

THE MUNICIPALITY OF NORTH PERTH
BY-LAW NO. 37-2022
BEING A BY-LAW TO REGULATE OPEN AIR BURNING WITHIN
THE MUNICIPALITY OF NORTH PERTH

WHEREAS Section 7.1 (1) of the Fire Protection and Prevention Act, S.O. 1997, c. 4. as amended provides authority to the Council of a municipality to pass by-laws to regulate fire prevention including the prevention of spreading fires, and regulating the setting of open-air fires, including establishing the times during which open-air fires may be set;

AND WHEREAS Section 7.1. (3) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, provides that a by-law under this section may deal with different areas of the municipality differently;

AND WHEREAS Part 2 of the Ontario Fire Code, O. Reg. 388/97, provides that open-air burning shall not be permitted unless approved, or unless such burning consists of a small confined fire supervised at all times, and used to cook food on a grill or barbeque or such burning take place in an appliance that is in compliance with the Technical Standards and Safety Act, 2000, for outdoor use and is installed in accordance with the manufacturer's instructions;

AND WHEREAS Council considers excessive smoke, odour, airborne sparks or embers, and airborne particles of burned materials to be, or become, or cause public nuisance by creating negative effects on neighbouring residents, increasing fire exposure hazards, infringing on the enjoyment of the use of neighbouring properties, and/or generating false fire alarms

AND WHEREAS Section 425 and 429 of the Municipal Act, 2001, S.O. 2001, c. 25, authorize a municipality to create offences and to establish fines for offences under by-laws;

NOW THEREFORE the Council of the Municipality of North Perth ENACTS as follows:

1.0 DEFINITIONS

In this By-law:

Applicant means the person, organization, company or group that makes application to the Fire Chief for permission to hold an open-air fire.

Barbeque appliances including a hibachi, a permanent structure designed and intended solely for the cooking of food in the open air, and other similar devices designed and intended solely for the cooking of food in the open air, but does not include devices designed for personal warmth, fire pits, or camp fires.

By-law Enforcement Officer means a By-law Enforcement Officer of the Municipality of North Perth.

Council means the Council of the Municipality of North Perth.

Fire Chief means the Fire Chief or his/her designate of the North Perth Fire Department (NPFDD).

Municipality refers to the Municipality of North Perth.

Non-Recreational Open-Air Fire means any controlled open air burning that exceeds the size requirements of a recreational fire. These fires are only permitted in rural areas (as defined below).

Open-Air Burn Permit refers to a permit to burn issued by the Fire Chief for the Municipality of North Perth, or by his/her designate.

Open-Air Fire means the burning outside of a building where the flame is not wholly contained and is therefore open to the air. Open air fire and fire shall have the same meaning. See Appendix "A".

Person refers to the owner, or tenant, or one who has possession or control of a property in the Municipality of North Perth.

Police Officer means any member of the Ontario Provincial Police.

Prohibited Material includes, but is not limited to, materials such as automobile and truck bodies, tires, oil, grease, paint, rags, plastics, wire, leaves, asphalt shingles, rubber, construction materials, insulation and flammable or combustible liquids or accelerants. See Appendix "B".

Recreational Fire means a small, controlled, and contained fire for the purpose of cooking, warmth or personal enjoyment and includes Open Air Burning Devices shown in Appendix "C".

Rural Areas refers to all other areas designated in the County of Perth Official Plan not included in the definition of "Urban Area".

Urban Areas refers to all areas in the Municipality of North Perth designated in the County of Perth Official Plan as "settlement areas," including "serviced urban area", "village", "hamlet" and also "mobile/modular home park", "urban fringe" and "infilling areas".

2.0 ADMINISTRATION

- 2.1 The Fire Chief, or his/her designate, By-Law Enforcement Officer and/or Police Officer shall be responsible for the administration and enforcement of this By-Law.
- 2.2 The Fire Chief is hereby delegated authority to approve of the setting of fires in accordance with the provisions of this by-law.
- 2.3 The Fire Chief or his/her designate is hereby authorized to enter, at all reasonable times and upon any property in the Municipality, in order to ascertain whether the provisions of this by-law are being complied with. The Fire Chief or his/her designate is hereby further empowered to enforce or carry into effect the provisions of this By-law.

3.0 GENERAL PROVISIONS- RECREATIONAL FIRES

- 3.1 Recreational fires are permitted in both urban and rural areas of the Municipality of North Perth, under the following conditions:
 - (a) The fire must be contained, as shown in the attached Appendix C.
 - (b) Recreational fires cannot be larger than 0.75 metres (30 inches) in diameter; no more than 1 metre (40 inches) in height, including flame height. See Appendix A.
 - (c) The fire must be a safe distance of at least 7.5 meters (25 feet) from any building, structure, or combustible object.
 - (d) The fire must be supervised at all times by a competent person who is at least 18 years of age.
 - (e) The use of propane or natural gas units is permitted with no less than 3 meters (10 feet) distance from any combustible material, and an overhead clearance of 2.1 meters (7 feet), or in accordance with manufacturer's recommendations.
 - (f) If burning wood, the wood must be clean and dry. Burning of painted or pressure treated wood, and any other construction materials is prohibited.
 - (g) Fires should not be started when the wind speed is predicted to exceed 20 kilometres per hour at any time for the duration of the fire.

- (h) Burning of rubber, plastic, household garbage, and materials that produces noxious odours to the surrounding neighbourhood is strictly prohibited. Please refer to Appendix B for additional items that cannot be burned.
- (i) A charged garden hose must be available near the site while the fire is burning.
- (j) Recyclable materials are not to be burned.
- (k) All reasonable steps have been taken to ensure that adjacent properties and individuals are protected from fire hazards and are not adversely affected by the fire.
- (l) Burn barrels are not permitted.
- (m) Barbecues and/or open air-burning of any kind are not permitted on balconies of multi unit, multi storey residential buildings.
- (n) No permit is required for recreational fires.

4.0 GENERAL PROVISIONS- NON-RECREATIONAL FIRES

- 4.1 Non-recreational fires are permitted only in rural areas of the Municipality of North Perth (as defined in the County of Perth Official Plan), under the following conditions:
- (a) A burn permit is required for all non-recreational fires exceeding 3 meters (10 feet) in diameter.
 - (b) The Fire Chief, or designate, is to be notified of an intent to set a non-recreational fire at least 1 hour prior to the setting of the fire by the owner or owner's designate. Permits can be obtained by telephone during Fire Administration Office Hours, Monday to Friday, 8:30 a.m. to 4:30 p.m., excluding statutory holidays. Verbal confirmation by the Fire Chief or designate, along with a burn permit number is required before the fire is lit.
 - (c) Non-recreational fires are permitted during daylight hours only.
 - (d) The fire must be a safe distance of at least 30 meters (100 feet) from any building, structure, or combustible object.
 - (e) The fire must be supervised at all times by a competent person who is at least 18 years of age. The supervising adult must have a method of communicating in the event of an emergency.
 - (f) Fires should not be started when the wind speed is predicted to exceed 20 kilometres per hour at any time for the duration of the fire.
 - (g) Burning of rubber, plastic, household garbage, and materials that produces noxious odours to the surrounding neighbourhood is prohibited. Please refer to Appendix B for additional items that cannot be burned.
 - (h) A source of extinguishment is required at the site while the fire is burning.
 - (i) Recyclable materials are not to be burned.
 - (j) All reasonable steps have been taken to ensure that adjacent properties and individuals are protected from fire hazards and are not adversely affected by the fire
 - (k) Burn barrels are not permitted.
 - (l) Burning the remains of a demolished structure requires 48 hours notice for site inspection.

5.0 FIRE BANS

The Fire Chief or his/her designate may declare a fire ban if he/she fears conditions exist which pose a safety concern within the Municipality of North Perth, banning any and all open fires within the Municipality of North Perth until such fire risk emergency is removed at his/her discretion.

6.0 PENALTIES

6.1 Permission

Every person who sets a non-recreational without the authorization of the Fire Chief or his/her designate, or without adhering to the conditions as set out in this by-law, resulting in the attendance of the Fire Department, is responsible for the cost of dispatching fire equipment to the site and for bringing the said fire under control or extinguishment. This will include vehicle and personnel costs, equipment costs, and/or the costs of any firefighting materials used to bring the fire under control or to extinguish it.

6.2 Contraventions

Any person who contravenes any of the provisions described above shall be guilty of an offence and upon conviction shall be subject to a fine as prescribed in *The Provincial Offences Act*, R.S.O. 1990, c. P33, as amended.

When the North Perth Fire Department responds to burn complaints, and the Fire Chief or his/her designate determines that the burning does not comply with this By-law, the persons having the fire will be directed to extinguish it, or the fire will be extinguished by NPFDF.

In the event that a property owner is not in compliance with the provisions of this By-law, the North Perth Fire Department may charge the cost of responding to the incident to the property owner under the Municipality's current Rates and Fees Bylaw.

7.0 REPORTING AN ILLEGAL OR NUISANCE FIRE

North Perth Fire Department: Mon-Fri 8:30am-4:30pm (519) 291-6825. After hours, call 911.

Ontario Provincial Police: 1(888) 310-1122, 24-hour service

By law Enforcement: Monday to Friday 8:30am-4:30pm (519) 292-2050 or (519) 292-9316. [To Register a complaint \(link to online form\)](#)

The following information is required when calling to report a complaint:

- Your name, address, phone number;
- Address of the occurrence;
- Details regarding the occurrence including whether the fire is currently burning or not.

8.0 INDEMNIFICATION

All persons granted permission under this by-law shall indemnify and save harmless the Municipality of North Perth from any and all claims, demands, causes of action, losses, costs or damages that the Municipality of North Perth may suffer, incur or be liable for resulting from the issuance of fire permits as set out in this by-law or its predecessor, whether with or without negligence on the part of the applicant, the applicant's employees, directors, contractors and agents.

9.0 MISCELLANEOUS

9.1 That By-law No. 117-PW-2001 be hereby repealed.

9.2 That this by-law shall come into full force and effect upon its final passing.

9.3 This By-law may be cited as the "Open-Air Burning By-Law".

READ a FIRST TIME this 25th day of April, 2022.

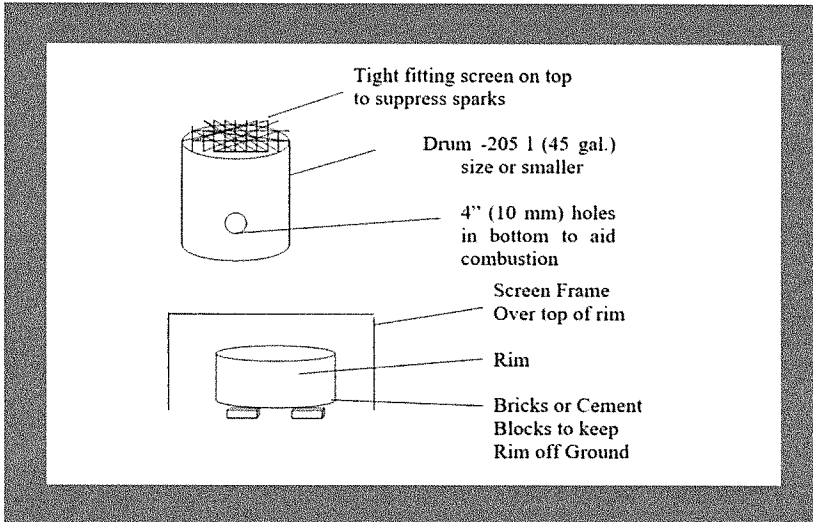
READ a SECOND TIME this 25th day of April, 2022

READ a THIRD TIME & FINALLY PASSED this 25th day of April, 2022.

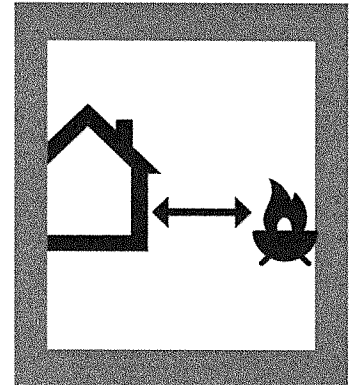

MAYOR TODD KASENBERG


CLERK

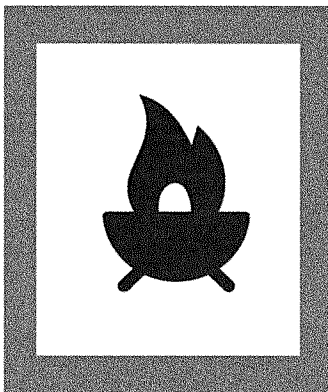
Recreational Fires



FIRES MUST BE SMALL - NO MORE THAT 0.75 METERS (30 INCHES) IN DIAMETER AND NO MORE THAN 1 METER (40 INCHES) IN HEIGHT, INCLUDING FLAME HEIGHT



A WOOD BURNING FIRE MUST BE 7.5 METERS (25FT) AWAY FROM ANY STRUCTURES, LOT LINE, TREES, FENCES, VEHICLES, AND OTHER COMBUSTIBLE MATERIALS



FIRE MUST BE IN A CONTAINER, APPARATUS OR PHYSICAL CONSTRUCT THAT IS CAPABLE OF CONTROLLING THE SPREAD OF THE FIRE (I.E. FIRE PIT, OUTDOOR OVEN OR CHIMINEA)



NO MATERIALS CAN BE BURNED THAT CAUSE NOXIOUS ODOURS, SUCH AS OIL, GREASE, PRESSURE TREATED WOOD, PLASTICS, FLAMMABLE LIQUIDS, YARD WASTE, CLOTHING AND RAGS

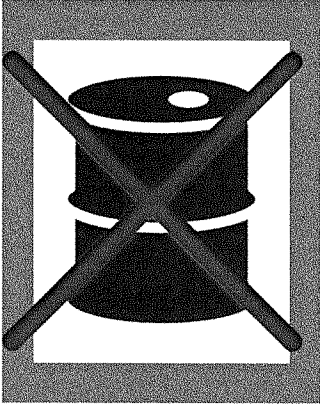


A GARDEN HOSE MUST BE LOCATED IN CLOSE PROXIMITY TO THE FIRE AND MUST BE CONNECTED TO A PRESSURIZED WATER SOURCE

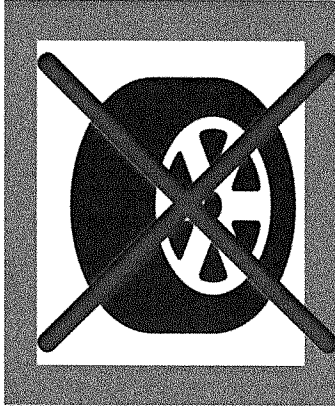
No permit required

Recreational fires cannot be larger than 0.75 meters (30 inches) in diameter; no more than 1 meter (40 inches) in height, including flame height

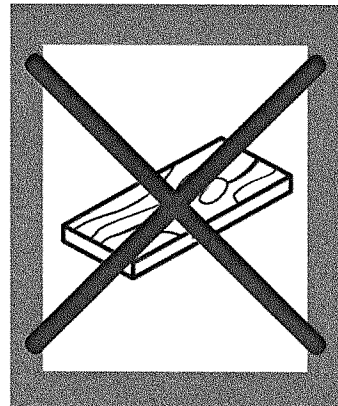
Items You Cannot Burn



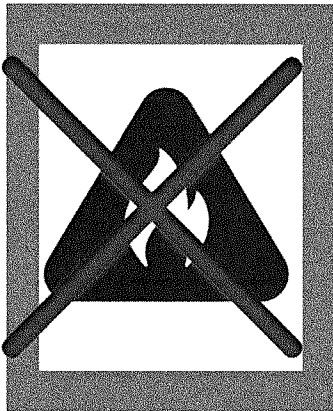
**OIL, GREASES AND OTHER
FUELS THAT PRODUCE
NOXIOUS FUMES**



**TIRES AND RUBBER
PRODUCTS**



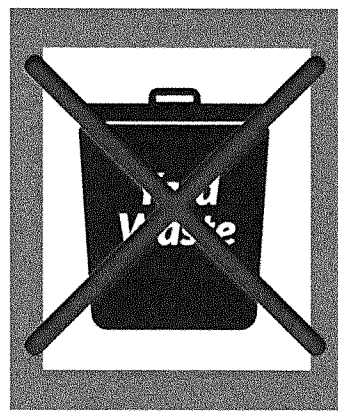
**PAINTED WOOD AND PRESSURE
TREATED LUMBER & OTHER
CONSTRUCTION MATERIALS**



**FLAMMABLE OR COMBUSTIBLE
LIQUIDS**



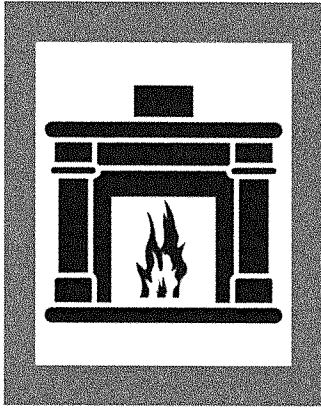
**PLASTIC & RECYCLABLE
PRODUCTS**



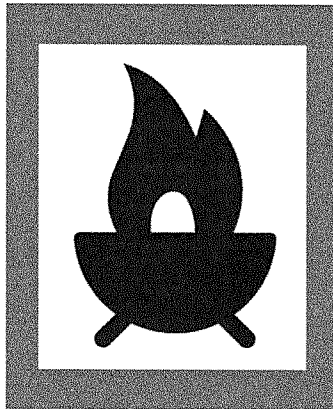
**YARD WASTE INCLUDING GRASS,
LEAVES, TREES, DEAD OR DYING
FLOWERS, GARDEN PLANTS,
WEEDS, PINE NEEDLES,
BRUSH/HEDGE TRIMMINGS**

If uncertain, please call and ask before lighting any fire

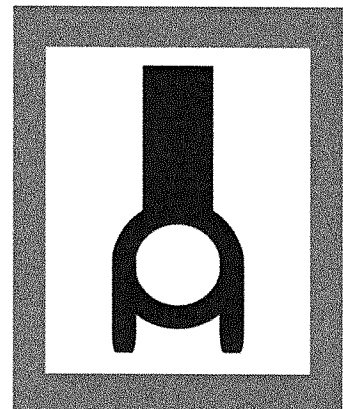
Approved Burning Appliances



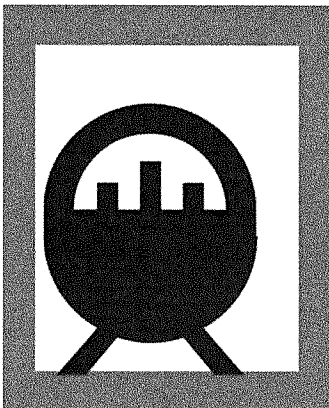
**OUTDOOR
FIREPLACES**



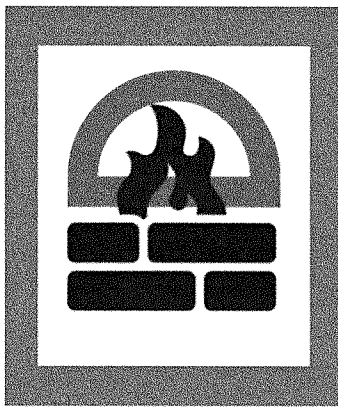
**PROPANE OR
NATURAL GAS UNITS**



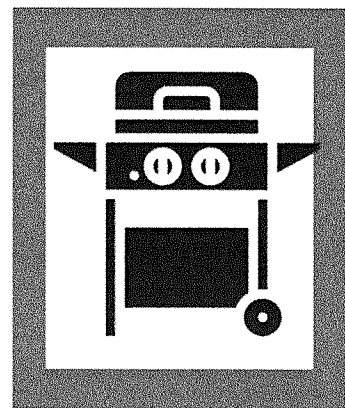
CHIMINEAS



**FIRE BOWLS WITH A
SCREEN**



**BRICK BASED
FIREPIT WITH A
SCREEN**



**BBQ'S FOR COOKING
PURPOSES ONLY**

Uncertain, ask before purchasing or constructing the pit