. Reg. 388/97) paragraph 1.1.6.1 provides that a farm building with an occupant load of one person per 40 metres square of floor space during normal use and other premises on a farm used for farming purposes are exempt from the requirements of this Code;

AND WHEREAS a municipality may establish fees and administrative procedures for permits;

AND WHEREAS under Section 425 by-laws may be passed by all municipalities for providing that all persons who contravene any by-law of the municipality passed under this Act is guilty of an offence.

NOW THEREFORE the Council of the Municipality of Trent Hills hereby enacts as follows:

**1. Definitions**

- (a) "Chief Fire Official" shall mean the Fire Chief of the Campbellford/Seymour Fire Station or his designate or the Fire Chief of the Warkworth/Hastings Fire Station or his designate;
- (b) "Municipality" shall mean the Municipality of Trent Hills;
- (c) "Approved" means approved by the Chief Fire Official;
- (d) "Residential Area" means the areas in the municipality normally considered to be areas of residence be it permanent, temporary or seasonal and including an area of 1 acre around a residence on a farm;
- (e) "Farm land" shall mean the property used in agricultural activities but not including the residential area.

2. The provision of this by-law shall apply to the whole of the municipality.

3. That any open air burning shall not be permitted unless approved or unless such burning consists of a small, confined fire, supervised at all times, or used to cook food on a grill or barbecue.

4. All persons setting any other type of fire in the Municipality shall:

- (a) first obtain a permit approved by the Chief Fire Official or his designate pursuant to this by-law and such permit shall be in accordance with Schedule " B " attached hereto;

- (b) not permit more than 1 cubic metre of material to be burned at any one time in a residential area;
  - (c) attend the fire at all times or insure that it is attended by a responsible person;
  - (d) ensure that the means of extinguishing the designated fire is available at the site at all times during the fire;
  - (e) ensure that all fires are ignited and extinguished as per the times approved on the permit;
  - (f) ensure that all fires are extinguished before leaving the scene;
  - (g) limit the material burned to unpainted or untreated wood or wood by-products in a residential area;
  - (h) set the fire no closer than 15 metres from a building, structure or other combustible material or 15 metres vertical or horizontal of any overhead wires or trees.
6. A fire permit may be cancelled or suspended at any time by the Chief Fire Official and immediately upon receiving notice of such cancellation or suspension the permit holder shall extinguish any fire started under the permit.
7. No fire shall be set or continued so as to cause or increase any of the following:
- (a) a decrease in visibility on any highway or roadway;
  - (b) odour or smoke to such an extent so as to cause discomfort to persons, hazards to health or loss of enjoyment of normal use of property in the immediate area;
  - (c) a rapid spread of fire through a grass or brush area.
8. Burning shall not be conducted under the following weather conditions:
- (a) during rain, fog, or when wind speeds are high or changing direction frequently.
9. All material to be burned must be generated from the property on which it is burned.
10. There shall be no burning of automobiles and truck bodies, leaves, construction materials, tires, oil, grease, paint, cloth, rags, plastics, animal carcasses, animal or human waste deposits and kitchen waste, or any material that may contain any of the aforementioned.
11. No actions or proceedings may be taken against the Chief Fire Official, the Fire Department, any Municipal Official or their designates for any act or omission by he/she who acted in good faith in the execution of any power or duty of this by-law.
12. Nothing in this by-law releases any person from complying with any applicable law, including but not limited to the Environmental Protection and regulations.
13. Every person who contravenes any provisions of this by-law is guilty of an offence and is liable, upon conviction, to a penalty not exceeding; ten thousand dollars (\$10,000) plus costs.

14. That any and all fire protection costs incurred as a result of set fires shall be billed directly to those persons responsible.
15. Such manpower and vehicle costs shall be listed but not limited to costs established in the municipalities fee structure by-law.
16. That any response costs incurred as a result of a false alarm or frivolous call shall be billed to the person or persons responsible.
17. That the decision of the Chief Fire Official shall be final and not subject to appeal.
18. All costs related to suppression shall be due when presented to the responsible person either in person or by regular mail. All costs not paid in a period of 90 days may be added to the tax bill of the property involved and collected as taxes.
19. That By-law 2001-23 and any previous by-laws pertaining to the matter of setting fires are hereby repealed.
20. That this by-law shall come into force and take effect immediately upon the final passing thereof.

By-law 2004-31 introduced and deemed to be read a first, second and third time, passed and properly signed and sealed this 12th day of October, 2004



Hector Macmillan (Mayor)



Margaret Montgomery (Clerk)

## GUIDELINES FOR OPEN BURNING

1. Burning shall not be conducted under the following weather conditions: during rain, fog and when wind speeds are high or changing direction frequently.
2. Only unpainted or untreated wood and wood by products may be burned.
3. No large quantities of cardboard may be burned.
4. Pile of burning material may not exceed 1 cubic metre in a residential area.
5. Fire must be attended at all times by a responsible adult.
6. Set the fire no closer than 15 metres from a building, structure or other combustible material or 15 metres vertical or horizontal of any overhead wire or trees.
7. Be sure the means of extinguishing the fire are available before starting the fire ie: shovel, broom, rake, water either with a garden hose or pail(s) of water.
8. Make sure fire is out before you leave it.
9. Consider your neighbours when burning.
10. No fire shall be set or continued so as to cause or increase any of the following:
  - (a) a decrease in visibility on any highway or roadway
  - (b) odour or smoke to such an extent so as to cause discomfort to persons, hazards to health or loss of enjoyment of normal use of property in the immediate area.
  - (c) rapid spread of fire through a grass or brush area.
11. If you have any questions contact your local fire department before burning.

## SCHEDULE "A"

### 1. False alarms -any twelve-month period at one location:

- (a) First call no charge; A verbal warning by the fire official involved.
- (b) Second call contact by registered mail advising of charges and actions that may be taken for future false alarm responses;
- (c) Third call will result in a \$200 charge;
- (d) Fourth and subsequent calls, charge will be \$500 per call.

### 2. Deliberately set fires:

- (a) Three Hundred Dollars (\$300) per hour per vehicle.

### 3. Inspections:

- |     |  |                                     |
|-----|--|-------------------------------------|
| (a) | Large Industrial                                 | \$200.00 (over 15,000 sq. ft.)      |
| (b) | Small Industrial                                 | \$100.00 (under 14,999 sq. ft.)     |
| (c) | Large Commercial                                 | \$100.00 (over 7,000 sq. ft.)       |
| (d) | Small Commercial                                 | \$100.00 (under 6,999 sq. ft.)      |
| (e) | Retirement Home                                  | \$100.00                            |
| (f) | Nursing Home                                     | \$100.00                            |
| (g) | In House Day Care                                | \$100.00                            |
| (h) | Group Home                                       | \$100.00                            |
| (i) | Single Family Residence                          | \$50.00                             |
| (j) | Two Unit Residence                               | \$100.00                            |
| (k) | Three or more Unit Residence                     | \$100.00 + \$25.00 each unit over 3 |
|     |  | Maximum \$250.00                    |
| (l) | Non Profit<br>(Beehive Day Care, Nursery School) | \$ 50                               |



Office Use Only  
Permit No.:  
Date Received:

Received By:  
Date Approved:  
911 Sign Required: Yes No

Schedule B / By-law 2004-31

# Trent Hills Fire Department

## Open Air Burning Permit

In accordance with Ontario Regulation 213/07 par.2.4.4.4. of the Fire Code, The Municipality of Trent Hills By-law Set Fires 2004-31 and/or The Environmental Protection Act is not permitted unless approved by the Chief Fire Official or Designate. Approved "Rural Open Air Burning" is subject to the conditions contained on the reverse side of this permit.

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

Size of Property: \_\_\_\_\_ Type of Property: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Work Phone Number: \_\_\_\_\_ Burn Site Ph. Number: \_\_\_\_\_

Address/Location of Burn Site: \_\_\_\_\_

Nearest Cross Road at Site: \_\_\_\_\_

Means of Extinguishment Available: \_\_\_\_\_

Circle Desired Fire Type:       Campfire       Farming       Draw Site Plan (Structures, Property Access, Burn Area, Ponds, Water Access)

### Fire Pits or Camp Fires (Allowed after Sunset)

1. Rural and Urban Campfires are permitted under the following conditions.
  - a. Rural Fire pit is no larger than 2 feet by 2 feet or 0.6 metre by 0.6 metre.
  - b. Urban Fire confined to chiminea
  - c. Flames from the Rural Fire pit are no higher than 2 feet or 0.6 metres above ground level.
  - d. The fire is extinguished by 1:00 am.
  - e. The burn is a least 50 feet or 15 metres from any structure or property line.
  - f. All other rules of this permit apply.

### Farming Purposes (between sunrise and sunset – 06:00 hours to 18:00 hours)

1. Farming purposes are permitted under the following conditions.
  - a. Farming Purposes burn pile no larger than 5 feet by 5 feet or 1.5 metres by 1.5 meters.
  - b. Burn at least 50 feet or 15 metres away from any structures or property line.
  - c. Farm property twelve (12) acres or more ONLY.
  - d. No burning shall commence before sunrise and extinguished no later than sunset.
  - e. No burning shall be allowed on, or in the ditches of, any public road or highway.
  - f. All other rules of this permit apply.

These approval may be revoked at any time for any reason by the Chief Fire Official or Designate upon written or verbal notice to the applicant at which time, the applicant shall immediately take steps to extinguish the burning, If the applicant or representative is unwilling or unable to extinguish the burning, the Municipality of Trent Hills Fire Department shall take the necessary steps to extinguish the burning and the applicant shall be responsible for payment of all cost incurred by the Fire Department.

# Trent Hills Fire Department

Revised June 7, 2016

If the Municipality of Trent Hills Fire Department responds to extinguish a fire located at the burn site of this permit which is caused by the applicant's failure to the conditions of the permit. The applicant will be invoiced for the cost of the fire incident of three hundred dollars (\$300.00) per hour per vehicle.

The applicant shall sign the Release and Indemnity set out this form at the time of making the application for this permit.

## Call 911 in an Emergency Situation Conditions

No person shall cause or allow the lighting, igniting or starting of a fire or burning of any kind whatsoever in open air without first obtaining the written approval of the Chief Fire Official or Designate.

An applicant who has received written approval shall:

Ensure that the authorized fire or burning is maintained and supervised by an adult person until it is completely extinguished.

Ensure that the adult person maintaining and supervising the burning shall at all times remain on the site, fire extinguishers, water, appliances and equipment with sufficient capability to be readily available to extinguish the fire and prevent the burning from getting beyond control and causing damage to property or persons.

- a. Ensure that the burning is completely extinguished before leaving the site.
- b. Burning shall **NOT** be conducted under the following weather conditions: during rain, fog and when wind speeds are high or changing direction frequently.
- c. Burn only clean dry wood products (unpainted or untreated wood by products may be burned).
- d. Not conduct or permit to be conducted a burning in such a manner as to allow smoke to blow over adjacent residential areas or roadways obscuring visibility of traffic.
- e. Comply with all rules and regulations set forth by the Ministry of the Environment under the provisions of the Environmental Protection Act, RSO 1990 Chapter E19.
- f. The burning of petroleum based products, plastic, rubber, leaves, garbage or waste material that causes dense smoke ARE NOT PERMITTED AT ANY TIME.
- g. Burn only in the approved specified area.

## Release and Indemnity

In consideration of the Granting of the Rural or Urban Open Air Burning Approval by the Chief Fire Official or Designate, I hereby release and forever discharge and agree to indemnify and save harmless the Municipality of Trent Hills, it's Fire Department, it's Servants and Agents from any and all actions, cause of action claims and demands for damages, loss or injury to persons or property sustained by any person or persons in consequence of open air burning to be held on the above noted permit date or such other approved dates, issued in the Municipality of Trent Hills, Ontario said Burning being the subject matter of the above application. The information on this form is being collected under the authority of section 4 of the Municipal Freedom of Information and Protection of Privacy Act. This information will be used for the purpose of processing an access request under the Act. Enquiries regarding the collection of this information should be directed to the Office of the Clerk/Freedom of Information Coordinator, Municipality of Trent Hills, 66 Front Street South, Campbellford, Ontario K0L 1L0 705-653-1900

If you are not the owner of the property you are required to have the owner's approval.

Property Owner's Signature: \_\_\_\_\_

Property Owner's Printed Name: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_ Fire Official: \_\_\_\_\_

**Both Pages shall be completed and submitted to obtain permit**

