

The Corporation of the City of Pembroke

By-law Number 2020-21

A By-law to regulate “Recreational Open Air Burning” and precautions to be taken by owner in the City of Pembroke

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. 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 meter (1m or 39”) in width and 460millimeters (18” in height) that is set and maintained solely for the purposes of cooking food, providing warmth and recreational enjoyment.

Person

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

Permit Holder

“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.

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.

Barbecue

“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.

Gas Fired Outdoor Fireplaces

“Propane or Natural Gas Fired Outdoor Fireplace” shall mean only commercially manufactured CSA approved appliances designed for outdoor use as a fireplace and using commercial fuels such as natural gas and propane.

Outdoor Fire Structure

“Outdoor Fire Structure” means a manufactured non-combustible enclosed container designed to hold a small fire for decorative purposes, and may include, but not limited to, chimineas, masonry constructed fireplaces or other appliances.

Recreational Fire Pit

“Recreational Fire Pit” shall mean a non-combustible pit dug or build on or within the ground no larger than (1m or 39”) in width and 460 millimeters (18” in height).

Unauthorized Burning

“Unauthorized Burning” is burning outside of the regulations of this by-law and includes outdoor burning without permit including without following safety precautions within this By-law and shall be subject to penalties.

2. 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.

2.1 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.

3. Recreational Fires – Regulations

All persons who set/maintain an open-air fire for recreational purposes shall comply with the following regulations:

- a. No person shall have a recreational open-air fire without a burning permit. 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 and only when a permit to have such fire has been applied for and approved by the Chief Fire Official.
- b. The permit holder shall ensure that the Recreational Open Air fire is safe and does not cause a wildfire. The Permit Holder shall remain liable for any and all damage caused as a result of the fire.
- c. No person shall set or maintain a recreational fire except between the hours of 6:00 p.m. and 6:00 a.m.;
- d. No person shall burn materials other than commercially produced charcoal, briquettes or clean, dry seasoned wood free of chemicals, paint or stain;
- e. Recreational fires shall be confined to commercial, non-combustible containers or to a pit no larger than (1m or 39”) in width and 460 millimeters (18” in height);
- f. 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;
- g. A recreational open-air fire shall be confined to an area that is a minimum of four (4) 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 open-air fire shall be attended, controlled and supervised at all times and shall be completely extinguished before the fire is left unattended.

4. Exceptions

4.1 Municipal Exemption

The City of 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.

4.2 Special Events

Special events, as approved by the Chief Fire Official, shall be exempt. This will include the Recreational Campfires, as approved at Riverside Park Campground. All exemptions require an approved letter from the Chief Fire Official and may be subject to a site inspection and permit fee.

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Two public fire pits will be available at Riverside Park for use by residents. Fire pits will be available from Victoria Day weekend to Thanksgiving. Reservations for use of the fire pits at no cost will be done through the office at the Kiwanis Fieldhouse or the Parks and Recreation Department. Hours of use are limited from 9:00 a.m. until 11:00 p.m. daily.

4.3 Gas Fired Outdoor Fireplaces

CSA Approved Natural Gas or Propane fuelled outdoor fireplaces are exempt only if all regulations for fire safety included within this by-law are adhered to.

5. Issuance of Permits

5.1 Permit – Inspection

At the sole 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.

5.2 Permit Fees

The fee for the issuance of a “Recreational Open Air Burning Permit” will be as set by Council approved fees and charges schedule, which may be reviewed and changed from time to time. 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.

5.3 Permit Withdrawal or Ban

The Chief Fire Official may withdraw a previously issued permit or ban recreational burning. In the event of any Permit withdrawn or Fire Ban, all persons shall immediately extinguish any existing Recreational Fires. In the case of a permit withdrawal or a fire ban there shall be no refund of permit fees.

6. Offences and Penalties

6.1 Penalties

Any fine imposed or offence created by this by-law is subject to the provisions of the Provincial Offences Act, as amended.

6.2 Offences

Any person who contravenes any provisions of this by-law is guilty of an offence and is liable to the fine or penalties set in Schedule “A” of this by-law and section 61 of the Provincial Offences Act, R.S.O. 1990, c.P33.

7. Repeal & Enactment

7.1 Repeal

That By-law 2012-60 and any other by-law inconsistent with the provisions contained in this by-law are hereby repealed.

7.2 Enactment

This By-law shall take effect and become in full force and effect upon the day of the third reading and passage thereof.

Passed and Enacted

This 16th Day of June 2020

Michael LeMay
Mayor

Terry Lapierre
Chief Administrative Officer/Clerk

**By-law 2020-21
Schedule "A"**

**Recreational Open Air Burning and Precautions to be taken by owner in the
City of Pembroke**

Item	Column 1 – Short Form Wording	Column 2 – Provision Creating or Defining Offence	Column 3 – Set Fine
1	Failure to extinguish a fire	s. 5.3	\$200.00
2	Burning without a Permit	s. 3 a.	\$200.00
3	Unsafe Burning	s. 3 b.	\$200.00
4	Burning outside Permitted Times	s. 3 c.	\$200.00
5	Burning unapproved materials	s. 3 d.	\$200.00
6	Burning in an unapproved container	s. 3 e.	\$200.00
7	Fire larger than approved	s. 3 f.	\$200.00
8	Burning within 4m of structure/object	s. 3 g.	\$200.00
9	Failure to have effective extinguisher agent on site	s. 3 h.	\$200.00
10	Failure to attend, control, supervise fire	s. 3 i.	\$200.00