

**The Township of Alnwick/Haldimand By-law No. 139-2021
Being a By-law to Prescribe and Establish the Process for the Time for
Setting Open Air Fires in the Township of Alnwick/Haldimand and the
Precautions to be Observed and to Establish and Set Fees/Charges and
Penalties Thereof**

Whereas the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended, provides:

- a.) in subsection 7.1(1)(a) that a council of a municipality may pass by-laws regulating fire prevention, including the prevention of the spreading of fires;
- b.) in subsection 7.1 (1)(b) that a council of a municipality may pass by- laws regulating the setting of open air fires, including the times during which open air fires may be set;
- c.) in subsection 7.1(3) that a by-law passed under Section 7.1 may deal with different areas of the municipality differently;

And Whereas subsection 11(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes the municipality to pass by-laws respecting the health, safety and wellbeing of persons;

And Whereas the Municipal Act, 2001, S.O. 2001 c. 25, Section 128(1), as amended, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are, or could become or cause public nuisances;

And Whereas it is deemed expedient to establish and implement appropriate Fees/Charges and penalties thereof, to obtain an Open Air Burn Permit;

And Whereas Council considers excessive smoke, smell, airborne sparks or embers to be or could become or cause public nuisances by creating negative health *effects* on neighbouring residents, Increasing fire exposure hazards, infringing the enjoyment of the use of neighbouring properties and generating false alarms;

And Whereas under Section 35(1) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended, the Fire Marshal, a Fire Chief or an Assistant to the Fire Marshal may issue an order to pay the costs Incurred by the Province of Ontario or a municipality.

Now Therefore the Council of the Township of Alnwick/Haldimand hereby enacts as follows:

Section 1- Definitions:

1.0 In this By-law:

- a.) **"Approved Device"** means a chiminea or other unit that is:
 - i. a ULC/CSA approved device;
 - ii. in conformance with the Technical Standards and Safety Act, 2000, as amended;
 - iii. for outdoor use;
 - iv. installed in accordance with the manufacturer's instructions; or
 - v. approved by the Fire Chief.
- b.) **"Authorized Burning Material"** means only environmentally friendly material including, but not limited to, natural wood and brush, and does not include, among other things, pressure treated wood, recyclables, plastics and household waste.
- c.) **"Brush Pile"** means branches or twigs in a pile larger than 46 cm x 46 cm (18" x 18"), but not to exceed 1m x 1m x 1m (3' x 3' x 3').

- d.) **"Built Up Area"** means the Village Hamlets of, but not limited to, Grafton, Centreton, Fenella, Roseneath, Vernonville, Lakeport, Eddystone, and Burnley.
- e.) **"Campfire"** means an Open-Air Fire of Authorized Burning Material contained within an Approved Device contained in such a way to prevent the spread of the fire, and which fire is no larger than 46 cm x 46 cm (18" x 18"), a minimum of 15m (50') from any structure, with the exception of Municipally Licensed Campground establishment and is supervised by an adult at all times.
- f.) **"Fire Chief"** means the Fire Chief of the Township of Alwick/ Haldimand, appointed under the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended, or his/her designate.
- g.) **"Fire Department"** means the Township of Alwick/Haldimand Fire Department.
- h.) **"Municipality"** means the Corporation of the Township of Alwick/Haldimand and the geographic area thereof.
- i.) **"Occupant"** means the person(s) residing in premises which he/she does not own.
- j.) **"Open Air Fire"** means any fire which is set outside a building.
- k.) **"Owner"** means the person(s) shown on the latest Assessment Roll.
- l.) **"Permit"** means written authority provided by the Fire Chief in the form attached hereto as Schedule "A", and which permit forms part of this bylaw.
- m.) **"Tenant"** means the person(s) renting or leasing premises.

Section 2 - General Conditions

- 2.0 All persons setting an Open Air Fire in the Municipality must first obtain a Permit from the Fire Department. Should any such fire spread, resulting in the attendance of the Fire Department, the penalties as set out herein shall apply to the Owner and/or Tenant of the property.
- 2.1 No Open-Air Fire shall be maintained when the wind is in such direction or intensity so as to cause any or all of the following:
 - a.) a decrease in visibility on any highway or roadway;
 - b.) a rapid spread of fire through grass or a brush area;
 - c.) public nuisances by creating negative health effects on neighbouring residents.
- 2.2 All fires shall be maintained in accordance with Schedule "A" attached hereto and forming part of this by-law.
- 2.3 Every person who contravenes any provision of this by-law is guilty of an offence and is liable to a penalty as set out in Section 3.
- 2.4 Notwithstanding the provisions hereof the Fire Chief may, upon application, approve the setting of any fire, subject to conditions set down by the Fire Chief. Any such approved burn may be subject to the Special Permit fee noted herein, together with any penalty, if applicable.
- 2.5 No person shall light a fire on any land within the Corporation of the Township of Alwick/Haldimand for any purpose other than to cook on a

barbecue without the benefit of an approved burning permit.

- 2.6 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 Municipality. During this time all Burning Permits will be revoked.
- 2.7 The Fire Department and Public Works Department shall be exempt from the provisions of this by-law with respect to open air burning in the performance of their duties.
- 2.8 Any Open Air Burn Permit may be revoked at any time by the Fire Chief or his/her designate.

Section 3 – Penalties

- 3.0 A penalty may be issued at the discretion of the Fire Chief when, but not limited to, **any or all** of the following conditions apply:
 - a.) A complaint is received;
 - b.) An alarm is activated;
 - c.) Emergency equipment is dispatched;
 - d.) Damage occurs to life or property;
 - e.) The Owner and/or Tenant is not in possession of a valid Permit.

- 3.1 Penalties may be issued as follows:

A minimum penalty of \$200.00 will be assessed at the discretion of the Fire Chief. When costs of resources exceed the minimum penalty the Fire Chief shall add an additional penalty based on a formula of the Ministry of Transportation of Ontario ("MTO") hourly rate times for each Fire Department unit dispatched. Any special equipment needed, not limited to Ministry of Natural Resources, other Fire Departments, or third-party contractors, etc., will be invoiced at cost plus an administrative charge.

- 3.2 Fees levied shall be made payable to the Township of Alnwick/Haldimand and are payable within 30 days from the receipt of notice and thereafter shall bear Interest at a rate of 1.25 percent per month calculated and payable monthly. All such fees, together with other charges, taxes and Interest thereon which remain unpaid after the due date for payment may be added to the tax roll and collected as realty taxes in respect of the Property of any person located within the boundaries of the municipality.
- 3.3 No permit will be issued if there are any outstanding penalties, fees and/or charges with respect to an Open-Air Burn Permit.

Section 4 – Fireworks

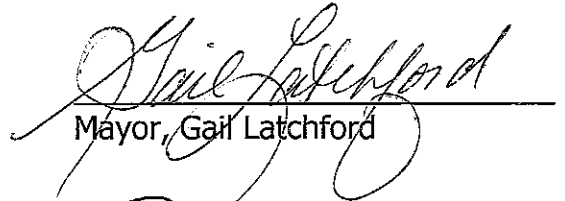
- 4.0 No Person shall cause, permit or engage in the Setting Off of Consumer Fireworks in the Township of Alnwick/Haldimand at any time, except as permitted under Section 3 of By-Law No. 81-2021 Being a By-Law to Regulate the Setting Off of Fireworks Within the Township of Alnwick/Haldimand. For Fireworks Permit information, see Schedule 'A' to By-law No. 81-2021.

Section 5 - Miscellaneous

- 5.0 This By-law may be cited as "Township of Alnwick/Haldimand Open Air Burning By-Law".

- 5.1 That By-law No. 113-2016 is hereby repealed in its entirety.
5.2 This By-law shall become effective immediately upon passing thereof.

That **By-Law No. 139-2021** be read and deemed to be PASSED this 2nd day of
December, 2021.



Mayor, Gail Latchford



Acting Clerk, Pat Kemp



Schedule "A"
To By-Law No. 139-2021



Please Select the Type of Burn Permit You'd Like to Apply For.
You can apply for a burn permit online here or in person at the Alnwick/Haldimand Fire Rescue Administration Office at 9160 County Road 45, Roseneath, ON K0K 2X0 during business hours.

STANDARD BURN PERMIT REQUIREMENTS: \$30.00

1. Shall not permit more than 1m x 1m x 1m (3'x3'x3') of material to be burned at any one time for property that meets the required setback.
2. Must be a minimum of 15 metres (50') from any structure. Rural residents must be 100 metres (330') from any structure to burn brush piles.
3. The material to be burned shall be limited to wood or wood by-products of wood.
4. Please see By-Law # _____ for all terms and conditions.

CAMPGROUND PERMIT REQUIREMENTS: \$60.00

1. Only one permit is required for a Municipally Licensed Campground establishment.
2. Fires must be in an Approved Device, be contained to prevent the spreading of fire.
3. The material to be burned shall be limited to wood or by-products of wood.
4. Please see By-Law # _____ for all terms and conditions.

SPECIAL PERMIT: \$60.00 **Agricultural purposes**

PLEASE CONTACT THE FIRE DEPARTMENT OFFICE AT 905-352-1142

1. Special permits may be issued for larger fires by the Fire Chief based on a plan approved by the Fire Chief.
2. Please see By-Law # _____ for all terms and conditions.

Property Information

Name: _____

Business Name: _____

Address: _____

Phone Numbers: _____ Home _____ Cell / Other _____

Email Address: _____

Address of Burn: _____

Lot: _____ Concession: _____

Access Route to Burn Property: _____

Material to Be Burned: _____

Means of Extinguishing Fire: _____

You Must Call and Activate Permit Before Lighting Fire – 289-677-1714

Note: Issuance of this permit does not, in any way, alleviate the applicant from adhering to all conditions set out in By-Law No. 139-2021, and also the Township's current User Fees and Charges By-Law as amended from time to time and rescinded and replaced, making the applicant solely responsible.

This Permit forms part of the Township of Alnwick/Haldimand Open Air Burning By-law No. 139-2021 as amended from time to time, and contains terms as defined therein. This Permit is also subject to the following terms and conditions:

- 1) This Permit is not valid when winds are greater than 8 km/hr or 5 miles/hr, or if a burn ban is in effect.
- 2) The material to be burned shall be limited to wood or by-products of wood. The person who has obtained this Permit:
 - a.) shall not allow more than 1 m x 1 m x 1 m (3' x 3' x 3') of material to be burned at any one time for property that meets the required setback in section 3 below;
 - b.) shall ensure that the means of extinguishing the fire designated on the Permit is available at the site at all times;
 - c.) must phone the number on the Permit prior to lighting a fire to activate the permit to burn.
- 3) Fires within Built Up Areas must be in an Approved Device, be contained to prevent the spreading of fire, and be a minimum of 15 m (50') from any structure, with the exception of Municipally Licensed Campground. Rural residents must be 100 m (330') from any structure to burn Brush Piles with a size not greater than 1m x 1m x 1m (3 x 3' x 3'). Special Permits may be issued for larger fires by the Fire Chief based on a plan approval.
- 4) This Permit may be cancelled or suspended at any time by the Fire Chief or his/her designate.
- 5) The Permit holder shall keep this Permit at the site of the burning. The person in charge of the burning operation shall produce the Permit to any official of the Alnwick/Haldimand Fire Department.
- 6) The Permit holder shall have at the location of the fire, at least one responsible, competent adult.
- 7) A penalty shall be issued at the discretion of the Fire Chief when **any or all** of the following conditions apply:
 - a.) A complaint is received;
 - b.) An alarm is activated;
 - c.) Emergency manpower and emergency equipment is dispatched;
 - d.) Damage occurs to life or property;
 - e.) The Owner and/or Tenant is not in possession of a valid Permit.

- 8) Penalties may be issued as follows:
A minimum penalty of \$200.00 will be assessed at the discretion of the Fire Chief. When costs of resources exceed the minimum penalty the Fire Chief shall add an additional penalty based on a formula of the Ministry of Transportation of Ontario ("MTO") hourly rate times for each Fire Department unit dispatched. Any special equipment needed, not limited to Ministry of Natural Resources, other Fire Departments, or third party contractors, etc., will be invoiced at cost plus an administrative charges.
- 9) Fees levied shall be made payable to the Township of Alnwick/Haldimand and are payable within 30 days from the receipt of notice and thereafter shall bear interest at a rate of 1.25 percent per month calculated and payable monthly. All such fees, together with other charges, taxes and interest thereon which remain unpaid after the due date for payment, may be added to the tax roll and collected as realty taxes in respect of the Property of any person located within the boundaries of the municipality.
- 10) No permit will be issued if there is any outstanding penalties, fees and/or charges with respect to Open Air Burn Permit.
- 11) All slash and land-clearing debris shall be in piles or wind rows at least 8 m (25) apart.
- 12) Burning Brush Piles is only permitted during daylight hours.

**If you have any questions, please call Fire Department
administration office at 905-352-1142**

Permit Fees:

Annual Standard Permit Fee	\$30.00
Annual Campground / Resort Permit Fee	\$60.00
Special Permit Fee	\$60.00

Fire Department Emergency Calls: 9-1-1