

CORPORATION OF THE TOWN OF RENFREW
BY-LAW NO. 29-2017

Being a By-Law to regulate "Recreational Open Air Burning" and Precautions to be taken by the Property Owner in the Town of Renfrew.

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 Renfrew enacts as follows:

1.0 Definitions:

Chief Fire Official

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

Recreational Open Air Fire

"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.

Person

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

Permit Holder

"Permit Holder" shall mean any person 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.

Dangerous Conditions

"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.

Barbecue

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

Gas Fired Outdoor Fireplaces

"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.

Outdoor Fire Structure

"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.

Recreational Fire Pit

"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).

Unauthorized Burning

"Unauthorized Burning" shall mean burning outside of the regulations of this By-Law and includes outdoor burning without a permit including without following safety precautions within this By-Law 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 may be permitted in Municipal Parks and the Fair Grounds when a permit to have such fire has been applied for and approved by the Chief Fire Official.
- (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 p.m. and 6:00 a.m..
- (d) No person shall burn materials other than commercially produced charcoal, briquettes or clean, dry seasoned wood free of chemicals, 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. Commercially non-combustible appliances and or fabricated appliances may reduce clearances with utilization of non-combustible materials.
- (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 Renfrew 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.

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.

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:

7.1 Short Title

"Recreational Open Air Burning Bylaw".

8.0 Enactment:

8.1 Enactment

That this By-law shall take effect and become in full force and effect upon the day of the third reading and passage thereof.

Read a first and second time this 16th day of May, 2017.

Read a third and final time this 16th day of May, 2017.



Don Eady, Mayor



Jennifer Charkavi, Deputy Clerk

Schedule "A"

The Corporation of the Town of Renfrew

By-Law 29-2017: Recreational Open Air Burning and
Precautions to be taken by Owner

Part 1 Provincial Offences Act

| ITEM | Column 1 Short Form Wording | Column 2 Provision Creating or Defining Offence | Column 3 Set Fine |
|------|---------------------------------------------------------|-------------------------------------------------------|----------------------|
| 1. | Failure to extinguish a fire | s. 5.3 | \$200.00 |
| 2. | Burning without a Permit | s. 3.0 (a) | \$200.00 |
| 3. | Unsafe Burning | s. 3.0 (b) | \$200.00 |
| 4. | Burning outside Permitted Times | s. 3.0 (c) | \$200.00 |
| 5. | Burning unapproved materials | s.3.0 (d) | \$200.00 |
| 6. | Burning in unapproved container | s. 3.0 (e) | \$200.00 |
| 7. | Fire larger than approved | s. 3.0 (f) | \$200.00 |
| 8. | Burning within 4m of structure/object | s. 3.0 (g) | \$200.00 |
| 9. | Failure to have effective extinguisher agent on site | s. 3.0 (h) | \$200.00 |
| 10. | Failure to attend, control, supervise fire | s. 3.0 (i) | \$200.00 |

* Note: The general penalty provision for the offences indicated above is Section 6.2 of By-law No. 29-2017, a certified copy of which has been filed.
