

## **THE CORPORATION OF THE CITY OF DRYDEN**

### **BY-LAW 2021-36**

BEING A BY-LAW TO RESCIND BY-LAWS 2243-93, 2572-98, 3013-2003, 3130-2004 AND SECTIONS OF BY-LAW 2865-2001 REFERENCING CHAPTER 90 – FIRE PREVENTION, TO AMEND THE MUNICIPAL CODE OF THE CORPORATION OF THE CITY OF DRYDEN BY DELETING CHAPTER 90 – FIRE PREVENTION, AND TO ADOPT A BY-LAW TO ESTABLISH RULES AND REGULATIONS FOR THE PURPOSE OF REGULATING OPEN-AIR BURNING AND CAMPFIRE IN THE CITY OF DRYDEN.

WHEREAS in accordance with Section 8 of the Municipal Act, 2001, S.O. 2001, as amended the Council of The Corporation of The City of Dryden deems it necessary and advisable to enact a by-law prescribing the provisions in which fires may be set in the open air, and the precautions to be observed by the persons setting fires; and

WHEREAS s.7.1 of The Fire Protection and Prevention Act, 1997, S.O. 1997 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; and

WHEREAS the Dryden Fire Services has established Rules and Regulations for the purpose of prescribing the time for setting fires in the City of Dryden;

NOW THEREFORE the Council of The Corporation of The City of Dryden hereby enacts as follows:

#### **1. DEFINITIONS**

In this by-law, unless the context otherwise requires:

- a) "*Act*" means the Fire Protection and Prevention Act, 1997, S.O. 1997, Chapter 4 as amended.
- b) "*Approved*" means approved by the Chief Fire Official.
- c) "*Brush*" means branches, limbs, stumps or parts thereof.
- d) "*Building*" means any structure used or intended for supporting or sheltering any use or occupancy.
- e) "*Campfire*" means a small fire for cooking, warmth or entertainment at a campsite or at a residential property and meets the requirements of this by-law.
- f) "*Chief Fire Official*" means The Chief of the Fire Department of The Corporation of The City of Dryden or his/her designate.
- g) "*Condition*" means any factor which could increase the fire hazard such as wind velocity, degree of humidity, or proximity of the site to very flammable material.
- h) "*Corporation*" means The Corporation of The City of Dryden.
- i) "*Council*" means the Council of The Corporation of The City of Dryden.
- j) "*Debris*" means surface fuels (leaves, needles) and combustible natural wood products.
- k) "*Field/Crop Burning*" means burning in whole or in part of areas of agriculture land and products.
- l) "*Fire Ban*" means a partial or total ban against any Open-Air Fire or Campfire in the Corporation as declared by the Chief Fire Official.
- m) "*Firewood*" means clean, dry wood that has not been treated, painted or otherwise exposed to toxic material.
- n) "*Fire Department*" means The Fire Department of The Corporation of The City of Dryden known as the Dryden Fire Service.
- o) "*Fire Season*" means the period from the 1<sup>st</sup> day of April to the 31<sup>st</sup> day of October in each year. The Chief Fire Official may declare any period between the 1<sup>st</sup> day of

January and the 31<sup>st</sup> day of March, both inclusive, or between the 1<sup>st</sup> day of November and the 31<sup>st</sup> day of December, both inclusive, in any year, to be fire season.

- p) "*Flying Lantern*" means a hot air balloon made out of paper, or other material, commonly known as Chinese lanterns, sky lanterns, wish lanterns, Hawaii lanterns or Konming lanterns.
- q) "*Fully Extinguished*" means the fire has no more visible flame, smoke or other signs of combustion and is cold to the touch.
- r) "*Inspection*" means a physical examination to determine that the proposed fire location and/or device or system will meet the requirements of this by-law.
- s) "*Officer*" means Municipal Chief Fire Official, Municipal By-law Officer, Municipal Chief of Police.
- t) "*Open-Air Fire*" means any fire that is set, lit, ignited or maintained outside and is larger than a Campfire and is not contained within a CSA or ULC approved appliance and meets the requirements of this by-law.
- u) "*Permit*" means a permit issued by the Chief Fire Official to permit a person to set, light, ignite and maintain an Open-Air Fire or Campfire.
- v) "*Permittee*" means the person to whom a fire permit has been issued.
- w) "*Prohibited Material*" means materials that are, but not limited to, automobile and truck bodies, tires, oil, grease, paint, rags, plastics, wire, asphalt, shingles, rubber, construction materials, insulation, household garbage and flammable or combustible liquids or accelerants.
- x) "*Restricted Fire Zone*" means an area designated by the Minister of Natural Resources pursuant to the Forest Fires Prevention Act as such and for the purposes of this by-law, if any portion of the City of Dryden has been designated by the Minister, the entire City shall be deemed designated.
- y) "*Responsible Person*" means the person or persons who starts the fire, directs the fire to be set, authorizes fires to be set, controls or oversees the fire.

## **2. GENERAL PROVISIONS**

- a) No person shall set, light, ignite or maintain an Open-Air Fire or Campfire, or permit an Open-Air Fire or Campfire to be set, lit, ignited or maintained, at any time, without first obtaining a Permit.
- b) No person shall set, light, ignite, or maintain a Flying Lantern, or permit a Flying Lantern to be sold, set, lit, ignited or maintained at any time.
- c) No person shall leave an Open-Air Fire or Campfire unattended or unsupervised at any time.
- d) No person shall light, ignite, or maintain an Open-Air Fire or Campfire to be set, lit, ignited or maintained, in an area that could potentially endanger any buildings or structures or any persons nearby, in or occupying those buildings or structures.
- e) No person shall set, light, ignite, or maintain an Open-Air Fire or Campfire, or permit an Open-Air Fire or Campfire to be set, lit, ignited or maintained, which creates a nuisance for any person such as, but not limited to:
  - i) excessive smoke or odour;
  - ii) smoke or odour which causes annoyance or irritation to adjacent properties or premises;
  - iii) a decrease in visibility on a road or highway; or,
  - iv) a rapid spread of fire through grass, brush, or any wooded area.
- f) All Open-Air Fires and Campfires shall be fully extinguished prior to the Permittee or Responsible Person leaving the site.
- g) No person shall set, light, ignite or maintain an Open-Air Fire or Campfire to be set, lit, ignited, or maintained, during a Fire Ban or in a Restricted Fire Zone.
- h)

### **3. FIRE BANS**

- a) The Chief Fire Official may declare a Fire Ban in the Corporation at any time by posting notice of the Fire Ban on the Corporation's official website prior to, or at the time of the Fire Ban taking effect. Additional efforts will be taken by the Chief Fire Official to ensure this notice is dispersed as quickly and effectively as possible.
- b) It is the responsibility of the Permittee and/or Responsible Person to ensure there is not a Fire Ban in place prior to setting, lighting, igniting or maintaining an Open-Air Fire or Campfire.
- c) Any Open-Air Fires or Campfires that are set, lit, ignited or being maintained at the time a Fire Ban is implemented must be extinguished immediately.
- d) Fines will be implemented as detailed below for all illegal fires during a Fire Ban.

### **4. PERMITS**

- a) Following the receipt of an application for a Permit, the Chief Fire Official may approve or refuse a Permit with such conditions as they deem necessary.
- b) The Chief Fire Official may suspend or revoke a Permit at any time for the following reasons:
  - i) non-compliance with this by-law;
  - ii) non-compliance with one or more of the conditions of the Permit; or,
  - iii) if a dangerous condition exists at or near the proposed site for the Open-Air Fire or Campfire.
- c) Permits are non-transferable and only valid for the address which they have been assigned.
- d) All Permits shall be deemed to be suspended during a Fire Ban or within a Restricted Fire Zone.
- e) An application for a Permit under this by-law shall be in the form prescribed by the Chief Fire Official.
- f) All Permits may be prescribed a fee as established by the Corporation's Fees and Charges By-Law Schedule.

### **5. OPEN AIR FIRE REGULATIONS**

- a) All Open-Air Fires shall meet the General Provisions of this By-Law.
- b) All Open-Air Fires require the applicable Permit.
- c) All Open-Air Fire Permit applications will be approved after an inspection has taken place by the Fire Department.
- d) Open-Air Fires are only permitted within the Corporation from the 1<sup>st</sup> day of November until the 31<sup>st</sup> day of March inclusive.
- e) The Permittee shall comply with the following regulations at all times:
  - i) Open-Air Fires shall not be set, lit, ignited or maintained, within 30 metres (100 feet) of any Building, Structure, Property Line, or other combustibles that would constitute a fire hazard (long grass/vegetation, trees, bush, wood lot, etc.)
  - ii) Open-Air Fires shall not exceed 2 metres (6 feet) in diameter and 2 metres (6 feet) in height.
  - iii) Open-Air Fires shall not be set, lit, ignited or maintained, if winds exceed 16 kilometres (10 miles) per hour.
  - iv) Prohibited Materials are not to be set, lit, ignited or maintained in an Open-Air Fire within the boundaries of the Corporation at any time.
  - v) Buildings are not to be set, lit, ignited or maintained in an Open-Air Fire within the boundaries of the Corporation at any time.

- vi) Field/Crop Burning shall fall within the restrictions of this section.
- vii) The Permittee or Responsible Person shall ensure appropriate and adequate extinguishing agents (e.g. water, water hose, sand, fire extinguishers, tools, equipment, etc.) are on-hand at all times during the preparation of the Open Air Fire, while the Open Air Fire is underway, and until the Open Air Fire is fully and completely extinguished.
- viii) Prior to setting, lighting or igniting an Open-Air Fire, the Permittee or Responsible Person shall notify the Chief Fire Official or designate.

## **6. CAMPFIRE REGULATIONS**

- a) All Campfires shall meet the General Provisions of this By-Law.
- b) All Campfires require the applicable Permit.
- c) The Permittee shall comply with the following regulations at all times:
  - i) Campfires shall not be set, lit, ignited or maintained, within 5 metres (16 feet) of any Building, Structure, or Property Line.
  - ii) Campfires shall not be set, lit, ignited or maintained, within 3 metres (10 feet) of any forested area or other combustibles that would constitute a fire hazard (e.g. long grass/vegetation, trees, bush, wood lot, etc.)
  - iii) Campfires shall not exceed 1 metre (3 feet) in diameter and 1 metre (3 feet) in height.
  - iv) Only Firewood is permitted to be set, lit, ignited or maintained in a Campfire.
  - v) Prohibited Materials are not to be set, lit, ignited or maintained in a Campfire within the boundaries of the Corporation at any time.
  - vi) The Permittee or Responsible Person shall ensure appropriate and adequate extinguishing agents (e.g. water, water hose, sand, fire extinguishers, tools, equipment, etc.) are on-hand at all times during the preparation of the Campfire, while the Campfire is underway, and until the Campfire is fully and completely extinguished.
  - vii) Prior to setting, lighting or igniting a Campfire, the Permittee or Responsible Person shall notify the Chief Fire Official or designate.

## **7. EXEMPTIONS**

- a) This by-law shall not apply to:
  - i) The Fire Department for the purposes of live fire training exercises and operational requirements;
  - ii) The Corporation where authorized by the Chief Fire Official; or,
  - iii) Special circumstances where authorized by the Chief Fire Official.
- b) Fires that are contained within specifically designed and certified (ULC or CSA) appliances, are fueled by propane or natural gas, and can be extinguished by closing a fuel control valve do not require a Permit. (e.g. BBQ, Fire Bowls, Chimeneas, Outdoor Heaters, etc.)

## **8. ENFORCEMENT**

- a) Any Officer of the Corporation is authorized to enforce this by-law.
- b) Where, in the opinion of the Chief Fire Official, a potential fire danger exists, the Chief Fire Official may suspend, refuse or rescind any permit or order any person to extinguish a fire.
- c) The provisions of this by-law shall apply to all properties within the Corporation.
- d) Offences; liability for costs:

- i) Any person who contravenes any provision of this by-law or any order made thereunder or any condition of a permit issued thereunder may be liable for all damages to public and/or private property caused by the fire and may also be liable for the full cost of extinguishing the fire;
- ii) Any person who contravenes any provision of this by-law is guilty of an offense and upon conviction, is liable to a penalty as provided in the Provincial Offenses Act, Schedule 19.

e) Payment of costs:

- i) All accounts rendered by the Corporation for services (including expenses by the Corporation) as referred to in Subsection 8. d) shall be paid within 30 days of the billing.
- ii) If payment is not made by the owner in accordance with the provisions of Subsection 8. e) Sentence i), the Corporation may recover the expense incurred by action, or the same may be recovered in a like manner such as municipal taxes.
- iii) Provincial Offenses shall be paid in the manner specified within the Provincial Offenses Act.

9. THAT Chapter 90 – Fire Prevention of the City of Dryden Municipal Code, By-laws 2243-93, 2572-98, 3013-2003, 3130-2004 and portions of By-law 2865-2001 referencing Chapter 90 – Fire Prevention, are hereby rescinded.

10. THAT this By-law shall come into force and take effect on the final passage hereof.

ENACTED AND PASSED THIS 26<sup>th</sup> DAY OF APRIL 2021 as witnessed by the Corporate Seal of The Corporation of The City of Dryden and the hands of its proper Officers duly authorized in that behalf.

THE CORPORATION OF THE CITY OF DRYDEN

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Mayor

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Clerk

READ A FIRST AND SECOND TIME THIS 26<sup>th</sup> DAY OF APRIL 2021.

READ A THIRD TIME AND PASSED AS READ THIS 26<sup>th</sup> DAY OF APRIL 2021.