


Corporation of The Town of Parry Sound

10.1.2.

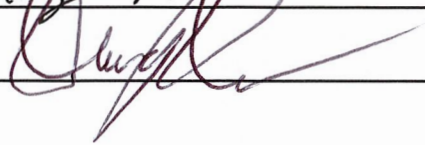
Passing of By-law No: 2021 – 7170

21st Day of September 2021

Moved by Councillor



Seconded by Councillor



That By-law No: 2021 – 7170

Being a By-law to establish prescribed times for setting open air fires, precautions to be taken and a system for issuing permits for open air burning within the Town of Parry Sound.

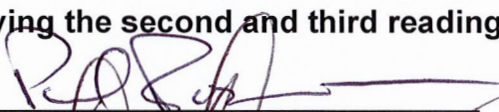
Be considered as read a first time.

- Carried - ✓



Are all members in favour of having the second and third readings? ✓

Moved by Councillor



Seconded by Councillor




That the By-law Above Mentioned Be Considered as Read A Second, And Third Time, Passed, Signed and Sealed.

- Carried - ✓



Entered as Part of The Minutes of the Meeting Held this 21st day of September 2021.



Mayor Jamie McGarvey



Clerk Rebecca Johnson

Postponed to: _____

Amends By-law: _____

Repeals By-law: _____

By-law Amended: _____

By-law Repealed: _____

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Being a by-law to establish prescribed times for setting open air fires, precautions to be taken and a system for issuing permits for open air burning within the Town of Parry Sound.

Whereas the Municipal Act, 2001 S.O. c. 25 Section 10, authorizes Council to regulate matters related to the health, safety, and well-being of the public; and

Whereas the Municipal Act, 2001 S.O. c. 25 Section 128 and 129 authorizes Council to prohibit and regulate matters with respect to public nuisances; and

Whereas the Municipal Act, 2001 S.O. c. 25 section 391 provides that municipalities may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done on behalf of the municipality; and

Whereas the Municipal Act, 2001 S.O. c.25 Section 446(1) provides that a municipality may proceed to do things at a person's expense which that person is otherwise required to do under a by-law or otherwise but has failed to do; and

Whereas the Municipal Act, 2001 S.O. c.25 Section 446(3) provides that the costs incurred by a municipality in doing a thing or matter under section 446(1) may be recovered by adding the costs to the tax roll and collecting them in the same manner as taxes; and

Whereas the Fire Protection and Prevention Act, 1997, S.O c.4 Section 7.1 provides that council of a municipality may pass by-laws regulating fire prevention, including the prevention of the spreading of fires and the setting of open air fires, including the times during which they may be set; and

Whereas the Forest Fires Prevention Act, R.S.O. 1990, c.F.24 and O. Reg 207/96, as amended, provide rules for outdoor fires;

Now therefore the Council of the Corporation of the Town of Parry Sound enacts as follows:

1. Definitions

For the purpose of this By-Law the following definitions shall apply:

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- 1.1 "Absolute Prohibition Fire Area" means a geographical area within the Municipality being the Central Business District in the Town of Parry Sound as defined in the Town of Parry Sound Official Plan, within which no burning is permitted. A map of the Central Business District is attached as Schedule "A".
- 1.2 "Chief Fire Official" means the Fire Chief as defined in the Fire Protection and Prevention Act or designate.
- 1.3 "Fire Danger Rating" is a rating scale of four values; low, moderate, high and extreme to indicate if the conditions are favourable for burning.
- 1.4 "Fire Department" means the Parry Sound Fire Department.
- 1.5 "Fire Permit" means a permit issued by the Municipality pursuant to this By-Law.
- 1.6 "Municipality" means the Corporation of the Town of Parry Sound.
- 1.7 "Officer" means the Chief Fire Official or designate, a Police Officer or a Municipal Law Enforcement Officer.
- 1.8 "Open Air Fire" means any fire or burning of solid combustible materials that is conducted outside a building and includes but is not limited to, small and large confined fires, outdoor recreational fireplaces, prescribed burning, and construction site and demolition site fires.
- 1.9 "Outdoor Fireplace" means a manufactured or homemade non-combustible enclosed wood burning device constructed of rock, bricks, metal or clay, such as a fire bowl or chiminea, with heavy five (5) mm screen.
- 1.10 "Permittee" means a person who is at least eighteen (18) years of age and who has been issued a fire permit by the Municipality.
- 1.11 "Recreational Fireworks" means fireworks which members of the public can purchase, and which do not require the member of the public to hold a license to purchase, possess and/or store such fireworks.

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1.12 "Restricted Fire Zone" means an area designated by an Order made by the Minister of Natural Resources.

2. Fire Permits

2.1 No person shall set or maintain an open air fire without a valid fire permit issued pursuant to this By-law.

2.2 A fire permit is valid for one year from the date of issue.

2.3 The Chief Fire Official or designate shall conduct an inspection of an open air fire site before issuing a permit or at any time during the permit validation period without notification to the property owner.

2.4 A fire permit may be cancelled or suspended at any time by a Chief Fire Official or designate and immediately upon receiving notice of such cancellation or suspension the Permittee, or the person tending the fire, shall extinguish any fire.

2.5 A person to whom a fire permit is issued shall keep it at the location of the activity authorized by the permit and shall produce the permit upon request.

2.6 The Chief Fire Official or designate may refuse to issue a permit or revoke a permit for open air burning if the proposed open air burning would be in contravention of this by-law, if the permit holder has contravened the provisions of this by-law in the past or if the permit holder has not complied with any conditions attached to a permit.

2.7 Any ULC approved device for propane or natural gas or any charcoal device does not require a permit.

2.8 A fire permit will not be issued for the absolute prohibition fire area.

3. Regulations for Open Air Fires

3.1 Open air fires are not permitted during a fire danger rating of extreme or a total fire ban and/or during high winds or when a prohibition against open air burning

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has been declared by the Chief Fire Official or designate or during a restricted fire zone imposed by the Ministry of Natural Resources.

- 3.2 Residential fireworks are not permitted during a fire danger rating of high and/or extreme and/or a total fire ban and/or during high winds and/or when a prohibition against open air burning has been declared by the Chief Fire Official or designate or during a restricted fire zone imposed by the Ministry of Natural Resources. Use of residential fireworks must also be in compliance with the Town of Parry Sound Fireworks By-law.
- 3.3 Open air fires shall always be attended by a person who is 18 years of age or older.
- 3.4 No person shall burn grass, leaves, brush, rubber tires, paint, asphalt, chemical wastes, synthetic materials, treated wood products and/or any other materials which would create excessive smoke or smell.
- 3.5 No person shall leave a fire unattended.
- 3.6 A person in charge of and tending an open air fire shall take all necessary steps to tend the fire, keep the fire under control, and totally extinguish the fire before leaving.
- 3.7 An open air fire must not exceed 75 centimeters (30 inches) in diameter and/or 90 centimeters (36 inches) in height.
- 3.7 The site of an open air fire must be non-combustible material.
- 3.8 Notwithstanding any provisions herein, no person shall set or maintain an open air fire:
 - a. in contravention of the Ontario Fire Code, the Environmental Protection Act or any other statutory requirements of the Province of Ontario, or the Government of Canada;
 - b. on any highway, or public property within the Municipality;

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- c. on any asphalt surface;
 - d. at any location owned or operated by the Municipality without the written permission of the Municipality;
 - e. within 8 meters of any property line, building, structure, hedge, fence, street, vegetation or overhead wires;
 - f. within 3.5 meters of any property line, a building, structure, hedge, fence, street, vegetation or overhead wires when using an outdoor fireplace;
 - g. in an outdoor fireplace without a spark arresting screen;
 - h. unless the equipment and resources designated on the permit are available at the fire at all times;
 - i. with the aid of flammable or combustible liquids or accelerants of any kind;
 - j. on any site, or in the vicinity of any site, where construction or related activities are occurring.
- 3.9 No person who starts an open air fire, or who is in charge of and/or tending the open air fire, shall permit the fire to continue to burn if the fire causes any or all of the following:
- a. the possible spread of the fire beyond the approved site;
 - b. decrease in visibility on any highway or street;
 - c. any odour or smoke to such an extent or degree so as to cause inconvenience, irritation or discomfort to others.
- 4. Special Approvals**
- 4.1 Notwithstanding the provisions of this By-Law, the Chief Fire Official or designate may approve an open air fire and issue a fire permit subject to such terms and conditions as the Chief Fire Official or designate deems appropriate.

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5. Enforcement, Penalties and Liabilities for Expenses

- 5.1 An Officer shall be permitted to enter onto lands at any time for the purpose of enforcing this by-law and may at their sole discretion, require the fire to be extinguished and/or brought into compliance with the by-law. No person shall fail to comply with the directions given.
- 5.2 If the person setting or permitting the fire and/or the owner fails to comply as directed, the Officer may take action to have the fire extinguished or otherwise brought into compliance with the by-law.
- 5.3 Every person who contravenes or fails to comply with any of the provisions of this By-Law is guilty of an offence, and on conviction is liable to a fine of not more than \$5000.00 and other penalties prescribed by the Provincial Offences Act, R.S.O. 1990, c P.33, as amended.
- 5.4 Any costs and expenses for services provided by or on behalf of the Municipality, or for which the Municipality is liable in endeavoring to control or extinguish any fire caused by or resulting from a person contravening or failing to comply with any provision of this By-Law shall be a service charge and shall constitute a debt of such person to the Municipality.
- 5.5 Any fee for service imposed pursuant to this By-Law shall be payable within fifteen (15) days after the Municipality has personally delivered or sent by prepaid registered post an invoice to the person responsible. All expenses incurred by the Town in connection with the enforcement of this by-law shall be paid within thirty (30) days of their billing date, and in the event of failure to pay the entire amount due within the said thirty (30) days the outstanding balance of the invoice may thereafter be added to the tax roll as of the year in which the expenses were billed.

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6. Severability

6.1 If any section or sections of this By-law or parts thereof are found in any court of law to be illegal or beyond the power of Council to enact, such section or sections or parts of this By-law shall be deemed to be separate and independent there from and to be enacted as such.

7. Conflict

7.1 If a provision of this by-law conflicts with an Act or regulation or another by-law the provision that is the most restrictive shall prevail.

8. Administration

8.1 The Chief Fire Official has responsibility for the administration of this By-Law and may delegate responsibility to any Municipal Employee.

8.2 This By-Law applies to the entire geographic area of the Municipality.

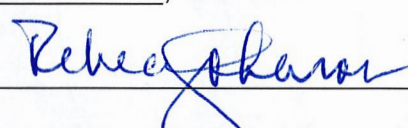
8.3 That By-Laws 89-3372, 98-3960, 98-4038 and 2003-4608 as amended be rescinded.

8.4 This By-Law shall come into full force and take effect upon the final passing thereof.

Read a First time this 21 day of September, 2021.




Mayor Jamie McGarvey



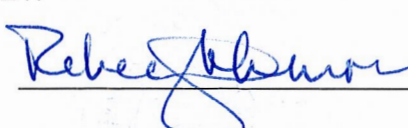
Clerk Rebecca Johnson

Read a Second and Third time, Passed, Signed and Sealed

This 21st day of September, 2021.



Mayor Jamie McGarvey



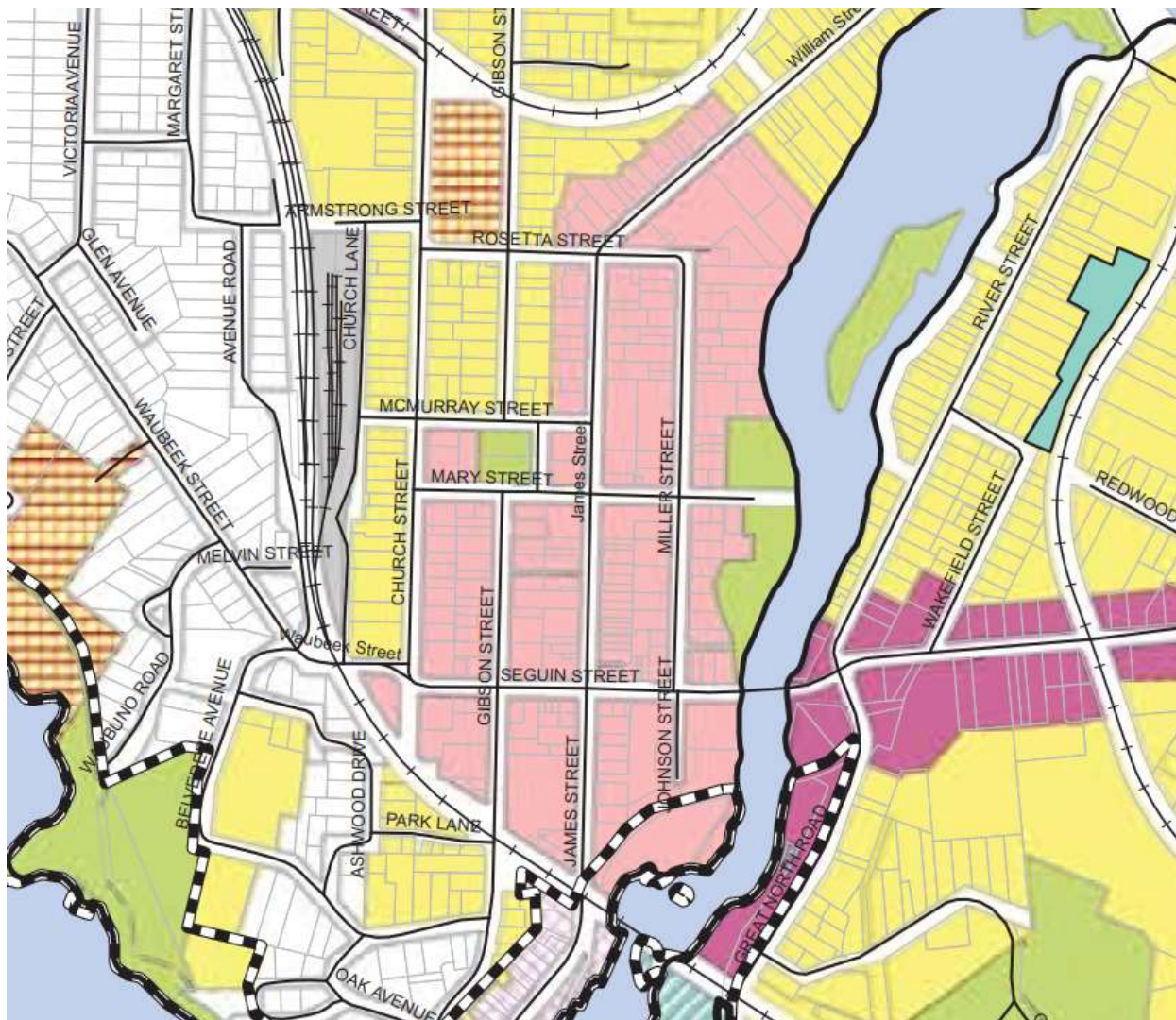
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Schedule "A"

Absolute Prohibition Fire Area Map



The area highlighted in light pink is defined as the Central Business District within the Town of Parry Sound Official Plan.