

THE CORPORATION OF THE CITY OF PEMBROKE

BY-LAW NUMBER 2004 - 31

BEING A BY-LAW TO REGULATE "RECREATIONAL OPEN AIR  
BURNING" AND PRECAUTIONS TO BE TAKEN BY OWNER

**WHEREAS** Section 130 of the *Municipal Act 2001, c.25*, as amended, authorizes Councils of local municipalities to regulate matters related to the health, safety and well being of inhabitants of the municipality;

**AND WHEREAS** reg. 244/02, Section 13 (1), pursuant to Section 400 of the *Municipal Act, S.O. 2001, c.25*, as amended, authorizes a municipality to pass a by-law imposing a fee or charge for the issuance of permits for the purposes;

**AND WHEREAS** Section 2.6.3.4 of the *Ontario Fire Code* provides for the prohibition of open air burning unless approved or unless such open air burning consists of a small confined fire, supervised at all times, and used to cook food on a grill or barbecue;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF PEMBROKE ENACTS AS FOLLOWS:

**1.1 Definitions:**

**Chief Fire Official**

"Chief Fire Official" shall mean the Fire Chief of the Corporation of the City of Pembroke or his/her designate.

**Recreational Open Air Fire**

"Recreational Open Air Fire" shall mean an open air fire that does not exceed one metre (1 m or 39") in width and 460 millimeters (18" in height) that is set and maintained solely for the purposes of cooking food, providing warmth and recreational enjoyment.

**Permit**

"Permit" shall mean any individual, association, firm, partnership, corporation, agent or trustee and their heirs, executors or other legal representative of a person.

**Person**

"Person" shall mean any individual, association, firm, partnership, corporation, agent or trustee and their heirs, executors or other legal representatives of a person.

**Permit Holder**

(a) "Permit Holder" shall mean any person who is a land owner, tenant, lessee, individual, association, firm, partnership, corporation, agent or trustee and their heirs, executor or to the legal representative of a person that has been granted a permit for Recreational fires.

(b) Recreational Open Air Burning fires will be permitted along the Ottawa, Indian and Muskrat Rivers on properties that front the water or within close proximity of same as determined by the Chief Fire Official.

(c) The responsibility to ensure that the Recreational open air fire is safe and does not cause a wildfire rests with the permit holder.

**Dangerous Conditions**

"Dangerous Conditions" shall mean:

- (a) a lack of precipitation, which in the opinion of the Chief Fire Official, increases the risk of the spread of fire;
- (b) winds, which in the opinion of the Chief Fire Official, increase the risk of the spread of fire; or,
- (c) any other condition declared by the Chief Fire Official to be a dangerous condition, from time to time, which increases the risk of the spread of fire.

**Barbecues**

Approval is not required from the Municipality or Chief Fire Official for the use of a barbecue to cook food. Barbecues being used to cook food shall be attended, controlled and supervised at all times.

"Barbecue" shall mean a portable or fixed device, including a hibachi, a permanent structure designed and intended solely for the cooking of food in the open air, but does not include devices designed for personal warmth. For the purpose of this By-law, small fire pits or small campfires shall be designated as barbecues only while food is being cooked.

**Barbecues- Approved Fuels**

The only approved fuels for use in barbecues are commercially produced charcoal, briquettes or other commercial fuels such as natural gas and propane gas that are intended for the purposes of cooking.

**2.0 Recreational Fires- Regulations**

The following regulations shall apply with respect to open air burning for recreational purposes:

- (a) recreational fires may be conducted between the hours of 6:00 p.m. and 6:00 a.m.;
- (b) no materials other than commercially produced charcoal, briquettes or clean, dry seasoned wood free of chemicals, paint or stain may be burned;
- (c) recreational fires shall be confined to commercial, non-combustible containers or to a pit no larger than (2) feet (61 centimeters) by two (2) feet (61 centimeters) in size by eighteen (18) inches (45 centimeters) in height;
- (d) "outdoor fireplace" means a manufactured non-combustible enclosed container designed to hold a small fire for decorative purposes, the size of which is not larger than (1) meter in any direction, and may include, but not limited to, chimneys or other appliances approved by the Chief Fire Official;

(e) the dimension of the fuel being burnt shall not be greater than the size of the container or fire pit and shall be totally confined within the container or pit at all times;

(f) a recreational fire pit shall be confined to a location that provides for a minimum distance of four (4) meters from any combustible materials in all directions from adjacent properties;

(g) a recreational fire pit shall be confined to an area that is a minimum of three (3) meters from combustible structures or objects. Commercially non-combustible appliances and or fabricated appliances may reduce clearances with utilization of non-combustible materials;

(h) an effective extinguishing agent of sufficient size and with the capability of extinguishing the fire shall be at the site of the burning and be immediately available for use;

(i) recreational fires shall be attended, controlled and supervised at all times and shall be completely extinguished before the fire is left unattended;

(j) the permit may be cancelled if, in the opinion of the Chief Fire Official, the wind is in the direction or intensity as to cause any or all of the following:

1. the possible spread of the fire beyond the approved burn site;

2. a decrease in visibility on any highway or roadway due to smoke and or ash;

3. any odor or smoke to such an extent or degree so as to cause discomfort to the persons in the immediate area;

4. any other dangerous conditions as determined by the Chief Fire Official.

**3.0 Exceptions**

**Fire Service**

The City or Pembroke shall be exempt from the provisions of this By-law with respect to open air burnings set for the purposes of educating or training individuals.

**Municipal Exemptions**

Special events, as approved by the Chief Fire Official, shall be exempt. This will include the Recreational Campfires, as approved at Riverside Park Campground.

**4.0 Issuance of Permit**

**4.1 Permit- Inspection**

At the discretion of the Chief Fire Official, a site inspection of the proposed burn location for a "Recreational Open Air fire" may be undertaken. This inspection may include a drawing or require pictures to be taken prior to issuing a permit.

**4.2 Permit Fees**

The fee for the issuance of a "Recreational Open Air Burning permit" shall be (\$20.00) twenty dollars. This permit is valid for one year from the date of issue and may be subject to an Inspection prior to renewal.

Application and inspection fee payment shall be made at the Pembroke Fire Department.

**4.3 Permit Withdrawal**

The Chief Fire Official may withdraw a permit or stop recreational burning if, in the opinion of the Chief Fire Official, the recreational fire is causing a negative impact on the occupants of adjacent lands, smoke produced by the fire is causing visibility concerns on roads in the area of the burn, the weather has deteriorated and has become unfavorable for recreational burning, conditions attached to the granting of permission are not being adhered to or this By-law is being contravened.

**5.0 Effective date**

This By-law shall come into force and take effect upon the date of final passing thereof.

READ A FIRST AND SECOND TIME THIS 15<sup>th</sup> DAY OF JUNE, 2004.

\_\_\_\_\_  
Chief Administrative Officer

\_\_\_\_\_  
Mayor

READ A THIRD TIME AND PASSED THIS 15<sup>th</sup> DAY OF JUNE, 2004.

\_\_\_\_\_  
Chief Administrative Officer

\_\_\_\_\_  
Mayor