

The Corporation of the Township of Plummer Additional

By-law 2025-22

Replaces By-law 2025-19

Being a By-law to regulate and establish procedures for open air burning in the Township of Plummer Additional.

WHEREAS section 7.1 of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, provides that a municipality may pass a by-law to regulate fire prevention and the setting of open air fires, including establishing the times during which open air fires may be set and the precautions to be observed by persons setting such fires;

AND WHEREAS sections 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;

AND WHEREAS sections 435 and 436 of the Municipal Act, 2001, S.O. 2001, c. 25, provide for conditions governing powers of entry on land and the conduct of inspections;

AND WHEREAS section 61 of the Provincial Offences Act provides that a convicted offence is liable to a fine of not more than \$5,000;

AND WHEREAS By-Law 2025-19, a by-law to regulate and establish procedures for open air burning within the Township of Plummer Additional was enacted and passed April 16th, 2025;

AND WHEREAS this By-law 2025-22 repeals and replaces By-law 2025-19;

AND WHEREAS this By-law shall be known as the Open Air Burning By-law;

NOW THEREFORE THIS COUNCIL FOR THE CORPORATION OF THE TOWNSHIP OF PLUMMER ADDITIONAL ENACTS AS FOLLOWS:

1. Definitions

“Approved” means approved by the Chief Fire Official;

“By-law” means this Open Air Burning by-law;

“Campfire” means a small contained fire supervised at all times and used to cook food or provide warmth within an approved location under Ontario Regulation 207/96 “Outdoor Fires” as detailed in section 4 of this by-law;

“Chief Fire Official” (CFO) means the Community Fire Safety Officer or a person appointed by the Fire Marshal under Article 1.1.1.1. of Division C of the Ontario Fire Code 213/07, as amended, or his or her designate;

“Controllable Fire” means an Open Air Fire which is used solely for the purpose of burning wood, tree limbs and branches, and is granted through the a special permit and must be authorized by the Chief Fire Official or his or her designate;

“Extinguish” means to put out or quench a fire completely: no smoke, hot or glowing embers are to remain;

“Fees and Service Charges By-law” means the Township of Plummer Additional Fees and Service Charges By-law 2024-09, as amended;

“Fire Department” means the Bruce Mines Fire Department;

“Fire Ban” means when the Chief Fire Official, taking into account all relevant factors, makes the decision that any open air burning, including campfires, is to be prohibited. All permits are cancelled and no open air burning of any kind is to be allowed until such time, as in the opinion of the Chief Fire Official, the conditions have reached a point where it is safe to further allow open air burning. Fireworks are prohibited during a fire ban;

“Fireworks” means a device containing gunpowder and other combustible chemicals that causes a spectacular explosion when ignited;

“Flying/Floating Lanterns” means a small hot air balloon or other device designed to carry an open flame as an airborne light, also known as Sky Lantern, Chinese Lantern, Kongming Lantern or Wish Lantern, or other similar devices which contain a fuel pack, which fuel pack is usually a petroleum or wax based fuel that, when lit causes, the lantern to rise.

“Ground Cover” shall include but not be limited to, leaves, grasses, weeds, tree needles, or wood chips on the ground;

“Gas-fired Outdoor Campfire Device” means listed ULC or CSA gas (natural, propane) appliances, which shall not constitute open air fire under this by-law;

“Incinerator” means an enclosed device that conforms to NFPA 8 that is used to burn approved refuse – Incinerators have not been allowed since January 1, 2015 and are not eligible for permits;

“Nuisance” means the excess smoke, smell, airborne sparks or embers that are likely to disturb others;

“Offence” means an offence under the Act of the Legislature or under a regulation or by-law made under the authority of an Act of Legislature.

“Officer” means a Chief Fire Official, Municipal By-law Enforcement Officer, or Police Officer;

“Open Air” includes any open place, yard, field, or construction area that is not enclosed by a building or structure;

“Outdoor Cooking Device” means a cooking appliance fueled by a commercially produced charcoal or briquette, which includes a barbeque, a hibachi, a structure designed and intended solely for the cooking of food in the open, and other similar

commercially-manufactured devices designed and intended solely for the cooking of food in the open air, but does not include devices predominantly designed for personal warmth;

“Permit” means a permit issued under this by-law which authorizes a person to establish an open air fire;

“Person” means an individual, business, partnership or corporation;

“Prohibited to Burn List” means the list of items that are prohibited for burning as listed in Schedule “B” of this by-law;

“Registered Owner” includes any person, entity, firm or corporation having control over portion of a building, land or property and includes the persons in the building or property. For the purpose of this by-law, “registered owner” will be known as “owner”;

“Restricted Fire Zone” means an order made by the Ministry of Natural Resources, under the FPPA restricting the use of open fires in a specific area of the province;

“Set Fine” means the amount of fine set by the Chief Justice of the Ontario Court of Justice for an offence for the purpose of proceedings commenced under Part I;

“Township” means the Corporation of the Township of Plummer Additional.

2. General

2.1 No person shall set or maintain a fire in open air unless a permit or special permit has been issued by the Chief Fire Official under this by-law.

2.2 A permit is valid for the year in which it was issued, from January 1st to December 31st, or from the date of purchase to December 31st of that year.

2.3 This by-law shall apply to all land within the geographical limits of the Township of Plummer Additional and to the setting of fires in the open air on any land.

2.4 In the absence of being issued a permit, an owner shall be deemed to have permitted a fire to burn and the owner assumes all responsibility and liability where a fire has been set or permitted to burn in the open air, and accepts all costs as detailed in Section 7.4 and 7.5.

2.5 Every person who applies for a receives a permit acknowledges having read and understood the Terms and Conditions specified in Section 3 of this by-law and assumes all responsibility and liability in connection with the open air burning permit.

2.6 A permit obtained under this by-law is valid for any purpose noted or indicated on the permit issued by the Chief Fire Official.

2.7 Special Burn Permits will only be issued for specific circumstances as described in Section 5, after the site has been inspected and approved by the Chief Fire Official.

2.8 Where a permit has been obtained under this by-law no person shall set or maintain a fire in open air other than in compliance with the terms and conditions of the permit.

- 2.9 Notwithstanding the terms and conditions provided in this by-law, the rules of municipal by-laws and the Forest Fire Prevention Act and Fire Protection and Prevention Act and the Ontario Fire Code shall always apply.
- 2.10 The Permit can be cancelled or suspended or revoked at any time by the Chief Fire Official.
- 2.11 No person shall hinder or obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this by-law.
- 2.12 The use of incinerators is prohibited.

3. Terms and Conditions

Every person shall comply with the following conditions:

- 3.1 Fires are only permitted to be set and maintained in the time period from 6:00 p.m. to 8:00 a.m. No daytime burning is permitted between the hours of 8:00 a.m. to 6:00 p.m.
- 3.2 Fires must be located a distance of not less than 7.5m (25 feet) from any building or structure, property line, tree, hedge, roadway, overhead wires or any other combustible article.
- 3.3 The fire shall be set on a non-combustible surface that extends 1m (3 feet) beyond the edge of the fire.
- 3.4 No person shall start any fire outdoors, other than a campfire or while utilizing an outdoor cooking device, at any time when winds are currently or forecast to be in excess of 16 kilometres per hour.
- 3.5 No person shall start a fire with any flammable liquid including, but not limited to, gasoline and oil.
- 3.6 Fires are restricted to one single pile at any one time, ensuring that the pile is less than 2m (6 feet) in diameter and less than 2m (6 feet) high.
- 3.7 No person shall ignite and launch a Flying/Floating Lantern, as defined in Section 1 of this By-law.
- 3.8 The material to be burned shall be limited to wood or by-products of wood.
- 3.9 No fire shall contain any item listed in the Prohibited to Burn List, attached as Schedule "B" and makes up part of this by-law.
- 3.10 No fire shall create a nuisance where it causes a disturbance to others by producing excess smoke, airborne sparks or embers.
- 3.11 A means to extinguish the fire must be present at the burn site.
- 3.12 The Owner maintains a consistent watch and control of the fire from the time of setting to time of complete extinguishment.
- 3.13 It is the responsibility of the Owner to ensure that a fire ban is not in effect.
- 3.14 No open air burning of any kind is permitted during a fire ban, including campfires and fireworks.

4. Campfires

- 4.1 A person may set or cause to be set a small, confined campfire for cooking or heating *without a permit* only in accordance with O. Reg. 207/96 Outdoor Fires.
- 4.2 The fire shall not exceed 1m (3 feet) in diameter or 1m (3 feet) in height.
- 4.3 No burning shall be undertaken within 3m (10 feet) from any building or structure, property line, tree, hedge, roadway, overhead wires or any other combustible article.
- 4.4 Campfires are subject to sections 2.9, 3.5, 3.8, 3.11-14, 7.1-5 of this by-law

5. Special Burn Permits

5.1 Special Burning Permits will be issued only for specific circumstances provided:

- (a) The burning is required for a business, company, industry, corporation, hobby farm or a farm as defined by Revenue Canada;
- (b) The burning is required by a homeowner for a purpose not covered by the open air burning permit
- (c) By nature of items to be burned, burning may take longer than 12 hours and it would be impractical to require the burning to be extinguished then re-ignited to complete the entire burn; and
- (d) The items to be burned shall be clearly identified and approved by the Chief Fire Official
- (e) The Terms and Conditions in Section 3 apply to all special burns and any infractions shall be enforced as described in Section 7.

5.2 Special Burn Conditions:

- (a) Items to be burned shall be piled at least 5m (16 feet) from any flammable materials and any building or structure, or as the officer deems appropriate having regard for all conditions;
- (b) There shall be at least a 5m (16 feet) radius of mineral soil from the edge of the burn, and encircling the burn site;
- (c) Any edge of the burn pile shall be no closer than 30m (98 feet) to any forest or woodland;
- (d) There shall be at least 2 persons in attendance at all times until the burn is completely extinguished;
- (e) Each person required to be in attendance shall be equipped with a hand shovel or hand rake in good working condition for the purpose of controlling the burn;
- (f) There shall be at least 100 litres of water for each burn pile on fire in containers suitable for applying the water to the fire at all times;
- (g) Where there is more than one pile to burn, any edge of any pile shall not be closer than 15m (49 feet) to any other pile;
- (h) There shall, at all times during the burn, be a means of communication whereby a fire department may be summoned to the site;

- (i) The applicant for a Special Burn Permit shall complete the application provided by the Township of Plummer Additional, in full;
- (j) The above application shall be made at the municipal office and given at least five (5) days prior to the proposed burn date;
- (k) The Chief Fire Official shall enter the premises of the proposed burn site and inspect same;
- (l) The issuance of a Permit is subject to the above inspection. No burn shall commence without the above permission;
- (m) The Chief Fire Official may, at any time, cancel the above Burning Permit or permission and order the fire extinguished;
- (n) The Burning Permit holder and all persons at the fire site shall immediately comply with an order made under Section 10(m);
- (o) Where a Burning Permit holder is issued a Special Burning Permit, the Burning Permit holder shall notify the Municipality of the date the burning is to occur and the anticipated time required to complete burning, prior to commencing of burn;
- (p) All of the above conditions apply to the Burning Permit holder where he or she is burning vegetative growth in a field for every 30m (98 feet) of flaming edge;
- (s) No burn, referred to in Subsection (p), shall exceed an area of 1 hectare of active fire at any one time; and
- (q) The above conditions are a minimum standard. The Official issuing the Burning Permit may require further conditions, as he or she sees fit considering all circumstances, prior to issuing the said permit.

6. Fees

- 6.1 The fee for an Open Air Burning Permit issued under this by-law shall be twenty dollars (\$20.00) or as identified in the Fees and Service Charges By-law as established and amended from time to time, whichever fee is the successor.
- 6.2 The fee for a Special Permit issued under this by-law shall be twenty-five dollars (\$25.00) for each separate occurrence, in addition to the annual Open Air Burning Permit.

7. Enforcement, Penalty and Cost Recovery

- 7.1 Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act, R.S.O. 1990, c. P.33*, as amended.
- 7.2 Contravention of any part of this by-law will result in fines and/or charges as specified in Schedule "A" attached to and forming part of this by-law;
- 7.3 This by-law shall be enforced in accordance with the legislation and regulations of the *Forest Fire Prevention Act (FFPA)* and the *Fire Protection and Prevention Act (FPPA)*;

- 7.4 As stated in Section 441.1 of the *Municipal Act*, upon the request of a municipality that has entered into a transfer agreement under Part X of the *Provincial Offences Act*, the treasurer of a local municipality may add any part of a fine for a commission of a provincial offence that is in default under section 69 of the *Provincial Offences Act* to the tax roll of any property in the local municipality for which all of the owners are responsible for paying the fine and collect it in the same manner as municipal taxes.
- 7.5 As stated in Section 69 of the *Provincial Offences Act*, a fine in default shall result in the suspension of any permit issued under this by-law. The CFO has the authority to suspend a permit indefinitely or refuse to reissue a permit at any time.
- 7.6 Should the Fire Department attend to extinguish an open air fire that is not being carried out in accordance with the provisions of this by-law, the Owner shall be responsible for any damage to property or injury to persons occasioned by said open air fire and shall be liable to pay any fees together with any costs, including, but not limited to, personnel, equipment and apparatus necessary and called in to extinguish said open air fire. The fees will be calculated based on the current rate dictated by the Ministry of Transportation of Ontario per hour per truck.
- 7.7 Should any wildland fire result from an open air fire, including a campfire, that is not carried out in accordance with the provisions of this by-law, the Owner shall be responsible for all costs borne by any and all organizations that contribute to its suppression. This service will be billed at the current rates set by the Ministry of Natural Resources.

READ THREE TIMES AND PASSED IN OPEN COUNCIL THIS 25th DAY OF APRIL, 2025.



Mayor: Beth West



Clerk: Liisa Cotnam

**Corporation of the Township of Plummer Additional
Part I Provincial Offences Act**

Schedule "A" to Open Air Burning By-law 2025-22

Item	Short Form Wording	Provision creating or defining offence	Set Fine
1	Burning without a permit	Part 2, Section 2.1	\$250
2	Hinder or obstruct an officer	Part 2, Section 2.11	\$250
3	Burning during restricted times	Part 3, Section 3.1	\$250
4	Burning too close to combustible article(s)	Part 3, Section 3.2	\$250
5	Burning that exceeds 2m height by 2m wide without special permit	Part 3, Section 3.6	\$250
6	Use of flying lanterns	Part 3, Section 3.7	\$250
7	Burning items on Prohibited to Burn list	Part 3, Section 3.9	\$250
8	Nuisance burning that disturbs others	Part 3, Section 3.10	\$250
9	Fail to provide extinguishing agent	Part 3, Section 3.11	\$250
10	Fail to supervise open air burning	Part 3, Section 3.12	\$250
11	Burning in a restricted fire zone or during a fire ban	Part 3, Section 3.14	\$500

NOTE: the general penalty provision for the offences listed above is section 7.1 of the By-law 2025-22, a certified copy of which has been filed.

Schedule “B” to Open Air Burning By-law 2025-22

Prohibited to Burn List – including products containing any item on the list

- Animal carcasses and waste from animal slaughtering
- Asphalt or asphalt products (including shingles)
- Batteries
- Biomedical waste
- Building materials
- Carpets
- Construction waste other than lumber that has not been treated with wood preservatives or other chemicals and is not coated with paint, varnish, oil or other finishing material
- Demolition waste
- Drywall
- Domestic waste (household garbage)
- Electrical wire
- Fiberglass and other fibre-reinforced polymers (includes insulation)
- Fuel and lubricant containers
- Furniture and appliances
- Hazardous waste
- Manure
- Paint and varnish
- Petroleum products
- Pesticides
- Plastics
- Polystyrene foam (Styrofoam)
- Pressed wood products (plywood, particle board, paneling)
- Pressure treated wood
- Products containing asbestos, lead or formaldehyde
- Railway ties
- Rubber
- Tar paper
- Tires
- Treated or painted wood products
- Used oil