

The Corporation of the
Town of Arnprior

By-law No. 6974-19

Being a By-Law to regulate 'Recreational Open-air Burning' and Precautions to be taken by the Property Owner in the Town of Arnprior.

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

Whereas subsection 7.1 of the Fire Protection and Prevention Act, 1997, c. 4, as amended, provides that a council of a municipality may pass by-laws regulating the setting of open air fires, including establishing the times during which open air fires may be set; and

Whereas Section 2.6.3.4 of the Ontario Fire Code provides for the prohibition of open air burning unless approved or unless such open air burning consists of a small confined fire, supervised at all times and used to cook food on a grill or barbecue;

Now Therefore the Council of the Corporation of the Town of Arnprior enacts as follows:

1.0 Definitions:

In this By-law:

"Barbecue" shall mean a commercially manufactured portable or fixed device, including a hibachi or a permanent structure designed to meet all applicable standards and intended solely for the cooking of food in the open air, but does not include devices designed for personal warmth.

"Chief Fire Official" shall mean the Fire Chief of The Corporation of the Town of Arnprior or his/her designate.

"Dangerous Conditions" shall mean:

- (a) A lack of precipitation, which, in the opinion of the Chief Fire Official, increases the risk of the spread of fire;
- (b) Winds, which in the opinion of the Chief Fire Official, increase the risk of spark of fire; or
- (c) Any other condition declared by the Chief Fire Official to be a dangerous condition, from time to time, which increases the risk of the spread of fire.

"Outdoor Fire Structure" shall mean a manufactured non-combustible enclosed container designed to hold a small fire for decorative purposes, and may include, but not limited to, chimineas, masonry constructed fireplaces or other appliances equipped with a spark arrestor.

“Permit Holder” shall mean any adult (18 years of age) who is a land owner, tenant, lessee, individual, association, firm, partnership, corporation, agent or trustee and their heirs, executor or the legal representative of a person that has been granted a permit for Recreational Fires. In the case of a tenant, written permission from the owner / landlord to obtain a permit may be required at the discretion of the Chief Fire Official.

“Person” shall mean any individual, association, firm, partnership, corporation, agent or trustee and their heirs, executors or other legal representative of a person.

“Propane or Natural Gas Fired Outdoor Fireplace” shall mean only commercially manufactured CSA approved appliances designed for outdoor use as a fireplace and using commercial fuels such as natural gas and propane.

“Recreational Fire Pit” shall mean a non-combustible pit dug or built on or within the ground no larger than 1 meter (39”) in width and 460 millimeters high (18” height) equipped with a spark arrestor.

“Recreational Open Air Fire” shall mean an open air fire that does not exceed one meter (1 m or 39”) in width and 460 millimeters high (18” in height) that is set and maintained solely for the purposes of cooking food, providing warmth and recreational enjoyment.

“Unauthorized Burning” shall mean burning outside of the regulations of this By-Law and includes outdoor burning without a permit and shall be subject to penalties.

2.0 Barbecues

Approval is not required from the Municipality or Chief Fire Official for the use of a barbecue to cook food. Barbecues being used to cook food shall be attended, controlled and supervised at all times.

2.1 Approved Fuels

The only approved fuels for use in barbecues are commercially produced charcoal, briquettes or other commercial fuels such as natural gas and propane gas that are intended for the purposes of cooking.

3.0 Recreational Fires — Regulation

All persons who set/maintain an open air fire for recreational purposes shall comply with the following regulations:

- (a) Recreational Open Air Burning fires are not permitted in Municipal Parks or on any municipally owned property unless a special occasion permit to have such fire has been applied for and approved by the Chief Fire Official. Barbecuing is permitted provided fuels are exclusively restricted to propane for use in a commercially manufactured barbecue transported and stored in approved equipment conforming to Ontario Regulation 211/01 Propane Storage and Handling made under the Technical Standards and Safety Act, 2000.

- (b) The Permit Holder shall ensure that the Recreational Open Air fire is safe and does not cause a wildfire. The Permit Holder shall remain liable for any and all damage caused as a result of the fire.
- (c) No person shall set or maintain a recreational fire except between the hours of 6:00 a.m. and 11:00 p.m.
- (d) No person shall burn materials other than commercially produced charcoal, briquettes or clean, dry seasoned wood free of chemicals, glue, paint or stain.
- (e) Recreational fires shall be confined to commercial, non-combustible containers or to a pit no larger than 1 meter (39") in Width and 460 millimeters high (18" height).
- (f) The dimensions of the fuel being burnt shall not be greater than the size of the container or fire pit and shall be totally confined within the container or pit at all times.
- (g) A recreational open air fire shall be confined to an area that is a minimum of four (4) meters from combustible structures or objects.
- (h) An effective extinguishing agent of sufficient size and with the capability of extinguishing the fire shall be at the site of the burning and be immediately available for use.
- (i) Recreational open air fire shall be attended, controlled and supervised at all times and shall be completely extinguished before the fire is left unattended.

4.0 Exceptions

4.1 Municipal Exemption

The Town of Arnprior shall be exempt from the provisions of this By-law with respect to open air burning set for the purposes of educating or training individuals.

4.2 Gas Fired Outdoor Fireplaces

CSA Approved Natural Gas or Propane fueled outdoor fireplaces are exempt only if all regulations for fire safety included within this by-law are adhered to.

5.0 Issuance of Permit

5.1 Permit – Inspection

At the sole discretion of The Chief Fire Official, a site inspection of the proposed burn location for a 'Recreational Open Air Fire' may be undertaken. This inspection may include a drawing or require pictures to be taken prior to issuing a permit.

5.2 Permit Fees

The fee for the issuance of a "Recreational Open Air Burning Permit" will be as set by Council through the Fees and Charges By-law, which may be reviewed and changed from time to time. Currently there is no fee.

5.3 Permit Withdrawal or Ban

The Chief Fire Official may withdraw a previously issued permit or ban recreational burning. In the event of any Permit withdrawn or Fire Ban, all persons shall immediately extinguish any existing Recreational fires. In the case of a permit withdrawal or a fire ban there shall be no refund of permit fees if there were fees applicable at time of permit issuance.

6.0 Offences and Penalties

6.1 Penalties

Any fine imposed or offence created by this by-law is subject to the provisions of the Provincial Offences Act, as amended.

6.2 Offences

Any person who contravenes any provisions of this by-law is guilty of an offence and is liable to the fine or penalties set in Schedule "A" of this by-law and section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33

7.0 Short Title

This By-law may be cited for all purposes as the Recreational Open Air Burning Bylaw.

8.0 Enactment

8.1 Repeal

That By-law No. 3058-78 and any other by-laws and/or resolutions or parts of by-laws and/or resolutions are hereby repealed.

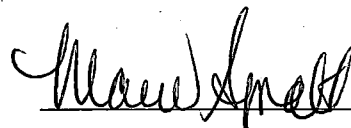
8.2 Enactment

That this By-law shall come into full force and effect on the day of its passing.

Enacted and Passed this 24th day of June, 2019.



Walter Stack, Mayor



Maureen Spratt, Clerk

TOWN OF ARNPRIOR
PART 1 PROVINCIAL OFFENCES ACT
Recreational Open Air Burning By-law No. 6xxx-19

Item*	Column 1 Short Form Wording	Column 2 Provision creating or defining offence	Column 3 Set Fine
1.	Burning Without a Permit	Section 3. (a)	\$75.
2.	Unsafe Burning	Section 3. b)	\$75.
3.	Burning Outside Permitted Times	Section 3. (c)	\$75.
4.	Burning Unapproved Materials	Section 3. (d)	\$75.
5.	Burning in an Unapproved Container	Section 3. (e)	\$75.
6.	Fire Larger than Approved	Section 3. (f)	\$75.
7.	Burning within 4m of a Structure / Object	Section 3. (g)	\$75.
9.	Failure to have Effective Extinguisher Agent on Site	Section 3. (h)	\$75.
10.	Failure to Attend, Control, Supervise Fire	Section 3. (i)	\$75.
11.	Failure to Extinguish a Fire	Section 3. (i)	\$75.

*Note: The general penalty provision for the offences indicated above is Section 3.0 of By-law No. 6xxx-19, a certified copy of which has been filed.