

Corporation of the Township of Howick

By-law No. 6-2024

Being a by-law regulating fire prevention including the prevention of the spreading of fires and the regulating of open-air fires in the Township of Howick

Whereas, Section 7.1 of the Fire Protection and Prevention Act as amended, authorizes municipal Councils to pass by-laws regulating fire prevention, including the prevention of the spreading of fires, regulating the setting of open-air fires and establishing the times during which open air fires may be set;

And whereas, the Municipal Act, 2001, Section 128 prescribes that a Township may prohibit and regulate with respect to public nuisances, including matters that in the opinion of Council, are or could become or cause public nuisance;

And whereas, Council of the Township of Howick desires to implement a by-law in the interests of fire prevention and safety, preservation of public health and well-being and prevention of public nuisance;

Now therefore, the Council of the Corporation of the Township of Howick enacts as follows:

1. Definitions

For purposes of this by-law, the following definitions shall apply:

1.1 “**Burn Barrel**” includes but not limited to any container used for burning prohibited material.

1.2 “**Chief Fire Official(s)**” shall mean the Fire Chief of the Township of Howick Fire Department or their alternate.

1.3 “**Contained**” means in an apparatus, container or physical construction (such as a pit) that is capable of controlling the spread of the fire.

1.4 “**Fire**” means the burning or combustion of materials in the open air but shall not include any fire entirely contained in an apparatus specifically designed and constructed or manufactured for the purpose of barbecuing food for consumption.

1.5 “**Fire Department**” shall mean the Howick Township Fire Department.

1.6 “**Township**” shall mean the Corporation of the Township of Howick.

1.7 “**Open-Air**” means any open place, yard, field or area that is not enclosed by a building or structure.

1.8 “**Open-Air Burn Permit**” shall mean a permit required for open air fires; purchased and registered with the Township on an annual basis.

1.9 “**Prohibited Materials**” includes (but is not limited to) materials such as vehicle bodies; tires; oil; grease; paint; rags; plastics; wire; asphalt shingles; rubber (treated or synthetic) or any kind of materials likely to cause noxious or obnoxious fumes; insulation; flammable or combustible liquids or accelerants; household garbage; any recyclable material; floating fire lanterns.

1.10 “**Recreational Fire**” means a fire used for warmth or cooking food provided such fire is contained (as defined in section 1.3 above) and confined to an area no larger than 1 meter in diameter.

1.11 “**Rural Areas**” shall include all areas within the Township of Howick exclusive of the areas designated “Urban” as defined in section 1.12 below.

1.12 **“Special Exemption Burn Permit”** shall mean a permit required for open-air fires not conforming to the provisions of this by-law; purchased and registered with the Township on an as-needed basis. A special exemption burn permit shall be valid for a period of seven (7) days after registration, site inspection, and approval by the Chief Fire Official. A special exemption burn permit shall provide relief to sections 2.2, 2.3, 2.7, and 2.10 when approved.

1.13 **“Structure”** shall mean anything that is erected, built, constructed or parts joined together or any such erection fixed to or supported by the ground.

1.14 **“Urban Areas”** shall mean all areas in the Township of Howick designated as “settlement” areas for residential, recreational, commercial, industrial, institutional or development uses, including “villages”, “hamlets”, “mobile home parks”.

2. Prohibitions

2.1 No person shall set an open-air fire or allow an open-air fire to burn without first purchasing and registering an open-air burn permit with the Township on an annual basis or by purchasing and registering a special exemption burn permit with the Township and having a site inspection completed and approved by the Chief Fire Official.

2.2 No person shall set a fire or allow a fire to burn in the open-air in any “urban area” within the Township of Howick except for a contained recreational fire (as defined in section 1.9 above) without an approved special exemption burn permit.

2.3 No person shall set a fire or allow a fire to burn in the open air in any “rural area” within the Township of Howick greater than three (3) metres in diameter without an approved special exemption burn permit.

2.4 No person shall set or allow an uncontained fire to burn such as a grass fire.

2.5 No person shall set or allow a fire to burn during a fire ban declared by the Chief Fire Official.

2.6 No person shall burn prohibited materials as defined in Section 1.7.

2.7 No person shall set or allow a fire to burn on any lands used for institutional, industrial, or commercial purposes without an approved special exemption burn permit.

2.8 No person shall set or allow a fire to burn on a public highway, road allowance or any land that is owned by the Township except fires set by and under the control of municipal employees in the performance of duties for the Township.

2.9 No person shall set or allow a fire to burn on any land or premises without the consent of the owner of such land or premises.

2.10 No person shall set or allow a fire to burn on any land or premises where construction of a building or structure is ongoing without an approved special exemption burn permit.

2.11 No person shall set or allow a fire to burn when:

- a) the direction or intensity of the wind may cause smoke to decrease visibility on any highway, road or street;
- b) the direction or intensity of the wind may cause the spread of fire;
- c) said fire may cause odour or smoke to such an extent or degree as to result in discomfort to persons, hazard to health, loss of enjoyment or normal use of property;
- d) a smog alert has been issued for the area;
- e) a fire ban has been declared by the Chief Fire Official.

3. Criteria

3.1 No person shall set or allow a recreational fire to burn where said fire is located less than five (5) metres from any building, structure, hedge, tree, fence, highway or vehicular right-of-way, overhead wire or combustible material of any kind.

3.2 No person shall be set or allow a fire other than a recreational fire to burn where said fire is located less than fifteen (15) metres from any building, structure, hedge, tree, fence, highway or vehicular right-of- way, overhead wire or combustible material of any kind.

3.3 No person shall set or allow a fire other than a recreational fire to burn between sunset on the evening of any day and sunrise on the following day. Open-air burning as permitted by this by-law is allowed during daylight hours only.

3.4 Any person who sets or allows a fire to burn shall notify the fire department by the method specified on the open-air burn permit, or special exemption burn permit prior to lighting the fire.

3.5 Any person attending to a fire shall ensure that an adequate means of extinguishing the fire is available at the fire site while the fire is burning.

3.6 Any person who sets or allows a fire to burn shall ensure that the fire remains under the constant supervision and control of a person 16 years of age or over from the time of lighting until the fire is completely extinguished.

3.7 Any person who sets or allows a fire to burn shall ensure that the fire is in accordance with the provisions of this by-law and all other applicable municipal, provincial and federal laws and regulations.

3.8 Any person who sets or allows a fire to burn as part of demolition of a structure shall ensure;

- a) Fire is contained within the building foundation and,
- b) Items 2.1, 2.3, 2.5, 2.6, 2.11, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7 are adhered to.

4. Penalty and Enforcement

4.1 Any 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 in the Provincial Offences Act and set out in Schedule "A" attached hereto and forming an integral part of this by-law.

4.2 Any person who is in default with respect to any provision of this by-law and whose action results in the summons and response of the fire department shall therefore be liable for any expenses levied on the Township by the fire department as a consequence of the default and such expenses may be recovered by legal action, or in a like manner as taxes as provided in Section 398(2) of the Municipal Act, 2001.

4.3 The Chief Fire Official or his designate or the By-law Enforcement Officer appointed to enforce this by-law is authorized to order any person to extinguish any fire when there is a breach of any provision of this by-law or any regulations of the Ontario Fire Code or where in his/her opinion there is a danger of such fire spreading or otherwise endangering life or property.

5. Enactment

5.1 That By-law No. 20-2022 is hereby repealed.

5.2 This by-law shall come into force and effect upon third and final reading thereof.

Read a first and second time this 16th day of January, 2024.

Read a third time and finally passed this 16th day of January, 2024.

Reeve Doug Harding

Clerk – Administrator Caitlin Gillis

**Corporation of the Township of Howick
Schedule "A" to By-law No. 6-2024
Regulating Fire Prevention**

Part 1 Provincial Offences Act

| Item | Short Form Wording | Provision Creating or Defining Offence | Set Fine |
|-------------|--|---|-----------------|
| 1. | Setting or allowing an open-air fire to burn without an open-air burn permit. | Section 2.1 | \$200.00 |
| 2. | Setting or allowing an open-air fire to burn without an approved special exemption burn permit. | Section 2.1 | \$200.00 |
| 3. | Setting or allowing a fire to burn larger than three (3) meters in diameter without an approved special exemption burn permit. | Section 2.3 | \$200.00 |
| 4. | Setting an uncontained fire. | Section 2.4 | \$200.00 |
| 5. | Setting or allowing fire to burn during a declared fire ban. | Section 2.5 | \$200.00 |
| 6. | Burning prohibited materials. | Section 2.6 | \$200.00 |
| 7. | Setting or allowing fire to burn on institutional, industrial or commercial property without an approved special exemption burn permit. | Section 2.7 | \$200.00 |
| 8. | Setting or allowing fire to burn on municipally owned property. | Section 2.8 | \$200.00 |
| 9. | Set or allow fire - failure to obtain permission of owner. | Section 2.9 | \$200.00 |
| 10. | Setting fire on land or premises where construction of a building or structure is ongoing without an approved special exemption burn permit. | Section 2.10 | \$200.00 |
| 11. | Setting fire where smoke decreasing visibility on highway, road, or street. | Section 2.11(a) | \$200.00 |
| 12. | Setting fire where wind conditions pose danger of spreading fire. | Section 2.11(b) | \$200.00 |
| 13. | Setting fire where odour or smoke causing health hazard or discomfort. | Section 2.11(c) | \$200.00 |
| 14. | Setting fire during smog alert in area. | Section 2.11(d) | \$200.00 |
| 15. | Setting fire during declared fire ban. | Section 2.11(e) | \$200.00 |
| 16. | Non-recreational fire closer than 5 m to combustible material. | Section 3.1 | \$200.00 |
| 17. | Other fire closer than 15 m to combustible material. | Section 3.2 | \$200.00 |
| 18. | Allowing fire to burn between sunset and sunrise. | Section 3.3 | \$200.00 |
| 19. | Failure to notify the fire department prior to setting or allowing a fire to burn. | Section 3.4 | \$200.00 |
| 20. | Failure to provide adequate means of extinguishing fire. | Section 3.5 | \$200.00 |
| 21. | Failure to provide constant supervision of fire by person over age 16. | Section 3.6 | \$200.00 |

Note: The general penalty provision for the offences listed above is Section 4.1 of By-law No. 6-2024, a certified copy of which has been filed.