

# The Corporation of the Township of Georgian Bluffs

## By-law Number 2025-###

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Being a By-law to regulate open air burning.

Whereas, Section 5 (3) of the *Municipal Act*, S.O. 2001, c.25 provides that municipal power shall be exercised by by-law; and

Whereas, Section 11 (1) of said *Municipal Act*, S.O. 2001, c.25 authorizes the Municipality to pass by- laws relating to the health, safety & well-being of person; and

Whereas, Council of the Corporation of the Township of Georgian Bluffs deems it expedient and necessary to pass a bylaw to regulate the setting and burning of fires.

Therefore, the Council of the Corporation of the Township of Georgian Bluffs enacts the following:

### **Part I - General**

#### **1. Definitions – General**

- 1.1. The definitions contained within the Ontario Fire Code shall apply in the interpretation of this By-law except where they are inconsistent with the definitions contained in this By-law, in which case the definition in this By-law shall apply.
- 1.2. Definitions of words and phrases used in this By-law that are not included in the list of definitions in section 2.0 of this By-law shall have the meaning that are commonly assigned to them in the context in which they are used, taking into account the specialized terms by the various trades and professions to which the terminology applies.

#### **2. Definitions - Specific**

- 2.1. “Approved” means approved by the Chief Fire Official;
- 2.2. “Approval” means authorization from the Chief Fire Official;
- 2.3. “Approved Device” means a device/container that is approved in this bylaw or that is designed to contain an open-air-fire and is listed as an approved device by a recognized national or international testing/certification organization, or as approved by the Chief Fire Official as being suitable to contain an Open-Air Fire;
- 2.4. “Brush Fire” means an Open-Air Fire where the fire is for the sole purpose of burning wood, tree limbs and branches;
- 2.5. “Bonfire” means a ceremonial fire or recreational fire which is conducted for the purpose of celebrating a particular event or for a social gathering, picnic, campout, fireside singalong, etc.;

- 2.6. "Ceremonial Fire" means an open-air fire carried out as part of, or in observance of a ceremonial or sacred service by a member or members of First Nation, Metis and/or Inuit communities and often overseen by a Fire Keeper.
- 2.7. "Chief Fire Official" means the person appointed by Inter Township Fire Department as Fire Chief of the Inter Township Fire Department (ITFD), as defined in the Fire Protection and Prevention Act, 1997, or a member or members of the Fire Department appointed by the Fire Chief under Article 1.1.1.2. of Division C of Ontario Regulation 213/07 (Ontario Fire Code), or a person appointed by the Fire Marshal under Article 1.1.1.1. of Division C of the Ontario Regulation 213/07, as amended, or their designate;
- 2.8. "Combustibles" are materials that can combust (burn) in air. Types of Combustibles include, but are not limited to, any building or structure, tree, hedge, long grass, fence, roadway, overhead wires, or other combustible materials;
- 2.9. "Construction Site" is defined as location of an act of construction taking place on a parcel of land within the Township of Georgian Bluffs;
- 2.10. "Controlled Fire" means an Open-Air Fire that has been granted a Permit by the Chief Fire Official;
- 2.11. "Dangerous Condition" means any condition, as determined by an Officer, that increases the risk of the spread of a fire or is adverse to public safety;
- 2.12. "Demolition Fire" is an Open-Air Fire designed to remove a structure of only clean clear wood, with no indication of materials that are Household Waste, with an attached Building Permit to demolish the structure;
- 2.13. "Extinguish" means to put out or quench a fire completely. No smoke, hot or glowing embers are to remain;
- 2.14. "Fire" means an Open-Air Fire;
- 2.15. "Farming" means a farming business as defined in the Farm Registration and Farm Organization Funding Act, S.O. 1993, as amended;
- 2.16. "Fees and Charges By-law" means the Township of Georgian Bluffs Fees and Charges By-law, in force and effect at the time of Permit application;
- 2.17. "Fire Ban" means a restriction on Open Air Fires in part or all of the Township of Georgian Bluffs, declared by the Chief Fire Official for a limited period;
- 2.18. "Fire Department" means the Inter-Township Fire Department;
- 2.19. "Fire Pit" means an approved device enclosed on all sides and constructed of masonry, concrete, stone, heavy gauge metal or other non-combustible materials;
- 2.20. "Flying Lantern" or "Floating Lantern" means a small hot air balloon or similar device made of treated paper or any other material, with an opening at the bottom, which is propelled by an open flame generated by a small candle or fuel cell, allowing the balloon or similar device to rise and float in the air or on the water;
- 2.21. "Ground Cover" means vegetation on the ground and includes, but is not limited to, leaves, grasses, weeds, tree needles, or wood chips;

- 2.22. "Gas-fired Outdoor Device" means a listed ULC or CSA natural gas or propane appliance, which shall not constitute an Open Air Fire under this By-law;
- 2.23. "Highway" means a common and public highway, and includes any road, bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of the highway;
- 2.24. "Household Waste" means combustible material such as perishable foods, plastics, paints, oils, solvents, rubber, insulation, batteries, acids, polystyrenes (Styrofoam), pressure treated or painted lumber, shingles, tires, upholstered furniture, synthetic fabrics, diapers and hazardous waste, as defined in the Environmental Protection Act, and all other similar and like materials;
- 2.25. "Municipality" means the Corporation of the Township of Georgian Bluffs
- 2.26. "Nuisance" means excess smoke, airborne sparks, or embers that are likely to disturb others, or likely to reduce visibility on roads and highways in the vicinity of the Open-Air Fire;
- 2.27. "Officer" means a Municipal Enforcement Officer as duly appointed by Council, or the Chief Fire Official,/Deputy Fire Chief/ Captain/ Acting Captain, Municipal By-Law Officer or an Ontario Provincial Police Officer;
- 2.28. "Open Air Fire" means a fire in a location that is not fully enclosed by a building or structure;
- 2.29. "Outdoor Cooking Device" means a non-combustible device designed for an used solely for the cooking of food in which the cooking appliance is fueled by a commercially produced charcoal or briquette, which includes, but is not limited to, a barbeque, hibachi, or a structure designed and intended solely for the cooking of food in the open, and other similar commercially- manufactured devices, but does not include devices predominantly designed for personal warmth;
- 2.30. "Outdoor Fireplace" means a manufactured non-combustible enclosed container such as fire bowls with spark arrestors on top or chimineas;
- 2.31. "Owner" means the person who is shown as owner of a property in the Municipal Taxation Roll or in Land Registry Office records, a trustee acting on behalf of the registered owner, the estate trustee or a registered owner, a person with leasehold interest in the land, or an authorized representative for a corporate registered owner, or any person, entity, firm or corporation having control over any portion of a building, land or property, including the persons in the building or property. For the purpose of this By-law, this definition includes "Registered Owner" or "Property Owner";
- 2.32. "Permit" means a permit issued under this By-law, which authorizes a person to conduct an Open-Air Fire;
- 2.33. "Permit Holder" means a person who has applied for and received a Permit to conduct an Open-Air Fire;
- 2.34. "Person" means an individual, business, partnership or a corporation;
- 2.35. "Property Line" means any boundary of a lot;
- 2.36. "Setback" means the distance from the Property Line identifies the area which must be cleared of Combustibles;

- 2.37. "Smog Alert" means an alert issued by the Ministry of the Environment with respect to air quality;
- 2.38. "Yard Waste" means vegetation such as leaves or grassing clippings that can be composted.
3. General Prohibitions
- 3.1. No person shall set or maintain an Open-Air Fire without a Permit issued by the Chief Fire Official under the provisions of this By-law.
- 3.2. No person shall set or maintain an Open-Air Fire that is in contravention with any part of this By-law.
- 3.3. No person shall set on fire or maintain Flying Lanterns.
- 3.4. No person shall set on fire or burn Ground Cover, unless approved by the Chief Fire Official.
- 3.5. No person shall set on fire or burn Yard Waste except were permitted elsewhere in this bylaw.
- 3.6. No person shall set fire or maintain an Open-Air Fire if the winds are greater than 20km/hour, as reported by Environment Canada.
- 3.7. No person shall set or maintain an Open-Air Fire when a smog alert has been issued by the Ministry of the Environment with respect to air quality, for an area including the Municipality.
- 3.8. No person shall burn Combustibles other than clean clear wood or by-products of clean clear wood.
- 3.9. No person shall set on fire or burn any Household Waste.
- 3.10. No person shall set or maintain an Open-Air Fire that is a Nuisance.
- 3.11. No person shall set or maintain an Open-Air Fire that is in their front yard, as defined in the Municipality's Zoning By-law.
- 3.12. In the absence of a Permit, the Owner of a property shall be deemed to have permitted a fire to burn and assumes all responsibility and liability where an Open-Air Fire has been set or permitted to burn on their property.
- 3.13. No person shall set or maintain an Open-Air Fire on municipal property, which includes but is not limited to, parks, roadways, boulevards or highways, including the ditches thereof.
- 3.14. No person shall set fire or maintain an Open-Air Fire when a Fire Ban has been issued by the Chief Fire Official.
- 3.15. No person shall set or maintain any Open-Air Fire on a balcony or deck that is made of combustible materials.
- 3.16. Every person or permit holder who conducts an Open-Air Fire, or applies for and receives a Permit, shall acknowledge having read and understood the terms and conditions specified in the applicable sections of this By-law, and assume all responsibility and liability in connection with the Permit.
- 3.17. Where a Permit has been obtained under this By-law, no person shall set or maintain an Open-Air Fire other than in compliance with the terms and conditions of the Permit, and the applicable provisions of this By-law.

### **Part III – Prohibitions related to Specific Types of Fire**

#### **4. Outdoor Fireplace**

- 4.1. No person shall set, maintain or operate an Outdoor Fireplace without a Permit issued by the Chief Fire Official under the provisions of this By-law.
- 4.2. No person shall allow the flames from an Outdoor Fireplace to be wider than 0.8m (2.6ft) and higher than 0.8m (2.6ft) above the approved device.
- 4.3. No person shall allow any combustibles to be within a 1.5m (5ft) radius from the edge of the approved device in all directions.
  - 4.3.1. No person shall allow an Outdoor Fireplace to be greater than 0.8m (2.6ft) in diameter or greater than 0.8m (2.6ft) in height.
- 4.4. No person shall set, maintain or operate an Outdoor Fireplace without a portable ABC fire extinguisher not less than 2.5 lbs. or an equivalent amount of water readily available at all times, as means of extinguishment while the burn is being conducted.
- 4.5. No person shall set, maintain or operate an Outdoor Fireplace between the hours of 1:00 a.m. and sunrise the same day.
- 4.6. Notwithstanding section 4.6, the setting, maintaining or operating of an Outdoor Fireplace is permitted at all times on properties greater than 1 acre.
- 4.7. No person shall allow more than one Outdoor Fireplace to be ignited and burning on a property at the same time.
- 4.8. Any person that sets, maintains or operates an Outdoor Fireplace shall ensure:
- 4.9. That the Outdoor Fireplace is in good working order;
  - 4.9.1. That the approved device is made up of masonry, concrete, stone, heavy gauge metal or other non- combustible materials;
  - 4.9.2. That the Outdoor Fireplace is located on a non-combustible surface extending beyond the unit to a radius equal to the height of the unit or greater, unless the device carries a ULC/CSA rating and the manufacturers' guidelines are followed;
  - 4.9.3. That the owner, person or permit holder shall maintain a constant watch and control over the Outdoor Fireplace from the time of the setting of the fire until the fire is completely extinguished.

## 5. Fire Pit

- 5.1. No person shall set, maintain or operate a Fire Pit without a Permit issued by the Chief Fire Official under the provisions of this By-law.
- 5.2. No person shall allow more than one Fire Pit to be ignited and burning on a property at the same time.
- 5.3. No person shall allow the Fire Pit to be greater than 1m in diameter.
- 5.4. No person shall allow the flames from a Fire Pit to be exceed one cubic meter.
- 5.5. No person shall permit any combustibles to be within a 3m (10ft) radius from the edge of the Fire Pit in all directions.
- 5.6. No person shall set, maintain or operate a Fire Pit without a portable ABC fire extinguisher not less than 5 lbs or an equivalent amount of water readily available at all times, as means of extinguishment while the burn is being conducted.
- 5.7. No person shall set, maintain or operate a Fire Pit between the hours of 1 a.m. and sunrise the same day.

- 5.8. Notwithstanding section 5.7, the setting, maintaining or operating of a Fire Pit is permitted at all times on properties greater than 1 acre.
- 5.9. Any person that sets, maintains or operates a Fire Pit shall ensure:
  - 5.9.1. That the Fire Pit is in good working order;
  - 5.9.2. That the approved device is made up of masonry, concrete, stone, heavy gauge metal or other non-combustible materials;
- 5.10. That the Fire Pit is located on a non-combustible surface extending beyond the unit to a radius equal to the height of the unit or greater, unless the device carries a ULC/CSA rating and the manufacturers' guidelines are followed;
- 5.11. That the owner, person or permit holder shall maintain a constant watch and control over the Fire Pit from the time of the setting of the fire until the fire is completely extinguished.

## 6. Bonfire

- 6.1. No person shall set, maintain or operate a Bonfire without a Permit issued by the Chief Fire Official under the provisions of this By-law.
- 6.2. No person shall allow more than one Bonfire to be ignited and burning on a property at the same time.
- 6.3. No person shall allow the pile of materials to be burned to exceed 2.2m (7.2ft) in length, by 2.2m (7.2ft) in width, 2.2m (7.2ft) in height.
- 6.4. No person shall allow any combustibles to be within a 6m (20ft) radius from the edge of the Bonfire in all directions.
- 6.5. Notwithstanding section 6.4, no person shall allow materials that are to be added to the Bonfire to be within 3m (10ft) of the Bonfire.
- 6.6. No person shall allow materials to be added to the Bonfire to be piled higher than 2.2m (7.2ft).
- 6.7. No person shall set, maintain or operate a Bonfire without a portable ABC fire extinguisher not less than 10 lbs or an equivalent amount of water readily available at all times, as means of extinguishment while the burn is being conducted.
- 6.8. No person shall set, maintain or operate a Bonfire on a property smaller than 1 acre.
- 6.9. Any person that sets, maintains or operates a Bonfire shall ensure that the owner, person or permit holder shall maintain a constant watch and control over the Bonfire from the time of the setting of the fire until the fire is completely extinguished.
- 6.10. Any person that sets, maintains or operates a Bonfire shall notify the Fire Department that they intend to set a Bonfire, prior to the lighting of the Bonfire.
- 6.11. Any person that sets, maintains or operates a Bonfire shall remain in constant immediate attendance within 6m (20ft) at the specific location where the Fire is burning.

## 7. Brush Fire

- 7.1. No person shall set, maintain or operate a Brush Fire without a Permit issued by the Chief Fire Official under the provisions of this By-law.
- 7.2. No person shall allow more than one Brush Fire to be ignited and burning on a property at the same time

- 7.3. No person shall allow the pile of brush to be burned to exceed 3m (10ft) in length, by 3m (10ft) in width, by 3m (10ft) in height.
- 7.4. No person shall allow any combustibles to be within a 6m (20ft) radius from the edge of the Brush Fire in all directions.
- 7.5. Notwithstanding section 7.4, no person shall allow materials that are to be added to the Brush Fire to be within 3m (10ft) of the Brush Fire.
- 7.6. No person shall allow materials to be added to the Brush Fire to be piled higher than 3m (10ft).
- 7.7. No person shall set, maintain or operate a Brush Fire without adequate equipment or water readily available at all times, as means of extinguishment while the burn is being conducted.
- 7.8. No person shall set, maintain or operate a Brush Fire earlier than sunrise or later than two hours prior to sunset.
- 7.9. Any person that sets, maintains or operates a Brush Fire shall provide a schematic drawing of the property to identify the egress to the property, the location of the burn or burns. All combustibles shall be identified, with approximate distances to nearby features, including but not limited to, any building or structure, property line, tree, hedge, fence, roadway, overhead wires, or other combustible materials.
- 7.10. Any person that sets, maintains or operates a Brush Fire shall ensure that the owner, person or permit holder shall maintain a constant watch and control over the Brush Fire from the time of the setting of the fire until the fire is completely extinguished.
- 7.11. Any person that sets, maintains or operates a Brush Fire shall notify the Fire Department that they intend to set a Brush Fire, prior to the lighting of the Brush Fire.
- 7.12. Any person that sets, maintains or operates Brush Fire shall remain in constant immediate attendance within 6m (20ft) at the specific location where the Fire is burning.
- 8. Controlled Fire
  - 8.1. No person shall set, maintain or operate a Controlled Fire without a Permit issued by the Chief Fire Official under the provisions of this By-law.
  - 8.2. No Permit shall be issued for a Controlled Fire, except on property zoned as Agricultural (A), Special Agricultural (SA) or Rural (R) by the Municipality Zoning By-law in force and effect at the time of permit application, and is in use for Farming.
  - 8.3. No person shall allow more than one Controlled Fire to be ignited and burning on a property at the same time.
  - 8.4. No person shall allow the materials to be burned to exceed 6m (20ft) in length, by 6m (20ft) in width, by 6m (20ft) in height.
  - 8.5. No person shall permit any combustibles to be within a 15m (50ft) radius from the edge of the Controlled Fire in all directions.
  - 8.6. Notwithstanding section 8.5, no person shall allow materials that are to be added to the Controlled Fire to be within 5m (16ft) of the Controlled Fire.
  - 8.7. No person shall allow materials that are to be added to the Controlled Fire to be piled higher than 5m (16ft).

- 8.8. No person shall set, maintain or operate a Controlled Fire without adequate equipment or water readily available at all times, as means of extinguishment while the burn is being conducted.
- 8.9. No person shall set, maintain or operate a Controlled Fire earlier than sunrise or later than two hours prior to sunset.
- 8.10. Any person that sets, maintains or operates a Controlled Fire shall provide a schematic drawing of the property to identify the egress to the property, the location of the burn or burns. All combustibles shall be identified, with approximate distances to nearby features, including but not limited to, any building or structure, property line, tree, hedge, fence, roadway, overhead wires, or other combustible materials.
- 8.11. Any person that sets, maintains or operates a Controlled Fire shall ensure that the owner, person or permit holder shall maintain a constant watch and control over the Controlled Fire from the time of the setting of the fire until the fire is completely extinguished.
- 8.12. Any person that sets, maintains or operates a Controlled shall notify the Fire Department that they intend to set a Controlled, prior to the lighting of the Controlled Fire.
- 8.13. Any person that sets, maintains or operates a Controlled Fire shall remain in constant immediate attendance within 15m (50ft) at the specific location where the Fire is burning.

#### 9. Demolition Fire

- 9.1. No person shall set, maintain or operate a Demolition Fire without a Permit issued by the Chief Fire Official under the provisions of this By-law.
- 9.2. No Permit shall be issued for a Demolition Fire, except on property that is the subject of an active demolition permit.
- 9.3. No person shall permit any material other than clean clear wood to be burned in a Demolition Fire.
- 9.4. No person shall permit more than one Demolition Fire to be ignited and burning on a property at the same time.
- 9.5. No person shall permit any combustibles to be within a 15m (50ft) radius from the edge of the Demolition Fire in all directions.
- 9.6. No person shall set, maintain or operate a Demolition Fire without adequate equipment or water readily available at all times, as means of extinguishment while the burn is being conducted.
- 9.7. No person shall set, maintain or operate a Demolition Fire earlier than sunrise or later than two hours prior to sunset.
- 9.8. Any person that sets, maintains or operates a Demolition Fire shall provide a schematic drawing of the property to identify the egress to the property, the location of the burn or burns. All combustibles shall be identified, with approximate distances to nearby features, including but not limited to, any building or structure, property line, tree, hedge, fence, roadway, overhead wires, or other combustible materials
- 9.9. Any person that sets, maintains or operates a Demolition Fire shall maintain a constant watch and control over the Demolition Fire from the time of the setting of the fire until the fire is completely extinguished.



- 9.10. Any person that sets, maintains or operates a Demolition Fire shall notify the Fire Department that they intend to set a Demolition Fire, prior to the lighting of the Demolition Fire.
- 9.11. Any person that sets, maintains or operates a Demolition Fire shall remain in constant immediate attendance within 15m (50ft) of the specific location where the Demolition Fire is burning.
- 10. Outdoor Cooking Devices
  - 10.1. No person shall permit any fuel other than commercial charcoal, compressed gas or wood to be used in the Cooking Device, or shall permit the use of any fuel that is not applicable for the design of the Cooking Device.
  - 10.2. Any person that sets, maintains or operates an Outdoor Cooking Device shall ensure:
    - 10.2.1. That the Outdoor Cooking Device is in good working order;
    - 10.2.2. That Combustibles are not located within the clearance radius labelled on the Cooking Device;
    - 10.2.3. That all waste from fire is disposed safely and suitably in a sanitary and environmental manner.

## **Part IV - Exemptions**

### **11. Exemptions**

- 11.1. Ceremonial fires are exempt from the requirements of this By-law
- 11.2. Notwithstanding any other provisions of this By-law, the Chief Fire Official may permit an Open-Air Fire:
  - 11.2.1. For the purpose of training or testing fire equipment;
  - 11.2.2. For municipal purposes;
  - 11.2.3. For any extraordinary reason as deemed expedient by the Chief Fire Official.
- 11.3. Open Air Fires set and maintained in campgrounds, as defined and in accordance within the Municipality's Zoning By-law, shall not require a Permit.
- 11.4. Notwithstanding section 11.2, users of such campgrounds:
  - 11.4.1. Shall not set any Open-Air Fires unless within the approved device provided by the campground;
  - 11.4.2. Shall abide by all the applicable provisions set within this By-law;
  - 11.4.3. Shall ensure that the size of the Open-Air Fire shall not be greater than the approved devices provided by the campground;
  - 11.4.4. Shall have means of extinguishment readily available;
  - 11.4.5. Shall abide by any additional terms and conditions imposed by the Campground.

## **Part V –Administration & Enforcement**

### **12. Power of Entry and Inspection**

- 12.1. An Officer may, at any reasonable time, enter and inspect any land or premises to determine compliance with the provisions of this By-law, or any direction or order made thereunder.

- 12.2. An Owner shall permit an Officer to inspect any land, property or premises for the purposes of determining compliance with this By-law.
- 12.3. An Officer may be accompanied by any person under their direction.
- 12.4. Notwithstanding sections 12.1 and 12.2, no person, including an Officer, shall exercise a power of entry under this By-law to enter a place or part of a place that is in use as a dwelling unless:
  - 12.4.1. An occupier of the dwelling, having been informed that the right of entry may be refused, consents to the entry; or
  - 12.4.2. If the occupier refuses to consent, an order is issued pursuant to Section 438 of the Municipal Act, 2001 or a warrant issued pursuant to Section 439 of the Municipal Act, 2001, or a warrant issued under the Provincial Offences Act, R.S.O. 1990, c. P.33.

### 13. Obstruction

- 13.1. No person shall hinder, obstruct, or attempt to hinder or obstruct, an Officer exercising a power or performing a duty under this By-law.
- 13.2. Any person who has been alleged to have contravened any of the provisions of this By-law shall identify themselves to the Officer upon request, and failure to do so shall be deemed to constitute an obstruction or hindrance of the Officer in the execution of their duties.

### 14. Penalty

- 14.1. Any person who contravenes or fails to comply with any provision of this by-law is guilty of an offence, and, pursuant to the Provincial Offences Act, upon conviction is:
  - 14.1.1. Upon a first conviction, subject to a maximum fine, excluding costs, of \$5,000.00 and such other penalties as provided for in the Provincial Offences Act and the Municipal Act; and
  - 14.1.2. Upon a subsequent conviction, subject to a minimum fine, excluding costs, of \$500.00 and a maximum fine of \$10,000.00 and such other penalties as provided for in the Provincial Offences Act and the Municipal Act.
- 14.2. Notwithstanding section 14.1, where the person convicted is a corporation, the corporation is:
  - 14.2.1. Upon a first conviction, subject to a maximum fine, excluding costs, of \$10,000.00 and such other penalties as provided for in the Provincial Offences Act and the Municipal Act; and
  - 14.2.2. Upon a subsequent conviction, subject to a minimum fine, excluding costs, of \$1,000.00 and a maximum fine of \$25,000.00 and such other penalties as provided for in the Provincial Offences Act and the Municipal Act.
- 14.3. If this By-law is contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order.

### 15. Enforcement

- 15.1. Any Officer is hereby vested with the authority of enforcing this By-law.

- 15.2. Any Permit issued under this By-law may be revoked by an Officer, if the Permit holder is in contravention of any provision of this By-law.

## **Part VI – Other Matters**

### **16. Fees**

- 16.1. Should the Fire Department attend to extinguish an Open-Air Fire that contravenes one or more of the provisions of this By- law, the Owner shall be responsible for any damage to property or injury to persons occasioned by said Open Air Fire.
- 16.2. Should the Fire Department attend to extinguish an Open-Air Fire that contravenes one or more of the provisions of this By- law, the Owner shall be required to pay any fees and Fire Department costs incurred during the extinguishing of the Open-Air Fire, including, but not limited to, personnel, equipment and apparatus costs.
- 16.3. All applicable fees within the Municipality's Fees and Charges By- law are deemed to be applicable, and form part of this By-law.

### **17. Permits**

- 17.1. An application for an Outdoor Fireplace or Fire Pit Permit shall be issued automatically, provided the applicant completes all necessary information and acknowledges the terms and conditions of this By-law.
- 17.2. An application for a Brush, BonFire, Controlled or Demolition Fire shall be reviewed by the Chief Fire Official, and a permit may be granted through a review of the permit application or through a site inspection.
- 17.3. Permits expire annually on December 31.

### **18. Indemnification**

- 18.1. Applicant for a Permit required under this By-law shall indemnify and save harmless the Township of Georgian Bluffs from any and all claims, demands, causes of action, losses, costs or damages that the Township of Georgian Bluffs may suffer, incur or be liable for resulting from the performance of the applicant as set out in this By-law, whether with or without negligence on the part of the applicant, the applicant's employees, directors, contractors and agents.

### **19. Consent of Owner**

- 19.1. No person shall set or maintain a permitted fire on any property in the Township of Georgian Bluffs unless:
- 19.2. The person setting or maintaining the fire is the owner of the property on which the fire is set;
- 19.3. At least one owner of the property or his or her authorized designate is present at the site of the fire from the time fire is set until the fire is fully extinguished; or
- 19.4. The person setting or maintaining the fire has the written consent of at least one owner of the property on which the fire is set, to the setting of a fire of that type on the property.

### **20. Validity**

- 20.1. In the event any provision, or part thereof, of this By-law is found by a court of competent jurisdiction to be ultra vires, such provision, or part thereof,

shall be deemed to be severed, and the remaining portion of such provision and all other provisions of this By-law shall remain in full force and effect.

21. Interpretation

- 21.1. Statutory references are to statutes of Ontario and the regulations made thereunder and shall be deemed to refer to such statutes and regulations as amended, consolidated, re-enacted and in force from time to time.
- 21.2. A word interpreted in the singular number has a corresponding meaning when used in the plural.
- 21.3. The words “include”, “includes” or “including” are not to be read or interpreted as limiting the words, phrases or descriptions that follow them.
- 21.4. Dimensions specified in metric units shall be the official dimensions.
- 21.5. The word “meter” shall be represented by the abbreviation “m”, the word “centimeter” shall be represented by the abbreviation “cm”, and the word “millimeter” shall be represented by the abbreviation “mm”, the word “feet” shall be represented by the abbreviation “ft”.
- 21.6. Words importing the masculine gender shall include the feminine and non-binary, and the converse of the foregoing also applies, unless the context of the by-law otherwise requires.

22. Compliance with the Environmental Protection Act

- 22.1. Nothing in this By-law shall be deemed to authorize any fire, burning or other act which is in contravention of the Environmental Protection Act, R.S.O. 1990, c. E.19 or any regulation made thereunder.
- 22.2. In the event of any conflict between the provisions of this By-law and the said Act or regulations, the provisions of the said Act and regulations shall take precedence.

23. Schedule

- 23.1. Schedule ‘A’ hereto forms part of this bylaw that provides a visual outline as to the distances and size of the Open-Air Fire outlining the prohibitions of the specific types of Open-Air Fire as approved and permitted within the Township of Georgian Bluffs.

24. Repeal

- 24.1. That By-law No. XXXXX is hereby repealed.

25. Title

- 25.1. The short title of this By-law is “Open-Air Burn By-law”.

26. Enactment

- 26.1. This By-law shall come into force and effect upon passing.

Read a first and second time this # day of MONTH 2025.

Read a third time and finally passed this # day of MONTH 2025.

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Mayor – Sue Carleton

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Clerk – Carly Craig