

**THE CORPORATION OF THE TOWNSHIP OF McNAB/BRAESIDE
BY-LAW NO. 2018-09**

Being a By-Law to regulate open air burning within the Township of McNab/Braeside.

WHEREAS Section 7.1 of the Fire Protection and Prevention Act, S.O. 2002,c.,as amended, provides that Councils of a municipality may pass by laws for regulating the prevention of the spreading of fires and setting open air fires including times during which they may be set.

AND WHEREAS the Forest Fires Prevention Act, R.S.O 1990, C.F.24 and Ontario regulation 2-7/96 provides rules for outdoor burning;

AND WHEREAS the Fire Protection and Prevention Act, R.S.O sets out the penalties and fines;

AND WHEREAS the Municipal Act authorizes the Municipality to recover the expense incurred by it in taking any action to do what another person has been directed or required to do by-law;

NOW THEREFORE the council of the Corporation of the Township of McNab Braeside enacts as follows:

DEFINITIONS

Approved pit:

Means an area of ground that has been completely cleared of combustible material and lined with sand or mineral soil that will extend a minimum of 30cm (12 inches) beyond the limit of fuel used for the Camping Fire.

Campfire:

Means an open air fire having a maximum fuel volume of 1 metre x 1 metre x 1 metre (3 ft x3 ft x 3 ft), that is set or maintained in an approved pit or outdoor fireplace and is used solely for the purpose of cooking food, providing warmth or recreational enjoyment.

Brush Pile:

Means the material to be burned shall be limited to wood or by –products of wood (leaves and brush) and not more than eight cubic metres of material to be burned at any one time (7 ft. x 7 ft x 7 ft)

Council:

Means the elected Council of The Corporation of The Township of McNab/ Braeside.

Household Waste:

Means any solid waste, composed of garbage or rubbish which normally originates in a private home.

Open Air Fire:

Means a fire set in the open air for the purpose of burning brush or other approved combustible material, and includes fires in incinerators and pits, but does not include cooking fires, campfires and barbeques.

Campground:

Shall mean an area of land within the geographic limits of the Township of McNab Braeside owned or operated by a person that contains campsites for the purpose of providing overnight or seasonal accommodation for tent, trailers and recreational vehicles in exchange for monetary payment.

Fire Chief:

Shall mean the Fire Chief of the Township of McNab Braeside or his/her designate, namely District Fire Chiefs, Station Officer(s) and/or Captain(s) of the Fire Department.

Fire Season:

The period from the 1st day of January to the 31st day of December each year shall be a Fire Season.

Incinerator:

An incinerator is an enclosed device for the purpose of burning wood, brush, leaves or discarded wood by products that is constructed entirely of non-combustible material not exceeding 1 cubic metres in size, is located at least 7.62 metres (25 feet) from any forest or woodland, and at least 7.62 metres (25 feet) from flammable materials and the outlet of the incinerator is covered with a screen having mesh size of not more than 5 millimeters.

Permit:

Means a permit issued by the Township of McNab /Braeside signifying permission to set or maintain or allow being set or maintained, an open air fire, and establishing the conditions under which permission is granted.

Competent Person:

Means a person who is at least 19 years of age and capable of effectively supervising, managing, controlling and extinguishing a fire.

Prohibited Materials:

Means any materials such as, but not limited to, household waste, petroleum products, plastics, rubber products, painted lumber, household contents or any other item that could cause noxious or toxic smoke or fumes.

Township:

Means the Corporation of the Township of McNab /Braeside.

1. GENERAL REGULATIONS:

1. Notwithstanding any provisions herein ,no person shall set or maintain or maintained an open air fire at any time:
 - 1.1 That does not comply with the Forest Fires Prevention Act, R.S.O 1990 c.f.24 and O.Reg 207/96 which provide rules for outdoor burning as set out in Schedule a;
 - 1.2 That does not comply with the Fire Protection and Prevention Act;
 - 1.3 Camping fire having a maximum fuel volume of 1 metre x 1 metre x 1 metre (3 ft x3 ft x 3 ft), that is set or maintained in an approved pit or outdoor fireplace and is used solely for the purpose of cooking food, providing warmth or recreational enjoyment.
 - 1.4 Brush fires shall be limited to wood or by –products of wood and not more than eight cubic metres of material to be burned at any one time ;(7 ft x 7ft x 7 ft) and **require fire permit.**
 - 1.5 Unless conditions will allow the fire to burn safely from start to extinguishment.
 - 1.6 During the “Fire Season” that is not a camping or cooking fire unless a permit is issued under the provisions of this by-law
 - 1.7 Any negligence or carelessness regarding any fire, the person or persons responsible shall be held liable for all costs in extinguishing said fire.
 - 1.8 A camping fire or cooking fire when a “**FIRE BAN**” has been declared by the Province, the Ministry of Natural Resources and/or the Fire Chief.
 - 1.9 That is done on pavement or road allowance which would interfere with traffic.
 - 1.10 A fire permit may be cancelled or suspended at any time by the Fire Chief, and immediately upon receiving notice of such cancellation or suspension, either in writing or by telephone call or in person the permit holder shall extinguish any fire set out under the permit.
 - 1.11
 - a) All open air burning material must be piled in a clear area and a clear area must be maintained for a distance of 7.62 meters (25 feet) from any flammable materials in all directions.
 - b) In any location where conditions exist such that there is a reasonable probability of such fire spreading to a building , structure , grass or other flammable vegetation or material.

- 1.12 Constant supervision of the fire shall be maintained by a Competent Person of 19 years or older with adequate manpower, tools and water supply immediately available to extinguish the fire or limit its spread: and having means readily at hand to summon the fire department until the fire is completely extinguished.
- 1.13 No fires are to be started or allowed to burn during windy conditions. A windy condition shall be defined as a wind above #2 on the Beaufort Wind Force scale, as defined by:
- Light breeze of 6 to 11 km/h- wind felt on face; leaves rustle; ordinary vanes moved by wind
- 1.14 To burn any prohibited materials such as, but not limited to household waste, petroleum products, plastics, rubber, painted lumber, tires, furniture, carpeting, Styrofoam or any other material that could cause noxious or toxic smoke fumes.
- 1.15 No open air fire shall be ignited when conditions as such may cause any or all of the following:
- (a) a decrease in visibility on any highway or roadway
 - (b) inconvenience or irritation to others
 - (c) fire spread through grass, brush, forested area or other property that was not intended to be burned
 - (d) a contravention of other municipal by-laws, provincial or federal legislation.
- 1.16 Should a complaint be received regarding open air burning, fire crew will respond to inspect the burning conditions.
- 1.17 Upon inspection, the Fire Chief or designate may, where there are reasonable and probable grounds that any offence under this By-law has been committed, order immediate extinguishment. Call for outside resources to determine environmental impact of fire.
- 1.18 No burning is allowed at any public beach in The Township of McNab/Braeside.**
- 1.19 If the Fire Department is called out for burning complaints and permit owner is following the rules of the Bylaw the person who made the complaint may be charged.

2.0 Grass fires are prohibited during the Fire Season.

2. FIRE PERMITS:

- 2.1 No persons shall set out fires during the "Fire Season" for any purpose other than a camping fire or cooking fire except under a fire permit.
- 2.2 The Fire Chief shall have authority to authorize the issuance of permits to set out fires in the open air during the "Fire Season".
- 2.3 During the calendar year:
- (a) Fire permits are required for all burning.
 - (b) Daytime and night time burning is allowed.
 - (c) No person shall set out fires when a Fire Ban has been declared by the Province of Ontario, the Ministry of Natural Resources and/or the Fire Chief.
 - (d) The material to be burned shall be limited to wood or by-products of wood and not more than eight cubic metres of material to be burned at any one time;(7 ft x 7ft x 7 ft).
 - (e) All other restrictions, requirements and provisions of this By –Law apply.
- 2.4 Upon application, the Fire Chief may authorize the issuance of a permit, called a "Fire Permit" to set out fires during the "Fire Season" for:
- a) Burning in an incinerator
 - b) Open air burning
- 2.5 A fire permit may be cancelled or suspended at any time by the Fire Chief and immediately upon receiving notice of such cancellation or suspension, either in writing, by telephone call or in person; the permit holder shall extinguish any fire set out under the permit.
- 2.6 Under no circumstance does a fire permit or the delegation of fire control to someone other than the property owner, relieve the owner of liability for damages and expense that may be caused by the fire set out.

3. FIRE RESTRICTIONS

- 3.1 All restrictions outlined in the Forest Fires Prevention Act (R.S.O. 1990, Chapter F.24) and Ontario Regulation 207/96 attached as Annex A shall apply.
- 3.2 All restrictions outlined in the Fire Protection and Prevention Act, 1997 and Ontario Regulation 213/07 shall apply.
- 3.3 The following additional Township of McNab/Braeside restrictions shall apply:
- 3.3.1 The burning of grass is prohibited during the Fire Season;
- 3.3.2 In accordance with Ontario Regulation 207/96 ,burning of garbage or any products other than untreated wood ,brush ,grass, leaf litter or discarded wood by products is prohibited;
- 3.3.3 No person shall start or tend a fire outdoors during the Fire Season for the purpose of burning piled wood, brush, leaves or discarded wood by-products unless a Fire Permit has been issued under subsection 2.4 and all conditions of said permit are met;
- 3.3.4 All fires must be located at least three meters from any flammable material in all directions;
- 3.3.5 The fire pile of a fire started for cooking or warmth does not exceed one (1) metre in height and 1 metre in diameter.
- 3.3.6 No persons shall set out fires, including cooking or warmth when a “**FIRE BAN**” has been declared by the Township of McNab Braeside Fire Chief, or his/her designate.
- 3.3.7 All fires must be guarded or attended by the permit holder until dead out.
- 3.3.8 No fires are to be started or allowed to burn during windy conditions. A windy condition shall be defined as a wind above #2 on Beaufort Wind Force scale, as defined by “a light breeze of 6 to 11 km/h- wind felt on face; leaves rustle; ordinary vanes moved by wind.”
- 3.3.9 Under no circumstance does a fire permit relieve the permit holder of liability for damages and expense that may be caused by the fire set out.

4. ENFORCEMENT

- 4.1 This Bylaw shall be enforced by the Fire Chief.
- 4.2 No person shall hinder, obstruct or interfere with the Fire Chief in the exercise of his/her powers and duties
- 4.3 Whenever the Fire Chief finds upon the land of any person (s) within the Township of McNab Braeside conditions existing which his/her opinion constitute a hazard to life and property from fire, he/she may order the owner of the property to do what is necessary to remove such danger and, in default may enter upon such land with such assistance as is necessary purpose of removing said condition.
- 4.4 The cost of such work shall be borne by the property owner.
- 4.5 The cost of Fire Department services charged shall be in accordance with Ministry of Transportation rates outlined in Schedule ‘C’ of this By-Law. And with Council approval, if required.

5. EXTINGUISHMENT OF FIRES

- 5.1 The Fire Chief shall immediately investigate every fire in the open air within his/her district and which might constitute a danger or hazard to property ,forest land or lifer ,as soon as the fire is reported to him/her or is observed by him/her. He/she shall take such steps as may be necessary to extinguish all fires that threaten damage to property, woodland or life and may engage enough human resources and machinery to control and extinguish the fire.
- 5.2 If a fire is caused by, or results from the conduct of a person or is caused by or results from a person disobeying or refusing or neglecting to carry out, any of the provision of the Forest Fire Prevention Act, The Ontario Fire Prevention and Protection Act or Bylaw or the regulations, or any condition of any permit issued under this Bylaw or regulations, the cost and expenses of any action taken with respect to that fire are payable by the person, and:
- (a) If the cost and expenses were incurred by the Ministry ,they are payable to the Minister of Finance on the date specified in the request for payment and are recoverable as a debt due to the Crown in right of Ontario by any remedy or procedure available to the Crown by law; and

- (b) If the cost and expense were incurred by a person other than the Ministry, they are payable to that other person on the date specified in the request for payment and are recoverable as a debt due to the other person by any remedy or procedure to the other person by law.
- (c) If under FFPA subsection 21(1), a municipality has paid the Crown in right of Ontario for cost and expenses incurred by the Ministry, the municipality shall, for the purpose of subsection (1), be deemed to be the person who incurred the cost and expenses.

6. PENALTIES

- 6.1 Every person who contravenes any of the provisions of this By-Law is guilty of an offence as provided in the Ontario Forest Fire Prevention Act, the Ontario Fire Protection and Prevention Act, all applicable regulations and this By-law and is subject to penalties outlined in Schedule 'B'.
- 6.2 In accordance with the Ontario Fire Protection and Prevention Act every person is guilty of an offence if he or she:
- (a) Hinders, obstructs or interferes with the Fire Marshal, an assistant to the Fire Marshal or a Fire Chief in exercise of his or her powers and duties;
 - (b) Prevents an inspector from entering land or premises, refuses to answer questions on matters relevant to the inspection or provide the inspector with information, on matters relevant to the inspection, that the person knows, or reasonably to know, to be false or misleading;
 - (c) Contravenes any provisions of this Act or the regulations; or
 - (d) Refuses or neglects to obey or carry out the directives of the Fire Marshal, an assistant to the Fire Marshal, or a Fire Chief.
- 6.3 In addition to any fines or penalties levied by the court upon conviction of any offence under this bylaw, the person or persons responsible for setting, maintaining, or permitting to be set or maintained a Fire shall be liable to the Township by way of fee or charge, in accordance with Bylaw 2015-22 Fee's & charges to this by-law, on account of all costs and expenses incurred by the Township for the purpose of extinguishing the Fire.
- 6.4 Where the person or persons liable for any offence under this bylaw has admitted to the offence, Council may at its discretion stay the laying of charges for that offence where that person or persons liable for the offence are willing to sign an agreement with the Municipality to pay costs incurred by the Municipality in responding to the Incident or Offence in accordance with Bylaw 2015-22 Fees & Charges
- 6.5 Where the person or persons liable for any offence under this bylaw has admitted to the offence, Council may at its discretion stay the provisions for cost recovery for that offence where that person or persons liable for the offence are:
- Liable for all cost associated with non-Township resources (equipment and personnel) incurred in the suppression of the fire;
 - Under the age of majority and successfully complete and Ontario Fire Marshal TAPP-C (The Arson Prevention Program For Children)program or Youth Fire Setting Intervention Program with 12 months of the offence;
 - Incapacitated and /or handicapped in a manner that renders them unable to understand the requirements of this By- law
 - In agreement with a total fire ban (including campfires for cooking and/or warmth) being placed on their property for period of 24 months.
- Should any of these conditions not be met, cost recovery action shall be taken in accordance with provisions of Clause 6.4.
- 6.6 In addition to the other penalties provided by this Bylaw, every property owner who violates the provisions of this By-law shall be liable for all such expenses incurred by the Township of McNab Braeside in attempting to extinguish such fire upon the land of which the person is the owner, or upon any land upon which the fire spreads, and the amounts thereof shall be recoverable.
- 6.7 If any person refuses to carry out any works order by Fire Chief under authority of the Fire Protection and Prevention Act, the Council may direct this work to be done and recover the cost in the like manner as municipal taxes as provided in the Municipal Act.

- 6.8 All fees and charges payable under this bylaw are due and owing to the Township within thirty (30) days of the date of an invoice rendered to the person liable to pay them.
- 6.9 All overdue accounts shall accrue interest at the rate of 1.25% per month (15 % per annum), calculated monthly, from the due date until paid in full.
- 6.10 All fees and charges payable under this by-law constitute a debt of the person liable for payment of them to the Township and, in case of owners of a property being responsible for payment of the fees and charges, the Township may add the amount owing to the tax roll for the owner(s) real property and collect them in like manner as municipal taxes.
- 6.11 If a person who sets or maintains an Open Air Fire contrary to this by-law is not the owner of the property but occupies or is using the property with the owner's consent, the owner and the person conducting the open air burning shall be jointly and severally liable to pay any fees and charges imposed by this by-law.

7.0 PENALTY PROVISIONS

- 7.1 Every person who contravenes or causes or permits the contravention of any provision of this by-law is guilty of an offence and upon conviction IS liable to a fine, pursuant to the provisions of the Provincial Offences Act R.S.O 1990, c.P.33 as amended.

8.0 REPEAL OF BY-LAWS

- 8.1 By-Law # 2001-22

9. SEPARATION

- 9.1 If any Court of competent jurisdiction finds any of the provisions of this bylaw is ultra vires of the jurisdiction of Council to pass, or is invalid for any reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of this bylaw.

10 FORCE AND EFFECT


- 10.1 This By-law shall come into force and effect on April 1, 2018.

Please remember to be considerate of your neighbours and the community around you. Be diligent and protect other properties from by-products of combustion such as nuisance smoke and sparks.

READ a first time this **20th day of February, 2018.**

READ a second time this **20th day of February, 2018.**

READ a third and final time and passed this **20th day of February, 2018.**


MAYOR


CAO/CLERK

Schedule 'A' –FOREST FIRE Prevention ACT O.REG 207 /96

**Forest Fires Prevention Act
Loi sur la prévention des incendies de forêt**

ONTARIO REGULATION 207/96

OUTDOOR FIRES

Consolidation Period: From April 1, 2010 to the e-Laws currency date.

Last amendment: O. Reg. 64/10.

This Regulation is made in English only.

1. (1) No person shall start a fire outdoors unless conditions will allow the fire to burn safely from start to extinguishment. O. Reg. 207/96, s. 1 (1).
- (2) No person who starts a fire outdoors shall leave the fire without leaving a person in charge of the fire. O. Reg. 207/96, s. 1 (2).
- (3) A person who starts a fire outdoors or, if the person who started the fire is not present, a person in charge of a fire outdoors shall take all necessary steps to tend the fire, keep the fire under control, and extinguish the fire before leaving the site. O. Reg. 207/96, s. 1 (3).
2. No person shall start or tend a fire outdoors outside of a restricted fire zone during the fire season unless the person has a permit issued under subsection 5 (1) or all of the following conditions are met:
 1. The person is burning piled wood, brush, leaves or discarded wood by-products.
 2. A responsible person is available to tend the fire until it is extinguished.
 3. The material is burned in a single pile that is less than two metres in diameter and less than two metres high.
 4. The fire is started not earlier than two hours before sunset, and is extinguished not later than two hours after sunrise the following day, or earlier.
 5. The fire is at least two metres from any flammable materials.
 6. The person tending the fire has tools or water adequate to contain the fire within the fire site. O. Reg. 230/00, s. 1.
3. (1) No person shall make or tend a fire in an incinerator outside of a restricted fire zone during the fire season unless the person either has a permit issued under subsection 5 (1) or all of the following conditions are met:
 1. The person is burning wood, brush, leaves or discarded wood by-products.
 2. The incinerator is an enclosed device constructed entirely of non-combustible material.
 3. The incinerator is at least five metres from any forest area.
 4. The incinerator is at least two metres from any flammable materials.
 5. The outlet of the incinerator is covered with a screen having a mesh size of not more than five millimetres. O. Reg. 230/00, s. 1; O. Reg. 64/10, s. 1.
- (2) A person who starts a fire in an incinerator shall ensure that a responsible person monitors the fire until it is extinguished. O. Reg. 230/00, s. 1.

4. (1) No person shall start or tend a fire outdoors outside of a restricted fire zone during the fire season for the purpose of burning grass or leaf litter unless the person has a permit issued under subsection 5 (1). O. Reg. 230/00, s. 2 (1).

(2) Subsection (1) does not apply to a person starting or tending the fire on property he or she lawfully occupies if,

(a) the total area to be burned does not exceed one hectare;

(b) a responsible person is available to tend the fire until the fire is extinguished;

(c) the length of flaming edge does not exceed 30 metres;

(d) the fire is started two hours before sunset, or later, and is extinguished two hours after sunrise the following day, or earlier; and

(e) the person tending the fire has tools or water adequate to contain the fire within the fire site. O. Reg. 207/96, s. 4 (2); O. Reg. 230/00, s. 2 (2).

(3) Subsection (1) does not apply to a person who starts or tends a fire with the permission of the person who has lawful occupation of the property on which the fire is started and in respect of which the conditions set out in subsection (2) are met. O. Reg. 207/96, s. 4 (3); O. Reg. 230/00, s. 2 (3).

5. (1) An officer may issue to a person a fire permit for a fire outdoors or in an incinerator, outside of a restricted fire zone, for the purpose of burning piled wood, brush, leaves, grass, leaf litter or discarded wood products. O. Reg. 230/00, s. 3.

(2) An officer may issue a permit to a person for a fire outdoors in a restricted fire zone if the officer is satisfied that the fire can be made, tended and extinguished safely, and is necessary for a ceremonial event or because of special circumstances. O. Reg. 230/00, s. 3.

(3) An officer may make a permit issued under subsection (1) or (2) subject to conditions relating to one or more of the following:

1. Restrictions on the time during which there may be a fire.

2. The requirement that the fire be or not be in a specific location, including the distance that must be maintained from flammable materials.

3. Required fire suppression equipment.

4. The method to be followed to extinguish the fire.

5. Any other factors which the officer reasonably considers to be necessary to ensure that the fire is made and extinguished safely. O. Reg. 230/00, s. 3.

6. Revoked: O. Reg. 230/00, s. 3.

7. (1) An officer may suspend or cancel a fire permit and may give notice of the suspension or cancellation to the permittee or, in the absence of the permittee, to the person tending a fire for which the permit was issued. O. Reg. 207/96, s. 7 (1).

(2) A permittee or a person tending a fire who receives notice of a suspension or cancellation of a fire permit shall immediately extinguish any fire started under the permit. O. Reg. 207/96, s. 7 (2).

(3) A person to whom a fire permit is issued shall keep it at the location of the activity authorized by the permit. O. Reg. 207/96, s. 7 (3).

(4) A person tending a fire shall produce the fire permit for the fire to an officer upon request. O. Reg. 207/96, s. 7 (4).

(5) For the purpose of subsection (3) or (4), a copy of the permit may be substituted for the original. O. Reg. 207/96, s. 7 (5).

8. Except as provided in sections 8.1 to 8.4, no person shall start or tend a fire outdoors in a restricted fire zone for the purpose of cooking or warmth. O. Reg. 230/00, s. 4.

8.1 No person shall use a portable stove for cooking or warmth in or outside of a restricted fire zone unless all of the following conditions are met:

1. The stove is at least one metre from any naturally occurring flammable material.
2. The stove is designed to use a liquid or a gas as fuel.
3. A liquid or gas is used as the fuel.
4. The flame in the stove can be extinguished by closing a fuel control valve or by closing the stove. O. Reg. 230/00, s. 4.

8.2 (1) No person shall use a portable or permanent charcoal installation outside of a restricted fire zone for cooking or warmth unless,

(a) the installation is at least one metre from any naturally occurring flammable material; and

(b) the ashes and coals produced through combustion are completely extinguished and safely disposed of. O. Reg. 230/00, s. 4.

(2) No person shall use a portable or permanent charcoal installation for cooking or warmth in a restricted fire zone unless all of the conditions set out in subsection (1) are met and all of the following conditions are met:

1. The installation is designed to be used for cooking or warmth.
2. The installation is designed to use commercially produced charcoal as fuel.
3. Commercially produced charcoal is used as the fuel.
4. The installation is being used within 100 metres of a permanent structure used as a dwelling.
5. The person setting the fire is on land that he or she lawfully occupies or has permission to set a fire from the person who lawfully occupies the land. O. Reg. 230/00, s. 4.

(3) No person shall use a portable or permanent charcoal installation for cooking or warmth in a restricted fire zone in a campground described in section 8.7 unless all of the conditions in subsection (1) are met and all of the following conditions are met:

1. The installation is designed to use commercially produced charcoal as fuel.
2. Commercially produced charcoal is used as the fuel.
3. The owner or operator of the campground expressly permits a charcoal installation to be used during a time when the campground is in a restricted fire zone. O. Reg. 230/00, s. 4.

8.3 (1) No person shall use a wood burning stove or wood burning furnace outdoors outside of a restricted fire zone for cooking or warmth unless all of the following conditions are met:

1. The stove or furnace is at least five metres from any forest area.
2. The stove or furnace is at least two metres from any flammable materials.
3. The area directly under the stove or furnace is bare rock, mineral soil or other non-combustible material extending at least two metres in all directions from the stove or furnace.
4. The stove or furnace,
 - i. is designed to be used for cooking or warmth,
 - ii. is designed to use wood as fuel,
 - iii. is made entirely of non-combustible materials,
 - iv. encloses the fire on all sides with solid materials, and

v. has working spark arresting devices for all vents and chimneys.

5. Wood is used as the fuel. O. Reg. 230/00, s. 4; O. Reg. 64/10, s. 2.

(2) No person shall use a wood burning stove or wood burning furnace outdoors in a restricted fire zone for cooking or warmth unless all of the conditions set out in subsection (1) are met and,

(a) the stove or furnace is used within 100 metres of a permanent structure used as a dwelling; and

(b) the person setting the fire is on land that he or she lawfully occupies or has permission to set a fire from the person who lawfully occupies the land. O. Reg. 230/00, s. 4.

8.4 No person shall set a wood fire in a permanent fire installation in a campground described in section 8.7 in a restricted fire zone unless all of the following conditions are met:

1. The fire is contained in,

i. an above ground fire grate or fireplace that is designed to burn wood safely and that cannot be moved to an unsafe location, or

ii. a pit in the ground that has fireproof walls and is designed to burn wood safely.

2. The fire is at least three metres from any forest area, and the area within the three metre radius is completely free of flammable material.

3. The space immediately above the fire installation is at least three metres from any overhanging vegetation.

4. The owner or operator of the campground expressly permits the fire to be set during a time when the campground is in a restricted fire zone. O. Reg. 230/00, s. 4; O. Reg. 64/10, s. 3.

8.5 No person shall start a fire outdoors outside of a restricted fire zone during the fire season for cooking or warmth unless all of the following conditions are met:

1. The site of the fire is bare rock or other non-combustible material.

2. The fire is at least one metre from any flammable material.

3. The space above the one metre area around the fire is at least three metres from vegetation.

4. The fire does not exceed one metre in height and one metre in diameter. O. Reg. 230/00, s. 4.

8.6 No person shall use a portable wood burning stove for cooking or warmth outside of a restricted fire zone unless all of the following conditions are met:

1. The stove is at least one metre from any naturally occurring flammable material.

2. The stove is designed to be used for cooking or warmth.

3. The stove is made entirely of non-combustible materials.

4. The ashes and coals produced through combustion are completely extinguished and safely disposed of before the stove is moved. O. Reg. 230/00, s. 4.

8.7 A campground referred to in subsection 8.2 (3) and section 8.4 offers camping facilities to the public on a temporary basis and meets all of the following criteria:

1. The campground allows camping only in cabins and designated campsites, and all are accessible by motor vehicle as defined in the *Highway Traffic Act*.

2. The campground does not allow campfires between 10 a.m. and 7 p.m.

3. The campground clearly posts the hours campfires will be allowed.

4. The campground has printed information on safe campfires and provides it to all of its guests.

5. The campground has adequate equipment to control and extinguish a fire, that can be taken to any campsite or cabin within 10 minutes.
6. The campground has on site at all times staff who are instructed in the location and use of the equipment described in paragraph 5.
7. The campground has reliable two-way telecommunications equipment to allow it to obtain assistance if a fire escapes control. O. Reg. 230/00, s. 4; O. Reg. 64/10, s. 4.
- 8.8** For the purpose of sections 8.1, 8.2 and 8.6, a thing is portable if it is designed to be moved from one location to another by muscular power without the aid of any device. O. Reg. 230/00, s. 4.
- 9.** (1) A person who operates equipment or machinery involved in forest operations or processing forest resources in a forest area during the fire season shall keep a fire extinguisher on the equipment or machinery or within five metres from it. O. Reg. 207/96, s. 9 (1); O. Reg. 64/10, s. 5.
- (2) The fire extinguisher must be in serviceable condition and be rated at least 6A 80BC. O. Reg. 207/96, s. 9 (2).
- (3) This section does not apply to a person operating a motor vehicle as defined in the *Highway Traffic Act* or a power saw. O. Reg. 207/96, s. 9 (3).
- 10.** (1) A person who operates a power saw in a forest area during the fire season shall not start it within three metres from the place where it is fuelled. O. Reg. 207/96, s. 10 (1); O. Reg. 64/10, s. 6.
- (2) A person who operates a power saw in a forest area during the fire season shall not place it on any flammable material while its engine is operating or hot enough to cause combustion. O. Reg. 207/96, s. 10 (2); O. Reg. 64/10, s. 6.
- (3) A person who operates a power saw in a forest area during the fire season shall keep a fire extinguisher available during its operation. O. Reg. 207/96, s. 10 (3); O. Reg. 64/10, s. 6.
- (4) The fire extinguisher must,
- (a) be in serviceable condition;
- (b) be rated for ABC type fires; and
- (c) have a minimum of 225 grams of dry chemical. O. Reg. 207/96, s. 10 (4).
- 11.** (1) A person who operates equipment or machinery in a forest area during the fire season shall ensure that it is checked daily for any accumulation of flammable material and that any accumulation found is removed. O. Reg. 207/96, s. 11 (1); O. Reg. 64/10, s. 7.
- (2) A person who is removing an accumulation of flammable material under subsection (1) shall ensure that it is disposed of safely. O. Reg. 207/96, s. 11 (2).
- (3) A person who leaves equipment or machinery in a forest area during the fire season while it is not being operated shall ensure that it is placed or left in an area free from any flammable material. O. Reg. 207/96, s. 11 (3); O. Reg. 64/10, s. 7.
- (4) Subsections (1) and (2) apply to a person operating an off-road vehicle as defined in the *Off-Road Vehicles Act* but do not apply to a person operating any other type of motor vehicle that is licensed under the *Highway Traffic Act*. O. Reg. 207/96, s. 11 (4).
- 12.** No person shall alter or modify a muffler or other spark-arresting device attached to a power saw, an off-road vehicle, equipment or machinery operated in a forest area. O. Reg. 207/96, s. 12; O. Reg. 64/10, s. 8.
- 13.** No person shall travel in a restricted travel zone except with the written permission of an officer. O. Reg. 207/96, s. 13.

14. (1) The parts of Ontario described in the Schedules are declared as fire regions. O. Reg. 207/96, s. 14 (1).

(2) The names of the fire regions are the names appearing in the headings of the Schedules. O. Reg. 207/96, s. 14 (2).

15. Omitted (revokes other Regulations). O. Reg. 207/96, s. 15.

SCHEDULE 1
WEST FIRE REGION

All that land in the territorial districts of Cochrane, Kenora, Kenora (Patricia Portion), Thunder Bay and Rainy River in the Province of Ontario, being composed of those parts of the said territorial districts designated as Zones 1 to 13, both inclusive, on a plan known as West Fire Region, Restricted Fire Zones, filed on March 11, 2005 with the Office of the Surveyor General in the Ministry of Natural Resources.

O. Reg. 265/05, s. 1.

SCHEDULE 2
EAST FIRE REGION

All that land in the territorial districts of Algoma, Cochrane, Kenora (Patricia Portion), Manitoulin, Muskoka, Nipissing, Parry Sound, Sudbury, Thunder Bay and Timiskaming, and in the counties of Bruce, Grey, Frontenac, Haliburton, Hastings, Lennox and Addington, Peterborough, Lanark, Renfrew, Simcoe and in the City of Kawartha Lakes in the Province of Ontario, being composed of those parts of the said territorial districts, counties and city designated as Zones 14 to 36, both inclusive, on a plan known as East Fire Region, Restricted Fire Zones, filed on March 11, 2005 with the Office of the Surveyor General in the Ministry of Natural Resources.

O. Reg. 265/05, s. 1.

SCHEDULE 3 Revoked: O. Reg. 230/00, s. 5.