

# **THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD**

## **BY-LAW 56-2025**

Being a By-law to Regulate the Setting of Fires in the Open Air Within the Village of Merrickville-Wolford

**WHEREAS** the Municipal Act, 2001, as amended, provides that the powers of the municipality shall be exercised by Bylaw;

**AND WHEREAS** Div. B article 2.6.3.4 of the Ontario Fire Code regulates open air burning in proximity to buildings;

**AND WHEREAS** the Municipal Act, 2001, as amended, authorizes the Council of a municipality to pass Bylaws prescribing times during which fires may be set in the open air and the precautions to be observed by persons setting said fires.

**AND WHEREAS** the Municipal Act, 2001, as amended, authorizes Council to recover any expenses incurred in doing any such matter or thing as required by Bylaw, in default of its being done by the person directed or required to do it, by action, or in like manner as municipal taxes;

**AND WHEREAS** the Municipal Act, 2001, as amended, authorizes appointed officers to ascertain whether the Bylaw is obeyed, and to enforce or carry into effect the Bylaw;

**AND WHEREAS** the Fire Protection and Prevention Act, 1997, as amended, provides that the Council of a municipality may pass bylaws regulating fire prevention, including the prevention of spreading of fires; regulating the setting of open air fires, including establishing the times during which open air fires may be set; that may deal with different areas of the municipality differently; and may appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine compliance with bylaws enacted;

**AND WHEREAS** the Municipal Act, 2001, as amended, authorizes the Council of a municipality to pass bylaws to make such other regulations for preventing fire and the spread of fires as Council considers necessary.

**AND WHEREAS** Council desires to protect persons and property by ensuring that open air fires are restricted to prevent burning from occurring in unsafe conditions.

### **1.0 SHORT TITLE**

1.1 This Bylaw may be referred to as the "Open Air Burn Bylaw."

### **2.0 DEFINITIONS**

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

**"613-706-2330"** means the phone number listed on the burn permit to ignite a fire.

**"Adverse Effect"** means one or more of:

- i) Impairment of the quality of the natural environment for any use that can be made of it,
- ii) Injury or damage to *property*, or plant or animal life,
- iii) Harm or material discomfort to any *person*,
- iv) Any effect on the health, or the impairment of the safety of any *person*,
- v) Rendering any *property*, or plant or animal life unfit for consumption,
- vi) Loss of enjoyment of normal use of *property*,
- vii) Interference with the normal operation of any business, and
- viii) Nuisances including, but not limited to, excessive smoke, odour, dust, airborne sparks, embers or reduced visibility of a traveled portion of any public or private driveway or roadway.

**"Agricultural/Land Clearing Fires"** means the burning of cut and piled brush, slash, grass and other organic agricultural materials resulting from the clearing of land or for the burning of agricultural waste materials originating on that *property*.

**"Air Curtain Burn Box"** means an open-top combustion device with vertical, refractory lined walls that operate by forcefully projecting a fan driven pane of high velocity air over the top of the combustion chamber in such a manner so as to maintain a curtain of air over the surface and a recirculating motion of air under the curtain.

**"Barbequel Smoker"** means a manufactured device or structure with a grill which is designed, intended and used primarily for the purpose of cooking food outdoors, and includes a hibachi, but does not include devices or structures designed for personal warmth, *fire* pits, or outdoor fire containers.

**"Brush Fire"** means an *open air fire* where the *material to be burned* does not exceed 3m (9.84 ft) in height, width or length, and where the *open air fire* is *set* and *maintained* solely for the purposes of burning wood, tree limbs, and branches.

**"Building"** means any structure used or intended for supporting or sheltering anything, use or *person*.

**"By-Law Officer"** means a person appointed by the council of the village of Merrickville-Wolford as a Municipal Law Enforcement Officer to enforce the provisions of the By-Law

**"Campfire In Urban Densified Areas (Village of Merrickville, Hamlet of Eastons Corners, Hamlet of Jasper) See Attached Map Schedule A"** means an *open air fire* where the *material to be burned* does not exceed 60 centimeters (24inches) in diameter and 60 centimeters (24inches) in height, that is *set* and *maintained* solely for the purposes of cooking food, providing warmth, or recreational enjoyment, supervised at all times.

**"Large Campfire In Rural Area"** means an open air fire where the material to be burned does not exceed 1.21m (4 feet) in diameter and 1.21m (4 feet) in height, that is set and maintained solely for the purposes of providing warmth and recreational enjoyment and is supervised at all times.

**"Burn barrel"** Means an open air fire set and maintained in an open top 45-gallon steel barrel where the open air fire is set and maintained for the purpose of burning wood, tree limbs and branches.

**"Campground"** means an approved area of land, owned and operated by a *person* and/or landowner that contains campsites for the purpose of overnight accommodations for tents, trailers and motorhomes in exchange for monetary payment.

**"Composite Wood Waste"** means wood that has been manufactured into dimensional lumber using glue and/or adhesives, such as particle board, strand board, plywood, etc.

**"Extinguish"** means to put out or quench completely with no smoke, hot or glowing embers remaining.

**"Fire"** means any fire *set* out in open air for the purpose of burning cut and piled brush, refuse or non-toxic building materials, but shall not include:

- i) Fires emanating from blow torches, cutting or welding torches, paving equipment or other such apparatus as associated with a service or occupation, and/or
- ii) Small confined fires used for the purpose of cooking, and which are supervised at all times by a competent *person* and shall include a grill or *barbecue*.

**"Farming Business"** means a farming business as defined in the *Farm Registration and Farm Organizations Funding Act, 1993*, as amended.

**"Fire Ban"** means a period of time during which the Merrickville Fire Department declares a total ban on all *open air fires*.

**"Fire Chief"** means the person appointed under Section 6 of the *FPPA* as Fire Chief for The Corporation of the Village of Merrickville-Wolford or designate.

**"FPPA"** means the *Fire Protection and Prevention Act, 1997*, as amended, and the regulations enacted thereunder, as amended from time to time, or any Act or Regulation enacted in substitution therefore.

**"Household Waste"** means combustible material such as plastics, polyethylene terephthalate, paints, oils, solvents, rubber, insulation, batteries, acids, polystyrenes (Styrofoam), pressure treated or painted lumber, tires, upholstered furniture, synthetic fabrics, diapers, hazardous waste, as defined in the *Environmental Protection Act, R.S.O. 1990*, c. E.19, and all other similar and like materials, but shall not include untreated wood and wood fiber products, such as non-laminated paper, cardboard and boxboard, brush,

tree limbs, leaves, and branches.

**"Highway"** means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles, and includes the area between the lateral *property* lines thereof; and, except as otherwise provided, includes a portion of a highway.

**"Maintain"** means to allow an *open air fire* to continue to burn.

**"Material to be Burned"** means the total volume of the materials contained in the fire.

**"Municipality"** means The Corporation of the Village of Merrickville-Wolford or the geographic area of the Village of Merrickville-Wolford as the context requires.

**"Municipal Law Enforcement Officer" or "MLEO"** means a *person* appointed by the Municipality under Section 15 of the *Police Services Act*, R.S.O. 1990, c. P.15.

**"Normal Farming Practice"** means a practice that

- i) It is conducted in a manner consistent with proper and acceptable customs and standards, as established and followed by similar agricultural operations under similar circumstances, or
- ii) Makes use of innovative technology in a manner consistent with proper advanced farm management practices.

**"Nuisance"** means smoke, smell and/or airborne sparks or embers, alone or in combination, that is likely to, or does, disturb others, *reduce visibility* on highways, and/or produce an *adverse effect*, inconvenience, or discomfort to others in the vicinity of the *open air fire*.

**"Open Air Fire"** means the burning of material such as untreated wood and wood fibre products such as non-laminated paper, cardboard and boxboard, brush, tree limbs, leaves, and branches where the flame is not wholly contained, and includes *campfires*, *recreational fires*, *brush fires*, *agricultural/land clearing fires*, and *outdoor fireplaces*, but does not include *barbeques*.

**"Operator Certification"** means certification in the safe and efficient maintenance and operation of *air curtain burn boxes* from a manufacturer of *air curtain burn boxes*.

**"Outdoor Fireplace"** means a commercially manufactured, non-combustible, enclosed container designed to hold a small fire for decorative purposes, the size of which does not exceed 1m in any direction, and includes, but is not limited to, a chiminea.

**"Owner"** shall mean a *person* who is shown on the relevant Parcel Register maintained by the Province of Ontario as the owner and any *person* in legal possession of a *property*,

and also includes a *person* for the time being who manages the *property* or receives rent for it, or who pays municipal taxes on the *property*, whether on their own account or as an agent or trustee of any other *person*, who would carry out the aforementioned duties if the *property* were let, and shall also include a lessee or occupant of the *property*.

**"Permit"** means a permit issued by the Municipality to conduct an *open air fire* for a specified time period.

**"Permit Holder"** means a *person* to whom a *permit* has been issued by the *Municipality*.

**"Person"** means any individual, association, firm, partnership, corporation, agent or trustee and the heirs, executors, or other legal representative of a person to whom the context can apply according to law.

**"Prohibited Materials"** include *household waste*, rubber, rubber products, plastic, plastic products, waste petroleum products, and any material which is prohibited by the *Environmental Protection Act*, as amended.

**"Property"** means a parcel of land located within the *Township* and described on the last revised assessment roll with a separate roll number.

**"Recreational Fire"** means a *fire* in an *outdoor fireplace*, as defined.

**"Reduce Visibility"** means interference, of any kind and for any length of time, with the ability of motor vehicle operators to see people, objects, or other vehicles on a *highway*.

**"Set"** means to light an *open air fire*.

### 3.0 INTERPRETATION

- 3.1 Unless otherwise specified, words importing the singular include the plural, and vice versa, words importing gender shall include all genders, and the past, present or future tense (or other related form) of a defined term shall have the same meaning as said term.
- 3.2 This Bylaw includes the Schedules attached hereto and the Schedules are hereby declared to form part of this Bylaw.
- 3.3 It is declared that if any Section, Subsection, part or parts thereof be declared by any Court of Law to be bad, illegal, or ultra vires, such Section, Subsection, part or parts shall be deemed to be severable, and all parts hereof are declared to be separate and independent and enacted as such.

## 4.0 PROHIBITIONS

- 4.1 No *person*, including the owner of a *property*, shall:
  - 4.1.1 *Set, maintain* or allow to continue burning any *open-air fire*, excluding *Campfires and Recreational Fires*, unless that *person* has obtained the necessary *permit* from the Municipality, and has ensured the fire is *set* and *maintained* in compliance with any rules or limits included in such *permit*,
  - 4.1.2 Burn on lands used for institutional, industrial, or commercial purposes, save and except in accordance with a *permit* issued under this Bylaw; and/or
  - 4.1.3 Burn on a *highway* or land that is owned by the Municipality without a *permit*.
- 4.2 No person shall *set, maintain* or allow to continue burning an *open-air fire*, other than a *campfire* or *recreational fire*, in any rural or urban settlement area, as set out in Schedule "A" attached hereto.
- 4.3 No *person* shall *set, maintain* or allow to continue burning any *open-air fire* when a fire ban on open fires has been issued by the Fire Chief.
- 4.4 No *person* shall *set, maintain* or allow to continue burning any *open-air fire* when the wind is in such a direction or intensity to cause:
  - 4.4.1 The possible spread of the fire beyond the approved burn site.
  - 4.4.2 *Reduced visibility* on any *highway*.
  - 4.4.3 Excessive smoke; and/or
  - 4.4.4 *A nuisance*.
- 4.5 No *person* shall burn when fog is present.
- 4.6 Other than *brush fires* or *agricultural/land clearing fires*, as set out in Sections 8 and 9, no *person* shall *set* or allow an *open-air fire* to burn, such as a *grass fire*. *Fires* shall only be *set* or allowed to burn in a container, apparatus, or physical construction that is capable of controlling the spread of *fire*.
- 4.7 No person shall ignite any *agricultural/land clearing fire* or *brush fire* before sunrise.
- 4.8 No *person* shall *set* or *maintain* any *agricultural/land clearing fires* or *brush fires* after sunset on the same day of ignition.

- 4.9 No person shall set or maintain a brush fire, large campfire or burn barrel in dense residential areas, hamlets, and areas of concentrated development (Easton's Corners, Jasper, Merrickville ward or any of the subdivisions within Merrickville-Wolford)

## 5.0 PROHIBITED MATERIALS

- 5.1 No *open-air fire* shall be used to burn, or otherwise involve, *prohibited materials*, which include:
- 5.1.1 Any rubbish, demolition materials, metal, tires, rubber, plastic, fiberglass, cloth, asphalt products, shingles, insulation, electrical wiring, painted or treated wood, *composite wood* waste, or other materials that contain any of the aforementioned;
  - 5.1.2 Any animal fecal deposits, manure, and animal carcasses.
  - 5.1.3 Any residential waste, such as food scraps and household trash.
  - 5.1.4 Any commercial, industrial, manufacturing, or construction waste.
  - 5.1.5 Any flammable or combustible liquids, oils, paints, solvents, chemicals, explosives, radioactive, infectious, and other hazardous materials; and
  - 5.1.6 Any recyclable material except for reasonable minimal amounts of paper and/or cardboard used solely for the purpose of starting an *open air fire*.

## 6.0 APPLICATION FOR AN OPEN AIR FIRE PERMIT

- 6.1 Any *person* eighteen (18) years of age or older may apply for an *open-air fire* permit prior to the proposed date of the first open air fire in the same calendar year. The named *permit holder* is responsible for ensuring the conditions outlined in this Bylaw are adhered to at all times. The Municipal, employees or agents thereof, in issuing this *permit*, do not assume any responsibility or liability for any hazardous conditions created by the permit holder which result in damage to a *person or property* of any third *person*. The Fire Chief shall have the final authority for approving and issuing or denying this application for a *permit*. Notwithstanding any matters included in a *permit*, any fire must comply with all applicable municipal and provincial laws and regulations.
- 6.2 Any application for a *permit* shall include:
- 6.2.1 The name, address and phone number of the applicant;

- 6.2.2 The municipal address of the location of the proposed *open air fire*. A *farming business* may offer multiple locations to reflect their agricultural property and must specify a nearby crossroad or another 9-1 -1 number in the vicinity.
- 6.2.3 The *owner's* written consent to the *open-air fire*, if the applicant is not the *owner* of the *property*
- 6.2.4 The applicable *open air fire permit* fee; and
- 6.2.5 Such other information as may be required by the *Fire Chief* or *MLEO*.
- 6.3 Subject to Sections 6.1 and 6.2, a person who operates a *farming business* may apply for an agricultural *open air fire permit*.
- 6.4 An *open-air fire permit* will not be issued if:
  - 6.4.1 The application is incomplete.
  - 6.4.2 There are reasonable grounds to believe that the *open-air fire* may cause *adverse effects*; or
  - 6.4.3 There are reasonable grounds to believe that the *open-air fire* will result in a breach of this Bylaw, the *FPPA*, or any other provincial or federal statute.

## **7.0 CONDITIONS FOR PERMIT ISSUANCE**

- 7.1 No *permit holder* shall undertake to set or maintain any *open-air fire* except in accordance with the provisions of this Bylaw, all applicable municipal, provincial, federal laws and regulations, and the conditions of the *permit*.
- 7.2 A *permit* issued under Section 6 is valid on the date of issue, and for the balance of the calendar year in which the *permit* is issued.
- 7.3 The *permit holder* shall call the *activation number* in order to activate a burn event for each day before a fire is ignited. (613-706-2330)
- 7.4 An electronic or paper copy of the burn *permit* must be provided to the *Fire Chief* or *MLEO* on demand.
- 7.5 No *permit holder* shall set or maintain an *open air fire* unless the *permit holder*.



- 7.5.1 Is a *person* eighteen (18) years of age or older who *maintains* constant watch and control over the *open air fire* at all times from the time of the *setting* of the *fire* until it has been fully *extinguished*.
- 7.5.2 Produces their *permit* upon being so directed by the *Fire Chief* or *MLEO* or *designate*.
- 7.5.3 Immediately *extinguishes* the *fire* upon being so ordered by the *Fire Chief* or *MLEO* or *designate*.
- 7.5.4 Complies at all times with the requirements of Section 7 and, where applicable, in Sections 8, 9, and 10; and;
- 7.5.5 Has equipment and personnel capable of controlling, or *extinguishing* the *fire*, such as rakes, shovels, or water, immediately available for use at the site of the *open-air fire*.
- 7.6 The *Fire Chief* or *MLEO* may attach such additional conditions to a permit as deemed necessary to ensure public safety.
- 7.7 A *permit* for an *open air fire* is not transferable to another person or to a new location.

## **8.0 GENERAL REQUIREMENTS-BRUSH FIRES**

- 8.1 No *person* shall *set*, *maintain* or allow to continue burning any *brush fire*, unless that *person* has obtained a *permit* from the Municipality.
- 8.2 No *permit holder* shall set or maintain a *brush fire*.
  - 8.2.1 At a distance of less than 25m (82.02ft) from any *building*, hedge, fence, overhead wiring, *highway*, or other combustible material.
  - 8.2.2 Where the size of the *open-air fire* will exceed the limits set by this By-law or in any *permit*,
  - 8.2.3 That is *set* or *maintained* with the aid of flammable or combustible liquids of any kind; and
  - 8.2.4 That uses fuel other than untreated wood and wood fiber products such as non-laminated paper, cardboard and boxboard, brush, tree limbs, and branches.

## 9.0 GENERAL REQUIREMENTS-AGRICULTURAL LAND CLEARING FIRES

- 9.1 No *person* shall *set, maintain* or allow to continue burning any *agricultural/land clearing fires*, unless that *person* has obtained a *permit* from the Municipality.
- 9.1.1 Every *person* who *sets a fire* under the provisions of this subsection shall file an application with the Municipality, as per Section 6, that indicates who will keep watch until the fire is completely extinguished, and shall provide sufficient personnel, appliances, and equipment to prevent the fire from becoming a nuisance or dangerous to life or property (*adverse effect*).
- 9.1.2 Burning shall not be carried out within 75m (246ft) from any *buildings*, structures, standing timber or any other flammable or combustible material, other than burn piles, as set out in Section 9.2.5.
- 9.1.3 Burning shall not be carried out within 30m (98ft) of the burn site's *property line* or *highway*.
- 9.1.4 No pile of *material to be burned* shall exceed 10m (32ft) in diameter, or 5m (16ft) in height.
- 9.1.5 The minimum distance between burn piles shall be not less than 15m (49.21ft) from the perimeter of one burn pile to the next.
- 9.1.6 Windrows are not permitted for burning purposes.
- 9.1.7 The burning of any substance which produces heavy black smoke when burned, such as rubber tires, petroleum products or bale wrap, is prohibited.
- 9.1.8 No burning shall be carried out where, due to climatic conditions or other hazards, it would be unsafe to do so; and
- 9.1.9 A *fire* may be *set* within 200m (656ft), but not less than 75m (246ft), of any residence not owned by the *permit holder*, provided advance written permission is obtained from the *owner* of such residence, and submitted to the Municipality.

- 9.2 The *activation number* must be called for each day the burn continues on the approved site. No further consultation with the area *Fire Chief* is required, provided that no other material has been added to the original burn site.
- 9.3 *Agricultural/land clearing fires* shall only be permitted on *property* zoned "Agricultural (AG)" or "Rural (RU)," in the applicable Municipal Zoning Bylaw.

## **10.0 GENERAL REQUIREMENTS-AIR CURTAIN BURN BOXES**

- 10.1 No *person* shall set, maintain or continue to burn a *fire* in any *air curtain burn box*, unless that *person* has obtained a *permit* from the Municipality.
- 10.2 Only *air curtain burn boxes* from a manufacturer of *air curtain burn boxes* may be used within the Municipality.
- 10.3 An *air curtain burn box* shall be operated according to manufacturer's specifications, and in a manner which minimizes emissions of air contaminants into the atmosphere. If the *air curtain burn box* is equipped with an internal combustion engine to power the unit, the engine shall be a compression-ignition engine or spark-ignition engine that is in good repair as to not cause a large amount of emissions.
- 10.4 When a permit is required, the person requesting the permit *must* contact the area *Fire Chief to have the unit inspected* prior to the permit being approved for the *air curtain burn box*. The area Fire Chief will have up to three (3) business days to inspect and/or discuss the burn site, and ensure measures are in place to meet the requirements of this Bylaw. When the *Fire Chief* has approved the burn site, *permit* holder may activate the *permit*.
- 10.5 The *permit holder* shall contact the Municipality during regular business hours in order to obtain approval to ignite a fire. This approval will be valid for 7 days.
- 10.6 The owner/operator of an *air curtain burn box* shall comply with the following when operating an *air curtain burn box*:
- 10.6.1 When conducting a cold start, the operator shall use a propane torch, drip torch, or flare to ignite the material inside the *air curtain burn box*. No accelerants (e.g. gasoline, diesel fuel, kerosene, turpentine, etc.) shall be used.
- 10.6.2 Only land clearing debris and branches shall be burned in an *air curtain burn box*.

- 10.6.3 Materials shall be loaded into the *air curtain burn box* such that they do not protrude above the air curtain.
- 10.6.4 The *air curtain burn box* shall be supervised at all times (while materials are being burned or flames are visible inside the *air curtain burn box*) by a *person* who has received *Operator Certification*.
- 10.6.5 Burning shall not be carried out within 30m (98.42ft) of the burn site's property line or any highway.
- 10.6.6 After the last *material to be burned* has been added, airflow shall be maintained until all material within the *air curtain burn box* has been reduced to coals, and flames are no longer visible.
- 10.6.7 Wood ash removed from the *air curtain burn box* shall be handled, stored, and disposed of in a manner which minimizes entrainment into the atmosphere.

#### **11.0 GENERAL REQUIREMENTS- CAMPFIRES AND RECREATIONAL FIRES IN THE HAMLETS OR SUDIVISIONS.**

- 11.1 *Persons setting campfires and/or recreational fires* are required to obtain a *permit*.
- 11.2 *Campfires and recreational fires* are not exempt from issued *fire bans* in the Municipality unless otherwise stated.
- 11.3 A *campfire or recreational fire* shall be *set and maintained* in accordance with the following:
  - 11.3.1 The *material to be burned* will consist only of materials defined in Section 2.1 under "*open air fire*," but shall not include leaves, grass or yard waste.
  - 11.3.2 The *fire* shall be completely surrounded on all sides and underneath by non-combustible material.
  - 11.3.3 The *fire* shall be located a minimum distance of 5m (16.40ft) from any *highway, building*, hedge, fence, overhead wiring, vegetation, and/or any other combustible material.
  - 11.3.4 The *fire* shall be at least 5m (16.40ft) from any *property* line.

- 11.3.5 The flame does not exceed 1m (3.28ft) in height and 1m (3.28ft) in diameter.
- 11.3.6 The *fire* shall not create any *adverse effect*,
- 11.3.7 A *person* conducting any *campfire* or *recreational fire* shall have adequate means on hand and ready for immediate use to control and extinguish the *fire* at the burn site; and
- 11.3.8 The *fire* must be completely *extinguished* before the burn site is left unsupervised.

## 12.0 LARGE CAMPFIRE IN RURAL AREAS.

- 12.1 Persons setting large campfires and or recreational fires are required to obtain a permit.
- 12.2 Large campfires and recreational fires are not exempt from issued fire bans in the Municipality unless otherwise stated.
- 12.3 A large campfire or recreational fire shall be set and maintained in accordance with the following:
  - 12.3.1 The material to be burned will consist only of materials defined in section 2.1 under "open air fire" but shall not include leaves, grass or yard waste.
  - 12.3.2 The fire shall be completely surrounded on all sides and underneath by non-combustible material.
  - 12.3.3 The fire shall be located a minimum distance of 10m (32 feet) from a highway, building, hedge, fence, overhead wiring, vegetation and or any other combustible material.
  - 12.3.4 The fire shall be at least 10m (32.8 feet) from any property line.
  - 12.3.5 The flame does not exceed 2m (6.56 feet) in height.
  - 12.3.6 The fire shall not create any adverse effect.
  - 12.3.7 A person conducting any large campfire or recreational fire shall have adequate means on hand and ready for immediate use to control and extinguish the fire and the burn site, and:
  - 12.3.8 The fire must be completely extinguished before the burn site is left unsupervised.

12.3.8 The fire must be completely extinguished before the burn site is left unsupervised.

### **13.0 BURN BARREL**

13.0.1 Means an open-air fire set and maintained in an open top 45-gallon steel barrel where the open-air fire is set and maintained for the purpose of burning wood, tree limbs and branches.

13.0.2 Persons setting a burn barrel fire are required to obtain a permit.

13.0.3 Burn barrels are not exempt from issued burn bans in the municipality unless otherwise stated

13.0.4 A burn barrel fire shall be set and maintained in accordance with the following,

- i) The materials to be burned will consist only of the materials defined in Section 13.0.1 and shall not include leaves, grass or yard waste.
- ii) The burn barrel shall be located a minimum distance of 5m (16.4 feet) from any highway, building, hedge, fence, overhead wiring, vegetation, and/or any other combustible material.
- iii) The burn barrel shall be at least 5m (16.40 feet) from any property line.
- iv) The fire shall not create any adverse effects.
- v) Any person conducting a burn barrel fire shall have adequate means on hand and ready for immediate use to control and extinguish the fire at the burn site
- vi) The fire must be completely extinguished before the burn site is left unsupervised.

### **13.1 A CAMPGROUND owner is responsible for:**

13.1.1 Any and all violations of the Bylaw which occur on *property* owned by the *campground owner*, and is liable for recovery of any fees for response to and/or *extinguishment* of any *open-air fire* or any *fires* caused by an *open air fire* originating on said *property*, and

13.1.2 Ensuring all *campfires* within the *campground* meet all requirements Contained in Section 11, and the provisions of any applicable municipal And provincial laws and regulations.

## 14.0 ORDER TO EXTINGUISH

14.1 If the *Fire Chief, MLEO or designate* is satisfied that this Bylaw has been Contravened, the *Fire Chief, MLEO or designate* may issue a verbal *Order To Extinguish* which will require the owner or person contravening this Bylaw to immediately *extinguish the fire*.

14.1.1 Following the issuance of a verbal *Order of Extinguish*, a written copy of said Order will be served, as soon as practicable, on the *owner* or person to whom it is directed.

### 14.2 AN ORDER TO EXTINGUISH SHALL SET OUT:

14.2.1 The municipal address of the *property* on which the *fire* is located

14.2.2 The date of the inspection.

14.2.3 The contravention of the Bylaw.

14.2.4 That the *fire* is to be *extinguished* immediately; and

14.2.5 A Notice, that, if the *fire* is not *extinguished* immediately, the Municipality may *extinguish* the *fire* at the expense of the *owner* and the cost of the work may be recovered by adding the amount to the *owner's* tax roll.

14.2.6 Upon receiving *Notice of Revocation* per Section 18, the permit holder shall immediately extinguish the fire in question.

14.3 Should an *owner* or *person* default in complying with an *Order to Extinguish*, the *fire* may be extinguished at the expense of the *burn site's property owner*. The Municipality may enter on land at any reasonable time for the purpose of *extinguishing a fire* under Subsection 13(1) of the Fire Protection and Prevention Act

14.4 The power of entry under this Section shall be exercised by an employee, officer or agent of the Municipality. The *person* exercising the power of entry must, on request, display or produce proper identification, and may be accompanied by a person under their direction.

14.5 The Municipality may recover the costs of extinguishing the fire by adding the costs to the tax roll and collecting in the same manner as property taxes. The costs will include interest, calculated at a rate of (15%) for the period commencing on the day the Municipality incurs the costs and ending on the day the costs, including interest, are paid in full. The amount of costs, including interest, constitutes a lien on the land upon the Registration of a Notice of Lien at the Land Registry Office.

## 15.0 EXEMPTIONS

- 15.1 Any *person* serving as part of the Merrickville Fire Department, or as their Agent or employee, shall be exempt from the provisions of this Bylaw with respect to *open-air fires* provided any *fire* is set for the purposes of training, educating individuals in fire safety, or research.
- 15.2 Professional fire prevention and suppression trainers shall be exempt from the provisions of this Bylaw with respect to *open-air fires* set for the purposes of fire safety training.
- 15.3 Any *person* may make application in writing to the *Fire Chief* for special approval of an *open-air fire* with religious, cultural or environmental Significance, as an exception to the provisions of this Bylaw. Any such application shall include:
- 15.3.1 A description of the purpose, reason and intent of the request.
  - 15.3.2 The location and size of the *fire*.
  - 15.3.3 The date and time of the *fire*.
  - 15.3.4 A list of safety measures and supervision arrangements; and
  - 15.3.5 A site diagram including distances showing the *fire* location relative to *buildings*, trees, shrubs, hedges, fences, overhead obstructions, Flammable materials and *property lines*.

## 16.0 LIABILITY AND RECOVERY OF COSTS

- 16.1 Any person who sets or maintains an *open-air fire* which contravenes any provision of this Bylaw, and any *owner* of the land or property on which such a *fire* is set or *maintained*, shall be responsible for *extinguishing* said *fire*, and shall be jointly and severally liable for any damage to *property* and/or injury to *persons* caused by the *fire*.
- 16.2 In addition to any fines or penalties established herein, any *person* who *sets or maintains* a *fire* in the open air which contravenes any provision of this Bylaw, and any *owner* of the lands or *property* on which such an *open-air fire* is *set or maintained*, shall be jointly and severally liable to the Municipality for:



16.2.1 All fees prescribed by the Municipality, fees and charges for Bylaw enforcement, fire department personnel, vehicles and apparatus (in accordance with current Ministry of Transportation of Ontario rates) and equipment that responds to investigate and/or *extinguish* the *fire* as set out in Schedule A to this Bylaw.

16.2.2 All costs incurred by the fire department in *extinguishing the fire*, including water usage, supplies, mutual aid or other reciprocal agreement fees;

16.2.3 Any costs associated with the procurement of specialized equipment or contractors necessary for the *extinguishment* of the *fire*; and

16.2.4 Any other incidental expenses in connection with *extinguishing* the fire.

16.3 All fees and charges payable under this Bylaw are due and owing to the Municipality within thirty (30) days after the mailing or delivery of the invoice, and any fees or charges not paid by the due date shall bear interest thereon at the prescribed rate, calculated monthly from the due date until paid in full.

16.4 All fees and charges payable under this Bylaw constitute a debt to the Municipality which may be added to the collector's roll of the lands upon which the *fire* was set or *maintained*, and the amount owing may be collected in the same or in like manner as municipal property tax.

## **17.0 INDEMNIFICATION**

17.1 Any *owner or permit holder* who sets or maintains a fire shall indemnify and save harmless the Municipality from all claims, demands, causes of action, losses, costs or damages that the Municipality may suffer, incur or be liable for resulting from said fire whether with or without negligence on the part of the *owners or permit holder*, its employees, directors, contractors and agents.

## **18.0 REVOCATION**

18.1 A permit issued to a person under this Bylaw may be revoked immediately by the *Fire Chief, MLEO or designate* if, in the opinion of the *Fire Chief, MLEO or designate* an adverse effect exists on or near the approved burn site. revocation shall be effective upon the *Fire Chief, MLEO or designate* providing verbal notice to the *permit holder*.

- 18.2 A permit issued to a person under this Bylaw may be revoked by the *Fire Chief, MLEO or designate* if the *permit holder* fails to comply with the requirements of the permit and any other provisions of this Bylaw. revocation shall be effective upon the *Fire Chief, MLEO or designate* providing verbal and/or written notice to the *permit holder* or their agent.

## **19.0 ADMINISTRATION AND ENFORCEMENT**

- 19.1 The *Fire Chief, MLEO and any person* appointed by the Municipality shall Have the authority to administer this Bylaw in its entirety.
- 19.2 The Fire Chief may revoke any or all *permits*, or refuse to issue *permits*, where in the opinion of the *Fire Chief*, the ability to control the *fire* is hampered by the existence of a *dangerous condition*, which exists on, or in the proximity of the proposed *open-air fire* burn site.

## **20.0 OFFENSE**


- 20.1 Every *person* who contravenes any provision of this Bylaw is guilty of an offense.
- 20.2 Every *person* who is convicted of an offense shall be liable to a fine in accordance with the provisions of the *Provincial Offences Act*, R. S. O. 1990, c.P.33, as amended, for each offence committed.
- 20.3 The set fines for an offence under this Bylaw are set out in Schedule "G" attached hereto.
- 20.4 Where a *person* has been convicted of an offence under this Bylaw:
- 20.4.1 The Ontario Court of Justice; or
- 20.4.2 Any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the *person* convicted, issue an order prohibiting the continuation or repetition of the offense or the doing of any act or thing by the person convicted directed towards the continuation or repetition of the offense.

## **21.0 SEVERABILITY AND VALIDITY**


- 21.1 If a court of competent jurisdiction declares any provision, or part of a provision, of this Bylaw to be invalid or to be of no force and effect, it is the intention of Council in enacting this Bylaw that every other provision of this Bylaw, authorized by law, be applied and enforced in accordance with its terms.
- 21.2 Schedule A shall constitute part of this Bylaw.
- 21.3 Bylaw 13-2017 and any other Bylaws previously passed that are inconsistent with the provisions of this Bylaw are hereby repealed in their entirety.

Read a first and second time this 22<sup>nd</sup> day of December, 2025

Read a third and final time this 22<sup>nd</sup> day of December 2025



Michael Cameron, Mayor



Julia McCaugherty-Jansman, Clerk