

**The Corporation of the Township of Smith-Ennismore-Lakefield
Consolidated Version of By-Law No. 2010-054**

Prepared for convenience only, accurate reference should be made to the original By-law.

Section 3 – General Conditions for All Open Air Burning

- 3.1 No person shall set, maintain, or cause to be set or maintained, Open Air Burning except as authorized by By-law 2010-054.
- 3.2 No person shall set, maintain or cause to be set or maintained Open Air Burning, even if a Permit has been issued under this By-law, when a burning ban or fire ban has been issued by the Fire Chief or designate.
- 3.3 Every person who applies for and receives a Permit acknowledges having read and understood the rules specified in this By-law and assumes all responsibility and liability in connection with the open air burning Permit.
- 3.4 Every person setting, permitting to be set, maintaining, or permitting to be maintained, an Open Air Burning authorized under this By-law shall comply with the following conditions:
- a) allow, at any reasonable time, an Officer to inspect the location or proposed location of the Open Air Burning;
 - b) only burn commercially produced charcoal, briquettes, or clean, dry, seasoned wood or brush;
 - c) not burn Noxious Materials, as defined;
 - d) not burn leaves, grass clippings, compost;
 - e) have an effective extinguishing agent of sufficient size and with the capability of extinguishing the Open Air Burning immediately available for use;
 - f) ensure that the fire is attended at all times by a responsible person at least 18 years of age and shall ensure that such person attends to such fire until the fire is completely extinguished by water, burying, or complete burn out;
 - g) ensure the wind speed is not in excess of 15 km per hour during the Open Air Burning according to Environment Canada for the Peterborough area;
 - h) ensure wind direction does not cause the smoke to create a discomfort to persons residing in the immediate area of the Owner who has been issued a Permit;
 - i) not burn if it is foggy;
 - j) not burn if a Smog Alert has been declared;
 - k) protect adjacent properties from the potential spread of fire;
 - l) ensure the Open Air Burning does not create a Nuisance as defined;
 - m) not burn in a burn barrel;
 - n) not burn in a built up area as defined which includes, but is not limited to, the village of Lakefield, the hamlet of Bridgenorth, Woodland Acres, the hamlet of Ennismore, the hamlet of Young's Point or as determined by an Officer of the Fire Department.

Section 4 – Outdoor Fire Containers / Campfires (Permit Not Required)

- 4.1 A person may conduct a Campfire or a fire in an Outdoor Fire Container if the person complies with all the conditions set out in this Section and in Section 3.
- 4.2 A person conducting Open Air Burning in an Outdoor Fire Container or Campfire shall:
- a) only conduct the Open Air Burning between sunrise and midnight;
 - b) only use an Outdoor Fire Container that is constructed from non-combustible material;
 - c) not burn or attempt to burn volumes of materials that exceeds the container's capacity;
 - d) contain the fire within the Outdoor Fire Container at all times;
 - e) locate the Outdoor Fire Container at least 30 metres (100 feet) from any building, structure, property line, tree, hedge, fence, roadways, overhead wire, or other combustible article;
 - f) in the case of an chiminea or outdoor brick fire place;
 - i. locate the Outdoor Fire Container on a non combustible surface that extends beyond the unit to a dimension equal to the height of the Outdoor Fire Container or;
 - ii. ensure combustible ground cover is cleared from around the unit a dimension equal to the height of the Outdoor Fire Container;
 - g) in the case of a fire pit;
 - i. ensure that the fire size does not exceed 61 centimetres (2 feet) in all directions;
 - ii. is located at least 3 metres (10 feet) from any combustible ground cover and;
 - iii. is constructed in such a manner to contain the fire.

Section 5 - Open Air Fires (Permit Required)

- 5.1 A person may conduct Open Air Burning if the person has been issued a Permit, and if the person complies with all the conditions set out in this Section and in Section 3;
- 5.2 A person conducting Open Air Burning shall;
- a) produce the Permit on demand to an Officer conducting an inspection of the Open Air Burning;
 - b) only conduct the Open Air Burning between sunrise and sunset;
 - c) not have a fire larger than 1 metre (3 feet 3 inches) in all directions, unless otherwise agreed to by the Fire Chief or his designate;
 - d) locate the Open Air Burning at least 60 metres (200 feet) from any building, structure, property line, tree, hedge, fence, roadway, overhead wire, or other combustible article;
 - e) locate the Open Air Burning at least 7.5 metres (25 feet) from any combustible ground cover;
 - f) adhere to any additional requirements or exemptions the Fire Chief or designate considers necessary in the interest of public safety, or to minimize inconvenience to the general public, or advisable in the circumstances, or give effect to the objects of this By-law.

Section 8 - Penalty and Costs

- 8.1 Any person setting, maintaining or allowing to burn a fire and all Owners of property upon which a fire is set, maintained or allowed to burn in the open air shall:
- a) be responsible for any damages to property occasioned by said fire; and
 - b) be liable for the cost of any firefighting equipment and personnel necessary to extinguish said fire, including aid from neighbouring departments, which cost will be calculated in accordance with a cost schedule to be established from time to time by the Council of the Township of Smith-Ennismore-Lakefield attached hereto as Schedule A and forming part of this By-law.
- 8.2 The Corporation shall, if such amounts remain unpaid sixty (60) days following notification of the amounts owing, have the right to collect any unpaid costs, including interest, as authorized by this By-law by adding such charges to the tax roll where they may be collected in a like manner as municipal taxes, all of which is in accordance with Section 398 of the Municipal Act, 2001, c. 25, as amended;
- 8.3 The Corporation shall, prior to adding any amounts owing to the tax roll of any property, provide at least ten (10) days written notice of its intention to do so.
- 8.4 Any person who contravenes any provision of the By-law is guilty of an offence and liable on conviction to a penalty not exceeding \$5,000, exclusive of costs, and the provisions of the Provincial Offences Act, R.S.O. 1990, c. P. 33 as amended, shall apply to said fine.

Schedule "A" **Fees, Interest and Penalties**

Attendance by the Fire Department or Fire Department Personnel and determining that a fire has been set, maintained, or allowed to burn in contravention of By-law No. 2010-054 as amended, the following shall apply.

Section A - Costs:

1. As per amended MTO fee for service rate per truck for the first hour or portion thereof. Any additional cost for special supplies used including but not limited to, firefighting foam and hazardous material absorbent, portable fire extinguishers.
2. As per amended MTO fee for service rate per truck for ½ hour, for a fire department officer required to attend an open air burning.

Section B – Interest and Penalties

1. All unpaid amounts owing by any person to the Township pursuant to this By-law accrue interest at the rate of 24% per annum, calculated monthly, and such amounts shall be paid and collected as set out in Section 8 of this By-law. Interest as set out herein shall be payable 30 days following issuance of an invoice by the Township for the fees owing pursuant to this By-law.

Section C – Current Ministry of Transportation Rates

1. As of date of passage - \$350 per hour (\$175 per half-hour)
2. As of October 1, 2010 - \$410 per hour (\$205 per half-hour)