

The Corporation of the City of Kenora

By-law Number 71 - 2016

A By-law to Establish Rules and Regulations for the Purpose of Regulating Open Air Burning in the City of Kenora

Whereas in accordance with Section 8 of the Municipal Act, 2001, as amended, the Council of the Corporation of the City of Kenora deems it necessary and advisable to enact a by-law prescribing the times during which fires may be set in the open air, and the precautions to be observed by the persons setting out fires; and

Whereas the City of Kenora Fire & Emergency Services has established Rules and Regulations for the purpose of prescribing the time for setting fires in the City;

Now Therefore the Council of the Corporation of the City of Kenora hereby enacts as follows:

Section 1 - Definitions

For the purposes of this by-law, the following terms shall be used:

- 1.1 **Camp Fire:** means a small fire for cooking, warmth or entertainment at a campsite or at a residential property.
- 1.2 **Controlled Burning Season:** is the period of time between 12:01 a.m. on April 1st and 11:59 p.m. on October 31st of each year.
- 1.3 **Evening Burning:** is any burning between two (2) hours before sunset and two (2) hours after sunrise.
- 1.4 **Fire Chief:** means the Fire Chief appointed for the City of Kenora, including his or hers designates, and municipal By-Law Enforcement Officers, acting under the Fire Chief's direction.
- 1.5 **Outside Burning:** is fire ignited for the purpose of disposing of waste or for the utilization of the fire for any other purpose including, but not to restrict the generality of the foregoing, the following:
 - (a) **Piled Material Fires:** fire to dispose of brush and/or waste wood;
 - (b) **Grass and Leaves Fires:** fire to dispose of old grass, clippings or leaves;
 - (c) **Domestic Incinerator Fires:** fire to dispose of household waste within an appropriate incinerator with the exception of plastics, paints, oil, rubber and other such toxins;
 - (d) **Camp Fires**

- 1.6 **Restricted Fire Zone:** is an area designated by the Minister of Natural Resources pursuant to the Forest Fires Prevention Act as such and for the purposes of this by-law, if any portion of the City of Kenora has been designated by the Minister, the entire city shall be deemed designated.
- 1.7 **Responsible Person:** shall be the person or persons who starts the fire, directs the fire to be set, authorizes the fire to be set, controls or oversees the fire.
- 1.8 **Uncontrolled Burning Season:** is the period of year that is not considered part of the controlled burning season, which shall be between 12:01 a.m. on November 1st and 11:59 p.m. on March 31st.

Section 2 – General Provisions

- 2.1 Subject to paragraph 2.3, outside burning is permitted at any time in the City of Kenora during the uncontrolled burning season.
- 2.2 Subject to paragraph 2.3, no person shall set a fire for outside burning in the City of Kenora, except for a camp fire, during the controlled burning season, unless such burning is evening burning.
- 2.3 No person shall set a fire for outside burning of any kind whatsoever, or discharge fireworks, during any period during which the City of Kenora has been designated a restricted fire zone.
- 2.4 No person shall set a fire for outside burning of any kind whatsoever in the City of Kenora during the controlled or uncontrolled burning season in a domestic incinerator unless the parcel of property wherein the domestic incinerator is installed thereupon is .8 hectare or greater in size and further, the incinerator and the location of the device shall comply with the burning rules provisions 15 through 19 as set out in Schedule “A” annexed hereto.

Section 3 – Fire Permits

- 3.1 The Fire Chief may issue such general and special occasion fire permits as he or she deems appropriate.
- 3.2 A basic fire permit is effective for the calendar year in which it is issued. A special occasion fire permit is effective for the date or dates stated thereon.
- 3.3 The Fire Chief may cancel or suspend a fire permit at any time.
- 3.4 No person shall set any outdoor fire in the City of Kenora, except for a campfire, unless such person is the holder of a valid fire permit.
- 3.5 No person shall set an outdoor fire in the City of Kenora, other than a piled material fire, a grass and leaves fire, or a domestic incinerator fire, unless such person has obtained from the Fire Chief a special occasion fire permit.
- 3.6 There shall be a prescribed fee as established by the Tariff of Fees and Charges bylaw for the issuance of a fire permit.

- 3.7 There shall be a prescribed fee as established by the Tariff of Fees and Charges bylaw should an Inspection of an Open Air Burning Permit be required.

Section 4 – Fire Control

- 4.1 Every person shall comply with the direction(s) of the Fire Chief, or designate.
- 4.2 No person shall set an outdoor fire, except a camp fire, unless he or she has advised the City of Kenora Fire and Emergency Services (468-3742) no more than three (3) hours prior to the time of setting such fire.
- 4.3 Every person who sets an outdoor fire shall advise the City of Kenora fire and Emergency Services once the fire has been extinguished.
- 4.4 The Fire Chief may direct the person responsible for any fire to extinguish the fire at any time if the Fire Chief believes that the fire poses a threat to persons or property. Every person shall comply with the Fire Chief's direction and the Fire Chief's decision is final.
- 4.5 In the event that the Fire Chief believes that an outdoor fire is a threat and the person responsible for such fire is unable or unwilling to extinguish same, or the fire is out of control, the Fire Chief may direct municipal fire suppression.
- 4.6 The Fire Chief may, by order, extend the controlled burning season, which order shall be effective when made. Upon the Fire Chief issuing such order, he shall cause notice thereof to be published in a newspaper of general local circulation and on the local radio stations for three (3) consecutive days.
- 4.7 In the event that municipal fire equipment or manpower is used for standby, fire suppression or cleanup in connection with an outdoor fire, the rates as determined from time to time by the Fire Chief shall apply and shall be billed to the responsible party.

Section 5 - Burning Rules

- 5.1 Every responsible person in respect of an outdoor fire shall comply with the burning rules in Schedule "A" annexed hereto and forming part of this by-law.

Section 6 - Offences

- 6.1 Everyone who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction shall be subject to punishment as provided for pursuant to the *Provincial Offences Act* and all the provisions of which shall apply.
- 6.2 Upon registering a conviction for any contravention of any provision of this By-law, *The Provincial Offences Court* may, in addition to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offense by the person convicted
- 6.3 Offences will be charged in accordance with Schedule B of the Set Fine

Schedule to this bylaw; or by a Part III Summons to Appear under the *Provincial Offences Act*.

Section 7 – Effective Date and Repeal of Former By-Law

7.1 This by-law shall come into effect on the day it is passed.

7.2 By-Law Number 30-2015 is hereby repealed.

By-Law Read a First and Second Time this 14th day of June, 2016

By-Law Read for Third and Final Time this 14th day of June, 2016

The Corporation of the City of Kenora:-

David S. Canfield, Mayor

Heather Kasprick, City Clerk

Schedule "A"
to By-Law Number 71-2016

Burning Rules
General

1. Except by special occasion permit, material to be burned shall be limited to standing dry grass for spring clean-up, wood or wood byproducts, small brush piles and untreated lumber.
2. No area shall be burned that cannot easily be managed, controlled and extinguished, taking into account weather and wind conditions and the resources available.
3. No fire shall be set until the means of extinguishing the fire, as shown on the fire permit, are available and close to the site. Such means of extinguishing the fire shall be kept available at the site at all times until the fire is extinguished.
4. Only one fire shall be permitted at any one time for each permit.
5. No fire shall be permitted to continue if such fire or smoke emanating therefrom causes any of the following:
 1. a decrease in visibility on any highway; or
 2. discomfort, a hazard to health or a loss of enjoyment of normal use of any neighboring property.
6. The fire shall be attended at all times by a person competent and capable of controlling it and extinguishing it, if necessary.
7. The person responsible for the fire shall at all times ensure that there is adequate manpower, tools and/or water available to contain the fire.
8. The person responsible for the fire shall ensure that access to a telephone is available within 5 minutes from the site of the fire.

Camp Fires

9. Camp fires shall be limited to fires used to cook food on a grill or barbeque or for personal warmth or entertainment.
10. The fire must be on a non-combustible surface such as gravel, sand or rock.
11. The fire must have a defined perimeter made of rock, metal or cement.

12. The fire must not be larger than one (1) meter in diameter and one-half ($\frac{1}{2}$) meter high.

Piled Material

13. The material must be in a single pile less than two (2) meters in diameter and less than two (2) meters high, unless otherwise approved by the chief fire official or designate.
14. The material must be at least ten (10) meters away from any flammable materials.

Domestic Incinerations

15. The device must be enclosed (metal barrel in good condition).
16. A heavy metal mesh must be put on top of the incinerator during burning. Mesh opening must be less than five (5) mm in size. The Screen should be weighted down with a rock or brick to stop it from falling off.
17. The incinerator must be at least two (2) meters away from any flammable material (normally this means a two meter circle of granular material from the outer edge of the incinerator base).
18. The incinerator must be at least five (5) meters away from any trees.
19. The incinerator must be at least fifteen (15) meters away from any building or structure.

Schedule "B"
The Corporation of the City of Kenora
Part 1 – Provincial Offences Act
Set Fine Schedule to By-Law Number

Item	Column 1 Short Form Wording	Column 2 Offence creating provision or defining offense	Column 3 Set Fine
1	Day burning	2.2	\$200.00
2	Burning - Restricted Fire Zone	2.3	\$200.00
3	Burning in an incinerator-insufficient property size	2.4	\$200.00
4	Burning in an incinerator-device not enclosed and in poor condition	2.4 Rule 15	\$200.00
5	Burning in an incinerator- lack of or improper mesh	2.4 Rule 16	\$200.00
6	Burning in an incinerator – too close to flammables	2.4 Rule 17	\$200.00
7	Burning in an incinerator – too close to trees	2.4 Rule 18	\$200.00
8	Burning in an incinerator – too close to building/structure	2.4 Rule 19	\$200.00
9	Burn – no fire permit	3.4	\$200.00
10	Burn – no special occasion permit	3.5	\$200.00
11	Fail to notify dispatch prior to setting fire	4.2	\$200.00
12	Fail to notify dispatch when fire is out	4.3	\$200.00
13	Fail to extinguish fire as directed	4.4	\$200.00
14	Burning – unmanageable size fire	5.1 Rule 2	\$200.00
15	Burning – no means of extinguishment near by	5.1 Rule 3	\$200.00
16	Burning - more than one fire at a time	5.1 Rule 4	\$200.00
17	Excessive smoke from fire	5.1 Rule 5	\$200.00
18	Leave fire unattended	5.1 Rule 6	\$200.00
19	Fail to have adequate means to control fire	5.1 Rule 7	\$200.00
20	Fail to have telephone available	5.1 Rule 8	\$200.00
21	Camp fire- not for cooking, warmth or entertainment	5.1 Rule 9	\$200.00

22	Camp fire – constructed on a combustible surface	5.1 Rule 10	\$200.00
23	Camp fire – no defined perimeter made of rock, metal or cement	5.1 Rule 11	\$200.00
24	Camp fire – too large	5.1 Rule 12	\$200.00
25	Oversized fire	5.1 Rule 13	\$200.00
26	Fire too close to flammables	5.1 Rule 14	\$200.00