



**THE CORPORATION OF THE TOWNSHIP OF  
ASHFIELD-COLBORNE-WAWANOSH**

**By-Law No. 28-2007**

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BEING A BY-LAW TO REGULATE OPEN AIR FIRES INCLUDING THE  
PREVENTION OF THE SPREADING OF FIRES WITHIN THE TOWNSHIP OF  
ASHFIELD-COLBORNE-WAWANOSH.

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**WHEREAS** Section 7.1 (a) and (b) of the Fire Protection and Prevention Act, 1997 as amended authorizes Municipal Councils to pass by-laws regulating fire prevention, including the prevention of the spreading of fires and regulating the setting of open air fires, including the times during which open fires may be set.

**NOW THEREFORE** the Corporation of the Township of Ashfield-Colborne-Wawanosh ENACTS as follows;

**DEFINITIONS**

1. For purposes of this by-law the following definitions shall apply:
  - 1.1 “Administrator” shall mean the Administrator/Clerk-Treasurer by the Township of Ashfield-Colborne-Wawanosh or their designate as appointed by the Township of Ashfield-Colborne-Wawanosh.
  - 1.2 “Township” shall mean The Township of Ashfield-Colborne-Wawanosh
  - 1.3 “Open Air” means any fire out doors in an open place, yard, field or construction area which is not enclosed by a building or structure.
  - 1.4 “Approved Installation” means and apparatus of a type approved by the By-Law Enforcement Officer, as particularized in Schedule A to the By-Law.
  - 1.5 “Clean Wood” means any wood not treated or covered with any foreign material such as paint, petroleum products, flammable material or toxic material.
  - 1.6 “Small Confined Fire” means a self-contained fire in an “Approved Installation” not exceeding 1 metre (3 feet) in height or diameter burning only clean wood or charcoal and supervised at all times.
  - 1.7 “Hamlet Area” means all property within the boundaries of the Township of Ashfield-Colborne-Wawanosh within the following areas:
    - a) Century Heights Subdivision;
    - b) Maitlandview Estates Subdivision;
    - c) Village of Saltford;
    - d) Benmiller Heights Subdivision;
    - e) Dungannon;
    - f) Port Albert;
    - g) The “Auburn Area” within the limits of the Township of Ashfield-Colborne-Wawanosh;
    - h) Nile; and,
    - i) Kingsbridge.

## PROHIBITIONS

2. No Person may set a fire or allow a fire to burn except in accordance with the following provisions:
- a) The fire must be under the supervision and control of one responsible person 16 years of age or older from the time of lighting until the fire is completely extinguished;
  - b) Equipment and resources sufficient to extinguish the fire must be present and available at all times at the burning site;
  - c) There shall be a space free and clear of combustible material and vegetation around the perimeter of fire for a radius of at least 7 metres (23 feet); and,
  - d) If an Open Air fire, the fire shall be located no closer than 10 metres (33 feet) to any building, structure, property line, fence, road or overhead wires or obstruction of any nature.
- 2.1 No person shall set a fire where wind will cause fire, smoke, or ashes to:
- a) Create smoke or odour to such an extent as to cause discomfort to persons;
  - b) Blow across a roadway;
  - c) Create a hazard to health; or,
  - d) Create or cause loss of enjoyment of normal use of property.
- 2.2 No Person may set a fire or allow a fire to burn within a Hamlet Area.

## EXEMPTIONS

3. The provisions of this by-law shall not pertain to:
- a) Small confined fire, as defined;
  - b) A barbecue burning charcoal, propane or natural gas;
  - c) Employees of the Township in the course of their employment duties for the Township; or,
  - d) Employees or volunteers for any Fire Department which services the Township; while in the performance of their duties as an employee or volunteer for the Fire Department.

## OFFENCE AND PENALTIES

4. Every 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 Section 61 of the Provincial Offences Act.
- 4.1 Any person who contravenes any provision of this by-law shall be also liable for the cost of fire services being dispatched to the fire site.
- 4.2 In the event that a fire, requires the assistance of fire-fighting or fire protection services to extinguish the fire, then all costs in connection with the providing said fire assistance shall be borne by the assessed owner on whose property the fire was either deliberately set or otherwise ignited.

## ENFORCEMENT AUTHORITY

5. The following individuals are responsible for the enforcement of this By-Law and are authorized to order any person to extinguish any fire when there is a breach of any portion of this by-law or any regulations of the Ontario Fire Code or where in their opinion there is a danger of such fire spreading or otherwise endangering life or property;
- i) Municipal Law Enforcement Officers of the Township;
  - ii) All individuals delegated under the provisions of the Fire Protection and Prevention Act, 1997, as amended, to provide fire services to the Township; and,
  - iii) Other officers as so directed by the Council of the Township of Ashfield-Colborne-Wawanosh.

## VALIDITY

6. The By-Law No. 50-2004, of the Corporation of the Township of Ashfield-Colborne-Wawanosh is hereby repealed.
7. In the event that any provision of this by-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this by-law.
8. This By-Law shall come into force and take effect upon the date of the final passing thereof.

**Read a FIRST and SECOND time this 17<sup>th</sup> day of April, 2007.**

**Read a THIRD TIME and FINALLY PASSED this 17<sup>th</sup> day of April, 2007.**

  
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 Reeve, Ben Van Diepenbeek

  
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 Administrator/Clerk-Treasurer, Mark Becker

**SCHEDULE "A"**  
BY-LAW No. 28-2007

**Approved Installations**

- a) Truck rim, screen & cover, buried at least 3" below ground level;
- b) Barbecue, screen & cover;
- c) Steel barrel, screen & cover, buried at least 5" below ground level.

All Approved Installations must be located 7.62 metres or (25 feet) from any flammable materials, or buildings. All Approved Installations must be surrounded by a 0.61 metre or (2 foot) perimeter of a flame retardant material.