

**THE CORPORATION OF THE TOWNSHIP OF LEEDS AND THE
THOUSAND ISLANDS**

BY-LAW 19-034

**BEING A BY-LAW TO REGULATE THE SETTING AND
MAINTAINING OF OPEN-AIR BURNING FOR THE
CORPORATION OF THE TOWNSHIP OF LEEDS AND THE
THOUSAND ISLANDS**

WHEREAS Section 7.1 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; and regulating fire prevention, including the prevention of the spreading of fires;

AND WHEREAS the *Ontario Fire Code, O Reg. 213/07, Division B, Article 2.4.4.4.* provides that open-air burning shall not be permitted unless approved.

AND WHEREAS Section 425(1) of *The Municipal Act, 2001*, as amended, permits Council to pass Bylaws providing that any person who contravenes any By-law of the Municipality is guilty of an offence;

AND WHEREAS Section 398 of *The Municipal Act, 2001*, as amended, authorizes Council to recover the expenses incurred in doing any such matter or thing as required by By-Law; in default of its being done by the person directed or required to do it, by action, or in like manner as municipal taxes;

AND WHEREAS The Council of the Corporation of the Municipality of the Township of Leeds and the Thousand Islands is desirous of enacting a by-law to regulate the setting and maintaining of Open Air Burning and reduce the negative health effects, public nuisance, and negative environmental impacts arising from such fires

NOW THEREFORE the Council of The Corporation of Leeds and the Thousand Islands hereby enacts as follows:

1. DEFINITIONS AND INTERPRETATION

For the purposes of this By-law;

- a) "Adverse Effect" shall mean one or more of the following:
- i) impairment of the quality of the natural environment for any use that can be made of it;
 - ii) injury or damage to property or to plant or animal life;
 - iii) harm or material discomfort to any person;
 - iv) an adverse effect on the health of any person;
 - v) impairment of the safety of any person;
 - vi) rendering any property or plant or animal life unfit for human use;
 - vii) loss of enjoyment of normal use of property; and
 - viii) interference with the normal conduct of business.
- b) "Approved Brush Pile Fire" shall mean an Open-Air Fire, having a maximum fuel size of 3 metres x 3 metres x 2 metres (10 feet x 10 feet x 6.5 feet), that is set and maintained for the sole purpose of burning wood products or brush.

- c) "Approved Incinerator Fire" shall mean a fire set in a container designed for Incineration purposes and constructed completely of non-combustible material:
- i) that is placed atop not less than 4 cm (2 inches) of sand or mineral soil extending not less than 30 cm (12 inches) beyond its perimeter, and;
 - ii) having a maximum volume of 202 litres (45 gallons), and;
 - iii) an outlet or exhaust opening covered by a screen having a mesh of not more than 5 mm, and;
 - iv) shall be a minimum of 15 meters (49.2 feet) from any structure, building, road, property line, fence line, hedge or other combustible material.
- d) "Approved Pit" shall mean an area of ground that has been completely cleared of combustible material and lined with a minimum thickness of 15 cm (6 inches) of sand or mineral soil that will extend a minimum of 30 cm (12 inches) beyond the limit of the fuel used for a Camping Fire.
- e) "By-Law Enforcement Officer" shall mean a person appointed by the Council of the Township as a By-Law enforcement officer for the Township.
- f) "Campfire" shall mean an "Open-Air Burn", having a maximum fuel size of 1 metre X 1 metre X 1 metre, (3 feet X 3 feet X 3 feet) that is set and maintained solely for the purposes of cooking food, providing warmth or recreational enjoyment and where:
- i) the site of the fire is bare rock or other non-combustible material, and;
 - ii) the fire is at least 2 metres (6 feet) from any flammable material, and;
 - iii) the space above the fire is at least 3 metres (10 feet) from vegetation, buildings, hedges, trees, fences, and;
 - iv) the fire must be 15 metres (49.2 feet) from all property lines, roads, overhead wires, and;
 - v) the flame length does not exceed 1 metre (3 feet) in height and 1 metre (3 feet) in diameter.
- g) "Cooking Fire" shall mean a fire used for cooking food and contained within an approved containment area or approved outdoor fireplace.
- h) "Council" shall mean the elected Council of The Corporation of the Township of Leeds and the Thousand Islands.
- i) "Dangerous Conditions" shall mean:
- i) a lack of precipitation which, in the opinion of the Fire Chief or his/her designate, increases the risk of the spread of fire; or

- ii) winds in excess of 25 km/hr; or
 - iii) the issuance, by the Fire Chief, Fire Marshall, or other fire officials in the exercise of their statutory powers, of a fire ban or prohibition against any and all "Open-Air Fires"; or
 - iv) any other condition declared by the Fire Chief or his/her designate to be a dangerous condition from time to time, which increases the risk of the spread of fire.
- j) "Fire Chief" shall mean the Fire Chief of the Leeds and Thousand Islands Fire Service appointed as such by municipal By-Law and includes his or her designate.
- k) "Fire Department" shall mean Leeds Thousand Islands Fire Service or any fire department under contract or agreement to provide service to the Township of Leeds and the Thousand Islands.
- l) "Fire Season" shall mean the period from the 1st day of April to the 31st day of October in each year.
- m) "Household Waste" shall mean combustible material such as plastics, polyethylene terephthalate (PET), paints, oils, solvents, rubber, insulation, batteries, acids, polystyrenes (Styrofoam), pressure treated or painted lumber, tires, upholstered furniture, synthetic fabrics, diapers, hazardous wastes and other materials as defined in the Environmental Protection Act and all other similar and like materials; but shall not include untreated wood and wood fibre products such as unlaminated paper and cardboard and boxboard, brush and leaves.
- n) "Municipality" shall mean The Corporation of the Township of Leeds and the Thousand Islands.
- o) "No Burn Zone" shall mean any area densely populated within the Municipality as designated by the County, including Seeley's Bay, Lyndhurst, Ivy Lea, Rockport, Lansdowne or any other area deemed inappropriate by the Fire Chief or Designate.
- p) "Open-Air Burn(ing)" shall mean any fire or burning practice that is conducted outside a building and includes but is not limited to small confined fires and large fires, fires in burn barrels, incinerators, outdoor recreational fireplaces, prescribed burning, and construction site and demolition site fires.
- q) "Ontario Fire Code" shall mean O.Reg. 213/07 made under the Fire Protection and Prevention S.O. 1997, C.4, as amended.
- r) "Permit" shall mean a calendar-year permit issued by the "Municipality", the "Fire Chief" or his/her designates, signifying permission to set or maintain or allow to be set or maintained an "Open-Air Burn" and establishing the conditions under which the permission is granted.
- s) "Person" shall mean any individual, association, firm, partnership, corporation, agent or trustee and their heirs, executors, or other legal representatives thereof.

- t) "Prohibited Materials" includes "Household Waste", rubber or rubber products, plastic or plastic products, and waste petroleum products and any material or materials which are prohibited by the Environmental Protection Act, R.S.O. 1990, Chapter E.19, as amended.
- u) "Township" shall mean The Corporation of the Township of Leeds and the Thousand Islands.

2. GENERAL PROVISIONS

- 2.1 Any "Person" within the "Municipality" wishing to set a fire must be the owner of the land where the fire is set or must have written permission from the owner of said lands.
- 2.2 No "Person" shall conduct "Open-Air Burning" on lands within the "Municipality" unless a "Permit" has been issued in respect of such "Open-Air Burning".
- 2.3 Notwithstanding any provisions herein, no "Person" shall set or maintain a fire;
 - a) in contravention of the "Ontario Fire Code", the *Environmental Protection Act*, or any other statutory requirements of the Province of Ontario or the Government of Canada;
 - b) containing "Prohibited Materials";
 - c) in any park owned or operated by the "Municipality" without the written permission of the "Municipality";
 - d) at a distance less than 15 metres (49.2 feet) from any building, structure, hedge, fence, vehicular roadway of any kind or nature, or overhead wiring or any property line;
 - e) at a distance of less than 15 metres (49.2 feet) from any object or material which has the potential to ignite;
 - f) unless the "Person" to whom the "Permit" has been issued or such other "Person" as may be designated in the "Permit", always attends the fire in a responsible and supervisory capacity until such fire has been completely extinguished;
 - g) unless an effective extinguishing agent or device of sufficient size and with the capability of extinguishing the fire shall be immediately available for use;
 - h) in any outdoor fireplace or any other burning appliance or container unless same complies with the requirements contained in Section 1(c);
 - i) which does not meet the definition of a "Campfire" or "Cooking Fire" without having obtained and activated an "Open-Air Burn Permit";

- j) when a "Burn Ban" has been declared and put in place by the "Fire Chief" or his/her designate;
 - k) other than "Campfire" or "Cooking Fire" between the hours of 21:00 and 08:00.
- 2.4 No person shall commence or maintain "Open-Air Burning" when the wind is in excess of 25 km/hr or in such a direction or intensity to cause any or all of the following:
- a) the possible spread of the fire beyond the approved burn site;
 - b) a decrease in the visibility on any highway or roadway;
 - c) any odor to such an extent or degree to cause discomfort to the persons in the immediate areas; and/or
 - d) excessive smoke or any other "Adverse Effect";
 - e) any "Dangerous Condition".
- 2.5 No person shall commence or maintain "Open-Air Burning" when rain or fog is present, or weather conditions prevent the ready dispersion of smoke.
- 2.6 No "Person" shall set fire to, ignite, or otherwise burn any materials in a "Approved Brush Fire Pile" or windrow with a combined size of greater than 3 metres x 3 metres x 2 metres (10' wide x 10' long x 6.5' high) without written approval of the "Fire Chief" or his/her designate.
- 2.7 No "Person" shall cause to be burned more than one pile, or fire in a container at any one time, without the written approval of the "Fire Chief" or his/her designate.
- 2.8 No "Person" shall burn any grass, hay, straw or standing material where such "Open-Air Burn" has a leading edge greater than 15 metres (49.2 feet) and where sufficient persons and other resources are not available to contain said fire to a leading edge of 15 metres (49.2 feet).

3. ISSUANCE OF PERMIT

- 3.1 The issuance of a "Permit" may require the prior inspection of the proposed burn site by the "Fire Chief" or his/her designate.
- 3.2 In applying for a "Permit", no "Person" shall furnish false or misleading information.
- 3.3 "Permit(s)" may be obtained online at lti.burnpermits.com. Permits are valid from 01 January to 31 December and must be renewed annually.

- 3.4 The "Permit" shall not be considered activated until the "Person" granted the "Permit" has activated the "Permit" by calling the permit hotline at 613-704-1812.
- 3.5 The "Permit" for "Open-Air Burning" must be activated each time a fire is set out by calling the permit hotline at 613-704-1812. Activation is immediate.
- 3.6 No "Permit" shall be required for domestic barbecues or permanent outdoor fireplaces used for the purpose of cooking of food on a grill and extinguished immediately upon completion of its use to cook.
- 3.7 No "Permit" shall be required for a fire set and maintained in an Appliance that conforms with the Technical Standards and Safety Act, 2000, S.O. 2000, c. 16, as amended, and that is for outdoor use and is installed in accordance with the manufacturer's instructions.
- 3.8 The "Permit" will not be activated during a "Fire Ban".
- 3.9 It is the responsibility of the "Person" granted a "Permit" to check and monitor burning conditions.
- 3.10 In any prosecution under a provision of this By-law that requires a "Permit", the onus is on the "Person" charged to prove that the "Person" had a "Permit" at the time the offense is alleged to have been committed.

4. FIRE SEASON

- 4.1 During the "Fire Season" (April 1 to October 31) no "Person" shall conduct "Open-Air Burning" between the time of 21:00 hours until 08:00 hours (9 pm until 8 am) each day.
- 4.2 During the "Fire Season" no hay, straw or standing material may be burned, unless approved by the "Fire Chief" or his/her designate.
- 4.3 During the "Fire Season" the time indicated for no burning does not apply to a "Camp Fire" or "Cooking Fire" as defined, provided a "Burn Ban" is not in place, and provided all precautions have been taken as defined and outlined.

5. LEVELS OF FIRE BAN

- 5.1 The "Fire Chief" or his/her designate may, at any time, and in the exercise of his or her sole discretion, issue a "Fire Ban", effective for a specified period of time, prohibiting the setting of any and all "Open Air Fires" within any area of the "Township".
- 5.2 When the "Fire Chief" or his/her designate orders a "Fire Ban" be put in place, they will notify BurnPermits.com to notify all Burn Permit holders; the CAO, Mayor, and Council will be notified through the Fire Administration office.
- 5.3 Level One (1) Ban, shall mean a "Fire Ban" which restricts "Open-Air Burning", but does not include "Campfires" or "Cooking Fires" as defined in this By-law.
- 5.4 Total Fire Ban, shall mean absolutely no "Open-Air Burning" including "Campfires" or "Cooking Fires" or charcoal barbecues; but does not include the use of propane or naphtha gas cooking equipment which is equipped with a shut off mechanism.
- 5.5 Campgrounds and Provincial Parks do not follow Municipal Levels of Fire Bans and are at the discretion of the Park Supervisor and monitored accordingly until a full Fire Ban is put into place. Once a Full Ban is in place a decision shall be made for the properties in collaboration with the Fire Chief and/or designate and the Park owner.
- 5.6 Fire Ban status, the need for a Fire Ban, will be assessed on a daily basis by the Fire Chief or his/her designate using MNR indices from two of the closest MNR facilities.

6. ADMINISTRATION AND ENFORCEMENT

- 6.1 This By-law shall be administered and enforced by the "By-law Enforcement Officer" and/or the "Fire Chief" or his/her designate of the Township of Leeds and the Thousand Islands.
- 6.2 Notwithstanding section 2 of this By-law, the "Fire Chief" or his/her designate may revoke any or all "Permits", or refuse to issue "Permits" where, in the opinion of the "Fire Chief" or his/her designate, the ability to control the fire is hampered by the existence of a "Dangerous Condition", which exists on or in the proximity of the proposed "Open-Air Burning" site.
- 6.3 Any "Person" who fails to comply with the provisions of this By-law, or who fails to properly supervise and maintain a fire, or who fails to extinguish a fire once notification to do so has been given to him/her by the "Fire Chief" or his/her designate shall, in addition to any penalty provided for herein, be liable to the "Municipality" for all expenses incurred for the purposes of controlling and extinguishing of any fire so set or left to burn and such expenses may be recovered by court action or in a like manner as municipal taxes. The expenses for which the "Person" may be liable cover the cost of sufficient personnel and equipment required to control a fire, as set out within Schedule "A" hereof. Such expenses shall be

equally chargeable in the event that a deliberately set fire burns out of control, such that the service of the "Fire Department" are necessary.

- 6.4 Any costs chargeable to any "Person" pursuant to section 6.3 hereof shall be invoiced to the "Person" and paid to the "Township" within sixty (60) days of the date of such invoice; failing which, the costs may be deemed to be municipal taxes and added by the Clerk of the "Municipality" to the collector's roll and collected in the same manner and with the same priority as municipal taxes. Costs recovered by the taxation method shall be forwarded in due course to the Leeds 1000 Islands Fire Service.

7. OFFENCE AND PENALTY

- 7.1 In addition to any other penalty prescribed by this By-law, any "Person" who contravenes any provision of this By-law is guilty of an offence and is liable to a fine or penalty for each offence established pursuant to the Provincial Offences Act and included within Schedule 'B' forming part of this By-Law.

8. SCHEDULES AND SEVERABILITY

- 8.1 Schedules 'A' & 'B' attached to this By-Law shall also be read with and form part of this By-Law.
- 8.2 The provisions of this By-Law are severable. If any provision, section or word is held to be invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, sections or words.
- 8.3 This By-Law may be cited as the "Open-Air Burning By-Law".
- 8.4 Schedules 'A' and 'B' to this By-Law may be updated from time to time as deemed desirable by Resolution of Council.

9. COMMENCEMENT

- 9.1 This By-law shall come into force and effect on the date of passing.
- 9.2 By-law #01-030 is hereby repealed.

10. That any other By-laws, resolutions or actions of the Council of the Corporation of the Township of Leeds and the Thousand Islands that are inconsistent with the provisions of this By-law are hereby rescinded.

READ A FIRST AND SECOND TIME THIS 15th DAY OF OCTOBER, 2019.

READ A THIRD TIME AND FINALLY PASSED THIS 15th DAY OF OCTOBER, 2019.



Corinna Smith-Gatcke, Mayor



Vanessa Latimer, Clerk



SCHEDULE 'A' to By-Law #19-034

COST OF FIRE DEPARTMENT SERVICES

The expenses for which the "Person" may be liable cover the cost of sufficient personnel and equipment required to control a fire, as referred to within Section 6 of By-law 19-034; and such costs have been deemed as being:

- The costs based on the current MTO Rate.
- These shall be calculated from the initial dispatch of the "Fire Department" or any fire department under contract or agreement, until such time as each vehicle is back in service (defined as when the vehicle is back at the hall and has been replenished with the requirements for the unit to respond to the next activation).

These fees are in addition to any fines or penalties established elsewhere, in accordance with this By-Law.

Costs will be invoiced by the Township of Leeds and the Thousand Islands and will be due sixty (60) days from the date of invoice.

SCHEDULE 'B' to By-Law #19-034

Item	Description of Offence	Provision Creating or Defining Offence	Set Fine (including costs)
1.	Burn prohibited material(s).	Sec. 2.3(b)	\$ 200.00
2.	Burn material(s) in a Municipal Park	Sec. 2.3(c)	\$125.00
3.	Burn material(s) without an activated permit for an Open-Air Burn.	Sec. 3.4/ 3.5	\$200.00
4.	Set out a "Campfire" or "Cooking Fire" that does not meet the defined description.	Sec. 1. (q)	\$ 125.00
5.	Burn material(s) with a size greater than 3 metres x 3 metres x 2 metres (10' wide x 10' long x 6.5' high).	Sec. 2.6	\$200.00
6.	Burn more than one pile at the same time.	Sec. 2.7	\$ 125.00
7.	Burn in more than one incinerator at the same time.	Sec. 2.7	\$ 125.00
8.	Burn material(s) closer than 15 metres (49.2 feet) to a fence.	Sec. 2.3 (e)	\$ 125.00
9.	Burn material(s) closer than 15 metres (49.2 feet) to a hedge.	Sec. 2.3 (e)	\$ 125.00
10.	Burn material(s) closer than 15 metres (49.2 feet) to a building.	Sec. 2.3 (e)	\$ 125.00
11.	Burn material(s) closer than 15 metres (49.2 feet) to a structure.	Sec. 2.3 (e)	\$ 125.00
12.	Burn material(s) closer than 15 metres (49.2 feet) to a roadway.	Sec. 2.3 (e)	\$ 125.00

13.	Burn material(s) closer than 15 metres (49.2 feet) from combustible material(s).	Sec. 2.3 (e)	\$ 125.00
14.	Burn material(s) closer than 15 metres (49.2 feet) to overhead wiring.	Sec. 2.3 (d)	\$ 125.00
15.	Permit holder failed to supervise an open fire.	Sec. 2.3 (f)	\$ 100.00
16.	Fail to supervise a fire.	Sec. 2.3 (f)	\$200.00
17.	Set or maintain a fire when a fire ban is in place.	Sec. 2.3 (i)	\$500.00

The penalty provisions for the offences indicated above is in Township of Leeds and Thousand Islands By-Law 19-034 Sec. 7.1, a copy of which has been filed.