

**THE CORPORATION OF THE  
TOWNSHIP OF EDWARDSBURGH CARDINAL**

**BY-LAW NO. 2018-38**

**“A BY-LAW TO PRESCRIBE THE PRECAUTIONS AND CONDITIONS  
UNDER WHICH FIRES MAY BE SET IN OPEN AIR”**

**WHEREAS** the Municipal Act 2001, SO 2001, Chapter 25, Section 8(1) states that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues; and

**WHEREAS** the Municipal Act 2001, SO 2001, Chapter 25, Section 8(2) states that in the event of ambiguity, the ambiguity shall be resolved so as to include, rather than exclude, municipal powers that existed before the Municipal Act, 2001 came into force; and

**WHEREAS** the Municipal Act 2001, SO 2001, Chapter 25, Section 8(3) permits a municipality to pass by-laws to regulate or prohibit and to provide for a system of licenses, permits, approvals or registrations and impose conditions; and

**WHEREAS** the Municipal Act 2001, SO 2001, Chapter 25, Section 9 gives the municipality the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this Act; and

**WHEREAS** the Municipal Act 2001, SO 2001, Chapter 25, Section 128(1) authorizes a local municipality to prohibit and regulate with respect to public nuisances; and

**WHEREAS** the Municipal Act 2001, SO 2001, Chapter 25, Section 128(2) states that the opinion of council under section 128, if arrived at in good faith, is not subject to review by any court; and

**WHEREAS** the Municipal Act 2001, SO 2001, Chapter 25, Section 429 permits the municipality to establish a system of fines for offences under a by-law of the municipality; and

**WHEREAS** the Municipal Act 2001, SO 2001, Chapter 25, Section 446 permits the municipality to cause remedial action and recover the costs of so doing;

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

1. That this by-law shall apply to the whole of the lands within the municipal boundaries of the Township of Edwardsburgh Cardinal.
2.
  - a) That no fire shall be deliberately set for the purposes of burning brush or other materials within the territorial limits of the Township of Edwardsburgh Cardinal without the assessed owner of the lands on which the brush or other materials are to be burned first obtaining a Conditional Permit from the Township authorized and signed by the Fire Chief of the Township of Edwardsburgh Cardinal Fire Department or his/her designate.
  - b) A permit to burn shall be issued in accordance with the regulations as stated on Schedule “A” and defined in Schedule “B” attached hereto.
3. In the event that a fire started in brush or other materials burns out of control and requires the assistance of fire fighting or fire protection services of the

Township or any other municipality, then all costs in connection with the Township providing this assistance shall be borne by the assessed owner of the property subject to the fire either deliberately set or otherwise ignited. The charge-out rate shall be in accordance with by-law 2016-05.

4. That the Corporation of the Township of Edwardsburgh Cardinal may, in default of the owner failing to pay the costs described in Section 3 of this by-law, pay the cost on his or her behalf and may recover the costs incurred in like manner as municipal taxes.
5. That only small confined fires used for the purpose of cooking or recreational campfires and supervised at all times shall be permitted in the high density residential areas of Cardinal, Johnstown, New Wexford and Spencerville as shown on Schedule "C" to this by-law.
6. That fires shall be set in approved containers in accordance with Schedule "B" attached to this by-law in areas of the municipality outside of the boundaries of Cardinal, Johnstown, New Wexford and Spencerville as shown on Schedule "C" to this by-law. Containers with UL/ULC certification must meet the required clearances listed on the nameplate. Containers without certification must meet clearances outlined for a campfire.
7. That the municipality may set controlled fires, supervised at all times, for the purposes of burning grass, brush or other materials on lands owned by the municipality in any area of the Township of Edwardsburgh Cardinal.
8. In addition to the penalties in Clause 3 and 4, every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than \$25,000 pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33 as amended.
9. It is the declared intention of the Council of the Corporation of the Township of Edwardsburgh Cardinal that any section or part of this By-law which may subsequently be held to be illegal or invalid shall be severable from the remainder of the By-law and shall not be deemed to have persuaded or influenced the Council to pass the remainder of the By-law.
10. That By-law 2018-38 will repeal and replace in its entirety by-law 2016-04, and all other by-laws previously passed that are inconsistent with the provisions of this by-law.
11. That this by-law shall come into force and take effect on the date of passing.

Read a first and second time in open Council this 25<sup>th</sup> day of June, 2018.

Read a third and final time, passed, signed and sealed in open Council this 25<sup>th</sup> day of June, 2018.

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Mayor



\_\_\_\_\_  
Deputy Clerk



Schedule "A"  
By-law 2018-38

OPEN AIR BURN PERMIT REGULATIONS

1. Every person wishing to have an open air fire must first obtain a Conditional Permit in the form herein prescribed from the Township of Edwardsburgh Cardinal Fire Chief or his/her designate. **All permits shall expire on December 31<sup>st</sup> of the year in which it was issued.**
2. The Edwardsburgh Cardinal Fire Department must be notified prior to any open burning taking place. At the time of calling permittees will be advised if a Burn Ban for the Township is in effect, which will cancel the permit for the Burn Ban period. **All open fires are to occur in the dawn to dusk time period except for recreational campfires and agricultural fires.**
3. The permittee assumes full responsibility for the conducting of open burning and agrees to follow all conditions specified of the Conditional Open Burning Permit.
4. No campfire shall be set or maintained:
  - a) Within 6 meters (20 feet) of any structure (including fences), wooded area, property line, flammable material, hydro or telephone line or service.
5. No brush pile fire shall be set or maintained:
  - a) Within 15 meters (50 feet) of any structure (including fences), wooded area, property line, flammable material, hydro or telephone line or service.
6. No agricultural fire shall be set or maintained:
  - a) Within 50 meters (200 feet) of any structure (including fences), roadway, flammable material, hydro or telephone line or service.
  - b) Within 20 meters (65 feet) of any wooded area or property line.
7. Piles exceeding the pile size or within clearances outlined under an agricultural fire, as defined in Schedule "B", must be approved by the Fire Chief or designate prior to burning. Approval requires a site inspection which must be initiated by the assessed owner of the property.
8. With the exception of agricultural fires no person shall cause to be burned more than one pile, container, etc., at any one time.
9. With the exception of agricultural fires all open fires **shall be attended** at all times. Agricultural fires must be attended during the initial free burning stage of the fire.
10. No fire shall be started or maintained when the wind is in such a direction or intensity as to cause a decrease in visibility on any highway or traveled road, the spread of the fire beyond the burn site; or any odour, smoke or ash that causes discomfort to persons living in the area.
11. No open fire shall be started on days of adverse weather conditions, such as rain, fog or other conditions that prevent the ready dispersion of smoke.
12. Materials to be burned must not include petroleum products, plastics, rubber, or other materials that create excessive smoke, or any materials prohibited by the Environmental Protection Act, RSO 1990, Chapter E.19 as amended.
13. The Edwardsburgh Cardinal Fire Department may deny any request or revoke a permit if:
  - a) Burning site is not in a suitable location.

- b) Permit applicant has violated this by-law in the past and/or the Fire Chief, at his/her sole discretion, has reasonable cause to believe the conditions of this by-law will not be respected.
- c) Any smoke or odour to such extent as to be objectionable or cause discomfort to persons in the immediate vicinity is, or becomes apparent.
- d) For any other reason that the Fire Chief or designate, at his/her sole discretion, has reason to believe is in the interest of preserving and maintaining fire safety.

Schedule "B"  
By-law 2018-38

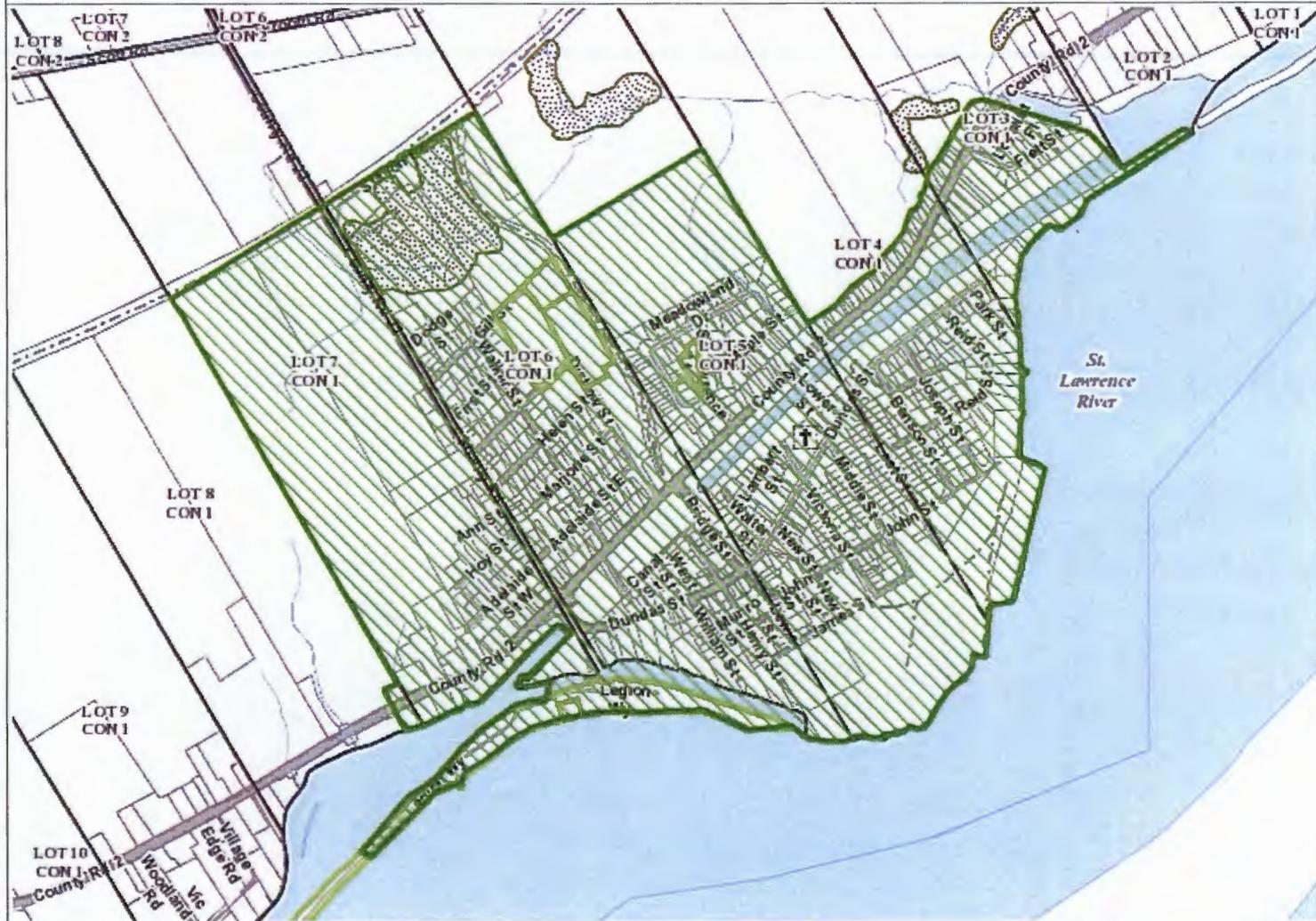
DEFINITIONS

1. **"Agricultural Fire"** means an open air fire where the material to be burned does not exceed 125 cubic meters (164 cubic yards) and that is set and maintained solely for the purpose of burning wood, tree limbs, branches and yard waste as part of normal farm practices or for clearing agricultural land.
2. **"Approved Container"** means a container:
  - a) Designed as a wood burning appliance and certified by UL/ULC; or
  - b) Constructed of non-combustible materials such as a metal container, or a steel barrel having a wire mesh or expanded sheet metal screen with a maximum mesh size of 1 inch (25 millimeters) covering the open top of the container; and
  - c) Placed on base mineral soil, bare rock, cement or non-combustible material.
3. **"Brush Pile Fire"** means an open air fire where the material to be burned does not exceed 36 cubic meters (47 cubic yards) and that is set and maintained solely for the purpose of burning wood, tree limbs and branches and yard waste.
4. **"Campfire"** means an open air fire where the material to be burned does not exceed 0.6 meters (2 feet) in height, width and length, and that is set and maintained solely for the purpose of cooking food, providing warmth and recreational enjoyment. The outer perimeter must be a minimum height of 15 centimeters (6 inches) and constructed of non-combustible material such as metal or concrete. Only seasoned fire wood may be used. Leaves, branches, grass, pine needles or any other yard waste are not permitted.

# Schedule C

TWP  
EC  
CA

## EDWARDSBURGH CARDINAL



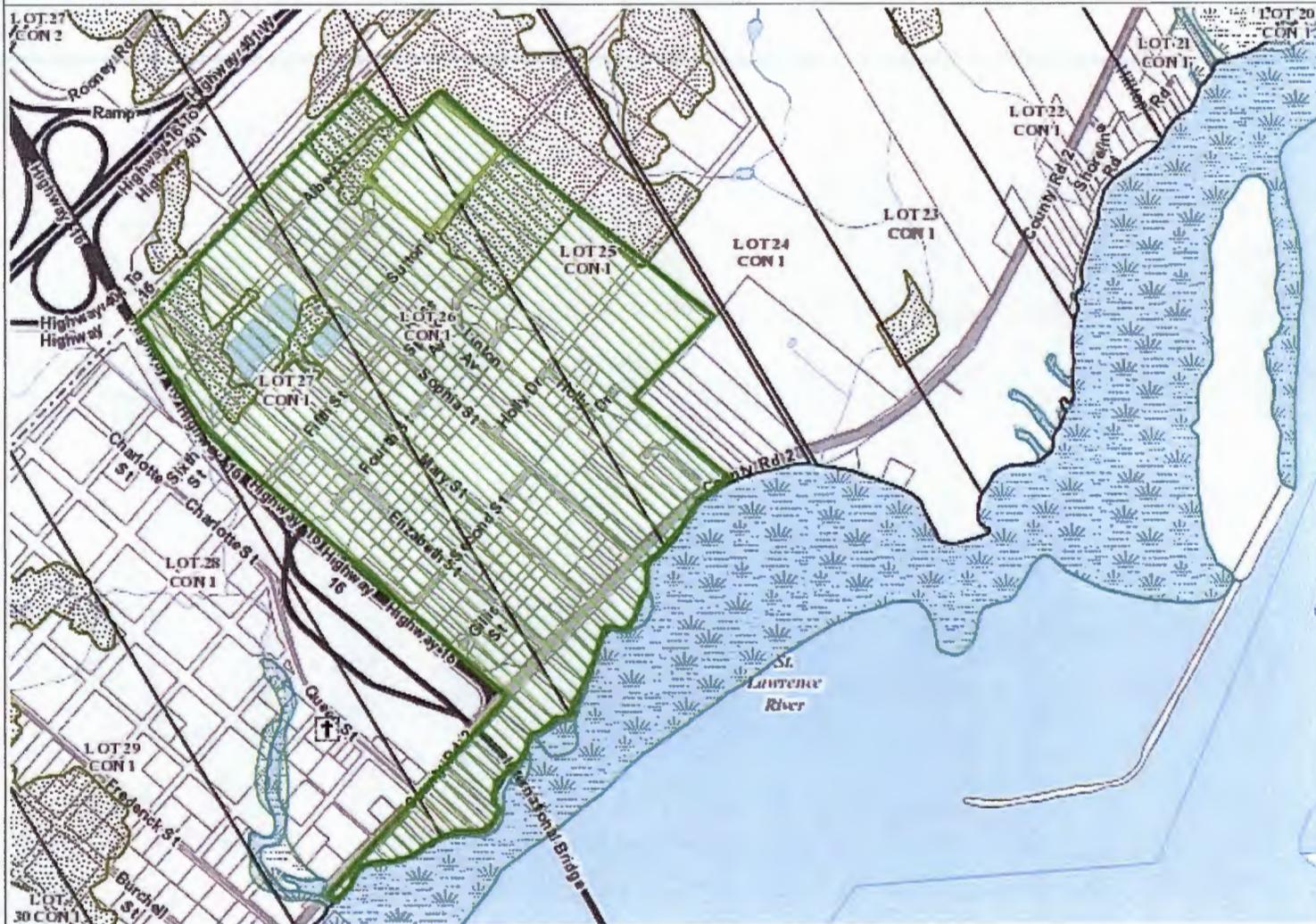
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# Schedule C

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## EDWARDSBURGH CARDINAL



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# Schedule C

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## EDWARDSBURGH CARDINAL



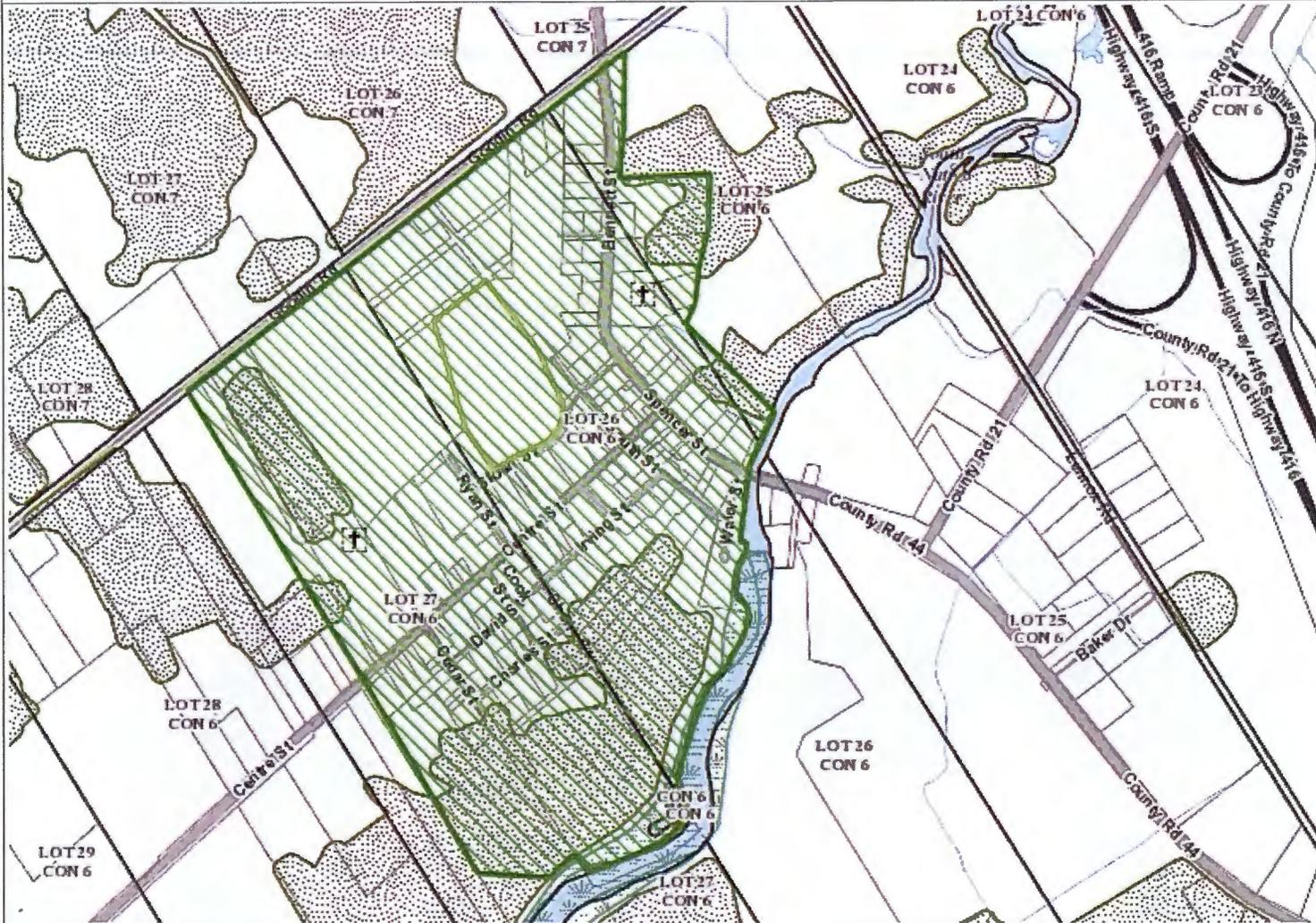
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# Schedule C

TWP  
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## EDWARDSBURGH CARDINAL



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