

**THE CORPORATION OF THE TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD**

**BYLAW NO. 2001-94**

**BEING A BYLAW TO REGULATE THE SETTING OF FIRES IN THE OPEN AIR IN THE TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD.**

**WHEREAS** the Municipal Act, R.S.O. 1990, c. M.45, subsection 210(35) authorizes the Council of a municipality to pass a Bylaw to prescribe the times during which fires may be set in the open air and the precautions to be observed by persons setting out fires;

**AND WHEREAS** the Township of Smith-Ennismore-Lakefield passed Bylaw 2001-51 on the 8<sup>th</sup> day of May 2001 to regulate the setting of fires in the open air in the Township of Smith-Ennismore-Lakefield;

**AND WHEREAS** the Township of Smith-Ennismore-Lakefield deems it advisable to repeal Bylaw 2001-51;

**NOW THEREFORE** the Council of The Corporation of the Township of Smith-Ennismore-Lakefield **ENACTS** as follows:

1. No person shall set, maintain or allow to burn a fire in the open air for any purpose in the Township of Smith-Ennismore-Lakefield except during the time commencing one-half hour before sunrise and terminating one-half hour after sunset in any day except as otherwise hereinafter permitted.
2. No person shall set, maintain or allow to burn a fire in the open air in the Township of Smith-Ennismore-Lakefield unless he or she has obtained a permit in the form set out in Schedule "A" attached hereto and forming part of this Bylaw from the Municipal Office for the Township of Smith-Ennismore-Lakefield, has provided all information as is required therein and has obtained telephone approval on the date of setting the fire. Such approval must be obtained from the Fire Chief or Chief Fire Prevention Officer of the Township of Smith-Ennismore-Lakefield or an authorized designate.
3. 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 in the Township of Smith-Ennismore-Lakefield:
  - (a) shall be responsible for any damage to property occasioned by said fire; and
  - (b) shall be liable for the cost of any firefighting equipment and personnel necessary to extinguish said fire, which cost will be calculated in accordance with a costs schedule to be calculated and established annually by Council of the Township of Smith-Ennismore-Lakefield. In addition to any other remedy available to the Township of Smith-Ennismore-Lakefield, the said costs may be recovered in a like manner as municipal taxes.
4. Any person setting, maintaining or allowing to burn a fire in the open air in the Township of Smith-Ennismore-Lakefield shall ensure that:
  - (a) the fire is not located within 10 metres of any building, structure or overhead wire;
  - (b) there is no burning of leaves, grass clippings, clean wood building materials, wood chips or brush (*amended by By-law 2005-58*).
  - (c) the fire is attended at all times by the person to whom the permit was issued or another responsible adult until the fire is extinguished;
  - (d) the fire does not cause excessive smoke and/or fire damage to property;
  - (e) the fire is not greater than 75cm in diameter unless Section 5 applies;
  - (f) all flammable vegetation and materials are cleared from the area within a 7.5 metre radius of the fire;
  - (g) the fire does not spread rapidly through any grass or brush area;
  - (h) no petroleum products, plastics, rubber, pressure treated lumber, railway ties, or other materials that create excessive or toxic smoke or excessive odour are burned in the fire;

TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD  
BYLAW NO. 2001-94- PAGE 2

- (i) the fire does not decrease visibility or create a hazard on any public or private roadway; and
  - (j) the fire is not set under weather conditions that limit the rapid dispersion of smoke.
5. The Fire Chief or Chief Fire Prevention Officer of the Township of Smith-Ennismore-Lakefield, in their sole and absolute discretion:
- (a) may enter into written agreement with any person for a controlled burn in the form set out in Schedule "B" attached hereto and forming part of this Bylaw and/or
  - (b) may provide in the controlled burn agreement that the requirement set out in subsection 4(e) of this Bylaw does not apply to the controlled burn, in which case it does not so apply; and/or
  - (c) may impose such further and other requirements regarding the fire as deemed appropriate for clarification purposes; and/or
  - (d) may issue a 365 day permit to a farming business upon the receipt of the farm registration number and when issued the provision of Section 2 of this Bylaw shall be complied with.
6. Nothing in this Bylaw shall:
- (a) prevent the setting of a fire in a barbecue unit, provided:
    - i) the fire is for cooking purposes only; and
    - ii) the unit is safely constructed;
    - iii) the unit is located in a safe, cleared area;
    - iv) the fire is of a reasonable size;
  - (b) prevent the setting of a fire in an incinerator unit, provided:
    - i) the unit is safely constructed;
    - ii) the unit is enclosed and the unit top is covered with a 1cm mesh screen;
    - iii) the unit is located in a safe, cleared area;
    - iv) the fire is of a reasonable size; and
    - v) the provisions of Section 4 of this Bylaw are complied with; notwithstanding the provision of Section 4(a) the incinerator unit must be located 30 metres away from any building structure or overhead wire
  - (c) prevent the setting of a fire in a safe cleared area, provided:
    - i) the fire is of a reasonable size;
    - ii) the fire is for cooking purposes only; and
    - iii) the provisions of Section 4 of this Bylaw are complied with.
7. Any person who contravenes any of the provisions of this Bylaw, including any requirement contained in a controlled burn agreement under Section 5 of this Bylaw, is guilty of an offence and shall, upon conviction, be liable to a penalty of not more than \$5,000.00.
8. The short title of this Bylaw shall be the "Open Air Burning Bylaw".
9. This Bylaw shall come into full force and effect on the 14<sup>th</sup> day of August 2001 and that the Township of Smith-Ennismore-Lakefield Bylaw 2001-51 is hereby repealed.

**READ a FIRST, SECOND and THIRD time and finally passed this 14<sup>th</sup> day of August 2001.**

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Reeve Burritt Mann

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Clerk Janice Lavalley

**SCHEDULE "A"**

**THE CORPORATION OF THE TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD  
PERMIT FOR OPEN AIR FIRE**

Date Issued: \_\_\_\_\_

PERSONAL INFORMATION

Applicant's Name: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_  
(Street or Concession Road and Municipal Number)

Other Responsible Adult: \_\_\_\_\_

Phone Number at Site: \_\_\_\_\_

Association or Sponsor: \_\_\_\_\_

FIRE INFORMATION

Date of Fire: \_\_\_\_\_ Estimated Duration: \_\_\_\_\_

Location of Fire: Lot \_\_\_\_\_, Concession \_\_\_\_\_  
\_\_\_\_\_  
(Municipal Address)

Responsible Person: \_\_\_\_\_

Means of Extinguishing Fire: \_\_\_\_\_

Access Route: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**THIS PERMIT IS ISSUED SUBJECT TO THE FOLLOWING CONDITIONS**

1. The Applicant acknowledges having read and understood Bylaw No. 2001-94, as amended.
2. The Applicant must obtain verbal permission from the Fire Chief, the Chief Fire Prevention Officer or designate on the date the fire is set.
3. Written approval is required from the Fire Chief, the Chief Fire Prevention Officer or designate for every fire set or continuing after one-half hour after sunset, save and except a fire referred to in Section 6 of Bylaw No. 2001-94.
4. The Applicant is responsible to comply with applicable legislation.
5. The Applicant shall post this Fire Permit at the location of the telephone nearest the fire for easy access to emergency telephone numbers listed below.

This Permit is valid for a period of \_\_\_\_\_ days only from the date issued above.

APPLICANT'S SIGNATURE \_\_\_\_\_

ISSUER'S SIGNATURE \_\_\_\_\_

FIRE OFFICIAL \_\_\_\_\_

Fire Department: Administration Phone: 292-7282

**\_\_\_\_\_**  
**FIRE DEPARTMENT EMERGENCY NUMBER 9-1-1**  
**\_\_\_\_\_**

**SCHEDULE "B"**

**THE CORPORATION OF THE TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD  
AGREEMENT FOR CONTROLLED BURN**

**(to be typed on Township of Smith-Ennismore-Lakefield Fire Department Letterhead)**

Date Issued: \_\_\_\_\_

PERSONAL INFORMATION

Applicant's Name: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_  
(Street or Concession Road and Municipal Number)

Other Responsible Adult: \_\_\_\_\_

Phone Number at Site: \_\_\_\_\_

Association or Sponsor: \_\_\_\_\_

FIRE INFORMATION

Date of Fire: \_\_\_\_\_ Estimated Duration: \_\_\_\_\_

Location of Fire: Lot \_\_\_\_\_, Concession \_\_\_\_\_  
\_\_\_\_\_  
(Municipal Address)

Responsible Person: \_\_\_\_\_

Means of Extinguishing Fire: \_\_\_\_\_

Access Route: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**THIS PERMIT IS ISSUED SUBJECT TO THE FOLLOWING CONDITIONS**

1. The Applicant acknowledges having read and understood Bylaw No. 2001-94, as amended.
2. The Applicant must obtain verbal permission from the Fire Chief, the Chief Fire Prevention Officer or designate on the date the fire is set.
3. Written approval is required from the Fire Chief, the Chief Fire Prevention Officer or designate for every fire set or continuing after one-half hour after sunset, save and except a fire referred to in Section 6 of Bylaw No. 2001-94.
4. The Applicant is responsible to comply with applicable legislation.
5. The Applicant shall post this Fire Permit at the location of the telephone nearest the fire for easy access to emergency telephone numbers listed below.
6. The Applicant is not required to comply with subsection 4(e) of Bylaw No. 2001-94, as amended, being the requirement that the fire not be greater than 75 cm in diameter. However, the Applicant shall comply with the following additional requirements:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This Permit is valid for a period of \_\_\_\_\_ days only from the date issued above.

APPLICANT'S SIGNATURE \_\_\_\_\_

ISSUER'S SIGNATURE \_\_\_\_\_

FIRE OFFICIAL \_\_\_\_\_

Fire Department: Administration Phone: 292-7282

**\_\_\_\_\_**  
**FIRE DEPARTMENT EMERGENCY NUMBER 9-1-1**  
**\_\_\_\_\_**

THE CORPORATION OF  
THE TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD

1310 Centre Line, P. O. Box 270, Bridgenorth, Ontario K0L 1H0  
· (705) 292-9507 Township Office · (705) 292-7282 Fire Department Administration Office

**OPEN AIR FIRE PERMIT**

Date Issued: \_\_\_\_\_

**PERSONAL INFORMATION**

Applicant's Name \_\_\_\_\_

Applicant's Address: \_\_\_\_\_  
(Municipal Number and Street or Concession Road)

Other Responsible Adult: \_\_\_\_\_

Phone Number at Site: \_\_\_\_\_

Association or Sponsor: \_\_\_\_\_

**FIRE INFORMATION**

Date of Fire: \_\_\_\_\_ Estimated Duration: \_\_\_\_\_

Location of Fire: \_\_\_\_\_  
(Municipal Number and Street/Road Address)  
Lot \_\_\_\_\_, Concession \_\_\_\_\_

Responsible Person: \_\_\_\_\_

Means of Extinguishing Fire: \_\_\_\_\_

Access Route: \_\_\_\_\_  
\_\_\_\_\_

**THIS PERMIT IS ISSUED SUBJECT TO THE FOLLOWING CONDITIONS**

1. The Applicant acknowledges having read and understood Bylaw No. 2001-94, as amended.
2. The Applicant must obtain verbal permission from the Fire Chief, the Chief Fire Prevention Officer or designate on the date the fire is set.
3. Written approval is required from the Fire Chief, the Chief Fire Prevention Officer or designate for every fire set or continuing after one-half hour after sunset, save and except a fire referred to in Section 6 of Bylaw No. 2001-94.
4. The Applicant is responsible to comply with applicable legislation.
5. The Applicant shall post this Fire Permit at the location of the telephone nearest the fire for easy access to emergency telephone numbers listed below.

This Permit is valid for a period of \_\_\_\_\_ days only from the date issued above.

APPLICANT'S SIGNATURE \_\_\_\_\_

ISSUER'S SIGNATURE \_\_\_\_\_

Fire Department: Administration Phone: 292-7282

**FIRE DEPARTMENT EMERGENCY NUMBER 9-1-1**

**THE CORPORATION OF THE TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD  
CONSOLIDATED VERSION OF BYLAW NO. 2001-94**

This edition is prepared for purposes of convenience only. For accurate reference, recourse should be made to the original Bylaws on file in the Office of the Township Clerk.

**BEING A BYLAW REGULATING THE SETTING OF FIRES IN THE OPEN AIR IN THE TOWNSHIP OF SMITH-ENNISMORE-LAKEFIELD.**

**The Municipal Act**, R.S.O. 1990,c.M.45, subsection 210(35), authorizes the Council of a Municipality to pass a Bylaw to prescribe the times during which fires may be set in the open air and the precautions to be observed by persons setting out fires. Therefore the Council of the Corporation of the Township of Smith-Ennismore-Lakefield enacted by following Bylaw:

1. No person shall set, maintain or allow to burn a fire in the open air for any purpose in the Township of Smith-Ennismore-Lakefield except during the time commencing one-half hour before sunrise and terminating one-half hour after sunset in any day except as otherwise hereinafter permitted.
2. No person shall set, maintain or allow to burn a fire in the open air in the Township of Smith-Ennismore-Lakefield unless he or she has obtained a permit in the form set out in Schedule "A" attached hereto and forming part of this Bylaw from the Municipal Office for the Township of Smith-Ennismore-Lakefield, has provided all information as is required therein and has obtained telephone approval on the date of setting the fire. Such approval must be obtained from the Fire Chief or Chief Fire Prevention Officer of the Township of Smith-Ennismore-Lakefield or an authorized designate.
3. 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 in the Township of Smith-Ennismore-Lakefield:
  - (a) shall be responsible for any damage to property occasioned by said fire; and
  - (b) shall, if the fire is not permitted pursuant to this Bylaw or does not otherwise comply with the regulations set out herein, be liable for the payment of a fee comprised of the cost of any firefighting equipment and personnel necessary to attend at or extinguish the said fire, which cost (including the payment of any interest) will be calculated in accordance with Schedule "C" hereof. In addition to any other remedy available to the Township of Smith-Ennismore-Lakefield, the said fee shall constitute a debt owing by the person to the Township and the Township shall, if such amounts remain unpaid sixty (60) days following notification of the amounts owing pursuant to Section 3.1 hereof, add the amounts owing to the tax roll for the real property of the person who is responsible for paying the fees and such amounts may be collected and recovered in like manner as municipal taxes.
- 3.1 The Township of Smith-Ennismore-Lakefield shall, prior to adding any amounts owing pursuant to subsection 3.(b) hereof to the tax roll of any property, provide at least ten (10) days written notice of its intention to do so.
- 3.2 Any person owing money to the Township pursuant to subsection 3.(b) shall pay to the Township, in addition to the amounts so owing, such interest on the amounts as are set out in Schedule "C" hereof and such interest shall be calculated in the manner set out in the said Schedule "C".
4. Any person setting, maintaining or allowing to burn a fire in the open air in the Township of Smith-Ennismore-Lakefield shall ensure that:
  - (a) the fire is not located within 10 metres of any building, structure or overhead wire;
  - (b) As amended by Bylaw 2005-58; there is no burning of leaves, grass clippings, clean wood building materials, wood chips or brush;
  - (c) the fire is attended at all times by the person to whom the permit was issued or another responsible adult until the fire is extinguished;
  - (d) the fire does not cause excessive smoke and/or fire damage to property;
  - (e) the fire is not greater than 75cm in diameter unless Section 5 applies,
  - (f) all flammable vegetation and materials are cleared from the area within a 7.5 metre radius of the fire;
  - (g) the fire does not spread rapidly through any grass or brush area;
  - (h) no petroleum products, plastics, rubber, pressure treated lumber, railway ties, or other materials that create excessive or toxic smoke or excessive odour are burned in the fire;
  - (i) the fire does not decrease visibility or create a hazard on any public or private roadway; and
  - (j) the fire is not set under weather conditions that limit the rapid dispersion of smoke.
5. The Fire Chief or Chief Fire Prevention Officer of the Township of Smith-Ennismore-Lakefield, in their sole and absolute discretion:
  - (a) may enter into written agreement with any person for a controlled burn in the form set out in Schedule "B" attached hereto and forming part of this Bylaw and/or
  - (b) may provide in the controlled burn agreement that the requirement set out in subsection 4(e) of this Bylaw does not apply to the controlled burn, in which case it does not so apply and/or
  - (c) may impose such further and other requirements regarding the fire as the Fire Chief or Chief Fire Prevention Officer of the Township of Smith-Ennismore-Lakefield, in their sole and absolute discretion, deem appropriate and for clarification purposes. The business of farming will be issued a 365 day permit upon receipt of the Farm Registration Number. The provisions of Section 2 of this Bylaw are complied with.
6. Nothing in this Bylaw shall:
  - (a) prevent the setting of a fire in a barbecue unit, provided:
    - i) the unit is safely constructed; ii) the unit is located in a safe, cleared area; iii) the fire is of a reasonable size; iv) the fire is for cooking purposes only;
  - (b) prevent the setting of a fire in an incinerator unit, provided:
    - i) the unit is safely constructed; ii) the unit is enclosed and the unit top is covered with a 1cm mesh screen; iii) the unit is located in a safe, cleared area; iv) the fire is of a reasonable size; and v) the provisions of Section 4 of this Bylaw are complied with; notwithstanding the provision of Section 4(a) the incinerator unit must be located 30 metres away from any building structure or overhead wire
  - (c) prevent the setting of a fire in a safe cleared area, provided:
    - i) the fire is of a reasonable size; ii) the fire is for cooking purposes only; and iii) the provisions of Section 4 of this Bylaw are complied with.
7. Any person who contravenes any of the provisions of this Bylaw, including any requirement contained in a controlled burn agreement under Section 5 of this Bylaw, is guilty of an offence and shall, upon conviction, be liable to a penalty of not more than \$5,000.00.

**SCHEDULE "A"- OPEN AIR FIRE PERMIT  
SCHEDULE "B" - AGREEMENT FOR CONTROLLED BURN  
SCHEDULE "C" - FEES, INTEREST AND PENALTIES**

**A. Burning with a Permit - Contravention of Regulations**

1. Attendance by the Fire Department or Fire Department Personnel and the Fire Department determines that a fire has been set, maintained or allowed to burn in contravention of Section 4 of Bylaw No. 2001-94, as amended.
  - i) **First Occurrence on Property** - One-half the costs as determined in Clause B hereof.
  - ii) **Second Occurrence or Subsequent Occurrences on Same Property.** In accordance with the costs as determined in Clause B hereof.

**B. Burning without a Permit**

1. Attendance by the Fire Department or Fire Department Personnel and the Fire Department determines that a fire has been set, maintained or allowed to burn in contravention of Section 2 of Bylaw No. 2001-94, as amended.
  - i) **Costs Shall be Determined and Assessed as Follows:**
    - (i) \$300. per truck for the first hour or portion thereof. (ii) \$120. per truck for each additional half hour or portion thereof, (iii) any additional costs of special supplies used including, but not limited to, firefighting foam and hazardous material absorbent or
    - (ii) \$150.00 cost for fire personnel attending a burning scene to have a fire extinguished which is not in compliance with Section 4 of the above.

**C. Interest (Subsection 3.2)**

1. All unpaid amounts owing by any person to the Township pursuant to this Bylaw accrue interest at the rate of 15% (15 percent) per annum, calculated monthly, in arrears and such amounts shall be paid and collected in the same manner as the fees set out in subsection 3.(b) of this Bylaw. Interest as set out herein shall be payable thirty (30) days following issuance of an invoice by the Township for the fees owing pursuant to this Bylaw.