

**Corporation of the Township of Chapleau**

**By-Law 2023-51**

**Being a By-Law to Regulate Open Air Burning**

**WHEREAS** pursuant to Section 7.1 of the *Fire Protection and Prevention Act (S.O. 1997, C.4 as amended)*, Council may pass by-laws to regulate the setting of open-air fires in the Township of Chapleau, including establishing the times during which open air fires may be set;

**AND WHEREAS** Section 429, subject to subsection (4), of *the Municipal Act (S.O. 2001, C.25 as amended)*, a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act;

**AND WHEREAS** the Council of the Corporation of the Township of Chapleau deems it expedient to regulate the setting of open fires, including establishing the times during which open air fires may be set;

**NOW THEREFORE** the Council of the Corporation of the Township of Chapleau enacts as follows:

1. No fire shall be set out of doors in the Township between the hours of six o'clock in the morning and six o'clock in the evening during the months of April, May, June, July, August, September and October in each year.
2. No person shall set out fires in open air without first obtaining a fire permit from the Township of Chapleau, said permit shall automatically expire on the 31<sup>st</sup> day of October in the year issued.
3. Fire permits can only be issued to the homeowner of the property.
4. No person shall set any fire out of doors to burn, or shall burn out of doors, any kitchen garbage, construction materials or materials made of/or containing rubber, plastic or tar.
5. Without in any way limiting the prohibition set out in Section 4 above, only dry materials shall be burned in fires set out of doors.
6. No person shall set any fire out of doors except in the presence of a competent adult person and this person shall be in constant attendance of any burning operation as to prevent same from spreading to or endangering other property.
7. Open burning shall be confined to non-combustible containers or to a pit no larger than 61cm (2 feet) by 61cm (2 feet) in size.
8. No person shall set a fire in an area where it may spread due to grass or other vegetation or a strong wind.
9. No outside fire which causes inconvenience or irritation to others shall be permitted.
10. No person shall leave the site of a fire set out of doors in the Township without fully extinguishing the said fire.
11. Every person who starts a fire shall ensure that he/she has adequate tools and water to contain the fire.
12. Except under the authority of a fire permit, no person shall start a fire outdoors during a fire season for any purpose other than cooking or obtaining warmth.
13. The fee for said permit shall be indicated in the annual Township of Chapleau User fees.

**PENALTY**

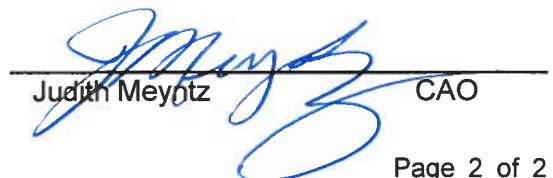
14. Every person who contravenes any provision of this by-law is guilty of an offence against this by-law and shall, upon conviction therefore be subject to a fine of not more than five thousand (\$5,000.00) dollars exclusive of costs and every fine is recoverable under the Provincial Offences Act.
15. Upon subsequent conviction is subject to a maximum fine of ten thousand dollars (\$10,000.00).
16. This by-law shall be enforced by the Fire Chief and/or his/her designate, and/or any By-law Enforcement Officer appointed by the Township, all of whom shall have the authority to issue tickets and lay charges pursuant to this by-law under the Provincial Offences Act.
17. That By-Law 2021-22 be and is hereby repealed in its entirety.
18. This By-law shall come into force and take effect on the 2<sup>nd</sup> day of October, 2023.

READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 2<sup>nd</sup> day of October, 2023.



Ryan Bignucolo

Mayor



Judith Meyntz

CAO