



BY-LAW 2024/79

BEING A BY-LAW OF THE MUNICIPALITY OF WEST NIPISSING
TO REGULATE THE SETTING OF FIRES IN OPEN AIR AND THE ISSUANCE OF FIRE PERMITS

WHEREAS Council of the Corporation of the Municipality of West Nipissing is empowered under section 7.1(1)(a) and (b) of the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4, as amended, to pass by-laws regulating fire prevention, including the prevention of the spreading of fires the Council considers necessary;

AND WHEREAS Council is empowered under section 7.1(1)(a) of the *Fire Protection and Prevention Act*, to pass by-laws regulating the setting of open-air fires, including establishing the times during which Open-Air fires may be set;

AND WHEREAS O.Reg. 213/07 Fire Code under the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4, as amended, Division B Part 2 section 2.4.4.4. (1)(a) and (b) defines regulations for Open-Air burning;

AND WHEREAS Council is empowered under section 10 (1) and sentence (2) 6, 8 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, to pass by-laws to with respect to the health, safety and well-being of persons and for the protection of persons and property, including consumer protection;

AND WHEREAS the *Municipal Act*, 2001, as amended section 391 authorizes Council to impose fees and charges to recover the expense incurred in doing any such matter or thing as required by by-law, in default of its being done by the person directed or required to do it, by action, or in like manner as municipal taxes;

AND WHEREAS the *Municipal Act*, 2001 authorizes Council to pass by-laws for the imposition and collection of fees or charges for services or activities provided by the municipality;

AND WHEREAS the purpose of this By-Law is to promote public health, safety and protect the welfare of the inhabitants of the municipality from air pollution, nuisances and fire hazards associated with outdoor Open-Air burning.

THEREFORE, the Council of the Municipality of West Nipissing enacts as follows

ARTICLE 1 - DEFINITIONS

- 1.01 **Agricultural Burn** shall mean a temporary Burn Permit for agricultural properties as defined.
- 1.02 **Agricultural Property** shall mean a property used for agricultural purposes, specifically the cultivation of the soil and the associated production of field crops, vegetables, fruit, horticultural crops and nursery stock and the limited accessory processing, storage, promotion and selling of such products primarily produced on the farm; the breeding, caring and/or keeping of livestock including horses and bees and the selling of such stock or the product of such stock and the management of woodlands and the sale of related products including fuel wood, Christmas trees and maple products and includes a farm dwelling and accessory buildings and uses.
- 1.03 **Approved** shall mean permission being granted by the Fire Chief or Designate.
- 1.04 **Assistant** to the Fire Marshall as defined under the FPPA, 1997.
- 1.05 **Acceptable Burn Material** means commercially produced charcoal or briquettes, small amounts of white or brown paper or cardboard used to start a fire, dry seasoned wood, dry wood by-products that have not been chemically treated, painted or stained, purchased fire logs or purchased firewood sold for the purpose of recreational campfires.
- 1.06 **Barbeque** means a portable or fixed device designed and intended solely for the cooking of food in the Open-Air, including charcoal, gas/propane, pellet burning barbeque or smoker.

- 1.07 **Brush Pile Fire** shall mean an Open-Air Fire, having a maximum fuel size of 1.8m x 1.8m x 1.8m in height (6 ft x 6 ft x 6 ft), that is set and maintained for the sole purpose of burning piled wood or brush in rural areas only and where a permit is issued and where:
- a) The pile to be burnt is at least 92m (300 ft) from buildings;
 - b) Not burn more than one (1) brush pile of material at any time and may require a site inspection by the West Nipissing Fire Service.
 - c) Agricultural brush piles are to follow the requirement of section 2.10.
- 1.08 **Burn Barrel** means a steel drum or barrel used for burning wood product.
- 1.09 **Cooking Fire/Recreational Camp Fire** shall mean an Open-Air Burn, where the size of burn area (containing all burning and burnt materials) does not exceed a maximum fuel volume of 0.61m x 0.61m x 0.61m height (2 ft x 2 ft x 2 ft), that is set and maintained solely for the purposes of cooking food, providing warmth or recreational enjoyment situated within a confined area or device such as an outdoor fireplace or fire pit, and supervised at all times where:
- a) The site of the fire is bare rock, sand or other non-combustible material;
 - b) The fire is at least 3m (10 ft) from any combustible material;
 - c) is no closer than 6m (20 ft) to any property line;
 - d) The space above the fire is at least 3m (10 ft) from vegetation;
 - e) The flame length does not exceed 1m (3.3 ft) in height;
 - f) Supervised by a competent person at all times.
- 1.10 **Chief Fire Official** means the local municipal Chief Fire Official as defined in the Ontario Fire Code (O. Reg. 213/07).
- 1.11 **Clean Dry Wood** shall mean seasoned firewood and wood waste that has been allowed to dry.
- 1.12 **Council** shall mean the elected Council of The Corporation of The Municipality of West Nipissing.
- 1.13 **Dangerous Condition** means:
- a) A lack of precipitation which, in the opinion of the Fire Chief or their Designate, increases the risk of the spread of fire;
 - b) Winds which in the opinion of the Fire Chief or their Designate increases the risk of spread of fire;
 - c) The issuance, by the Fire Chief, Fire Marshall, or other fire officials in the exercise of their statutory powers, of a fire ban or prohibition against any and all Open-Air Fires or;
 - d) Any other condition declared by the Fire Chief or their designate to be a dangerous condition from time to time, which increases the spread of fire risk.
- 1.14 **Designate** means an individual acting in place of the Fire Chief in the event that they are unavailable.
- 1.12 **Fire Chief** means the Fire Chief of West Nipissing Fire and Emergency Services appointed as such by municipal by-law and includes his or her designate.
- 1.13 **Fire Service** means West Nipissing Fire and Emergency Services or any fire department under contract or agreement to provide service to The Municipality of West Nipissing.
- 1.14 **Fire Season** means the period from **April 1 through the October 31**, as defined in the Forest Fires Prevention Act.
- 1.15 **Household Waste** for the purposes of this by-law means combustible material such as plastics, polyethylene terephthalate (PET), paints, oils, solvents, rubber, insulation, batteries, acids, polystyrenes (Styrofoam), pressure treated or painted lumber, tires, upholstered furniture, synthetic fabrics, diapers, hazardous wastes and other materials as defined in the Environmental Protection Act and such materials as unlaminated paper and cardboard and boxboard all other similar and like materials but shall not include untreated wood and wood fibre products and brush.

- 1.16 **Incinerator Fire** shall mean a fire set in a container designed for Incineration purposes and constructed completely of non-combustible material that is placed atop not less than 4 cm. (2 inches) of sand or mineral soil extending not less than 60 cm (24 inches) beyond its perimeter, and having a maximum volume of 202 litres (55 gallon) and an outlet or exhaust opening covered by a screen having a mesh of not more than 7 mm (1/4 inch).
- 1.17 **Municipality** shall mean The Corporation of The Municipality of West Nipissing.
- 1.18 **Municipal Authority** means the local municipality, Municipal By-Law Enforcement Officer, or a person designated by the local municipality to issue permits and authorizations for enforcement of Open-Air Burning, Wood-Burning Appliances, or Outdoor Fireplace Units.
- 1.19 **Off-Season** means that period from **November 1 to March 31** with no time restrictions for Open-Air burning, unless designated by the Fire Chief or their Designate.
- 1.20 **Ontario Fire Code** shall mean O.Reg. 213/07 made under the Fire Protection and Prevention Act, S.O. 1997, C.4, as amended.
- 1.21 **Open-Air Burning** shall mean any fire or burning practice that is conducted outside a building including but not limited to bonfires, fires in burn barrels, outdoor recreational fireplaces, construction site and demolition site fires, brush piles but does not include the following:
- a) an appliance which is fueled by natural gas, propane, charcoal, briquettes, wood pellets including but not limited to a manufactured or non-manufactured barbeque;
 - b) burning of materials for fire suppression training, testing of fire fighting equipment or law enforcement purposes.
- 1.22 **Owner** means the person who owns the property on which an Open-Air Burning is conducted or the person responsible for conducting the Open-Air Burning.
- 1.23 **Permit** shall mean a permit issued by the Municipality of West Nipissing Fire and Emergency Services, the Fire Chief or their designates, signifying permission to set, maintain or allow to be set an Open-Air Burn and establishing the conditions under which the permission is granted from the 1st day of January to the 31st day of December in the same year in the form attached as Schedule A hereto.
- 1.24 **Person** shall mean any individual, association, firm, partnership, corporation, agent or trustee and their heirs, executors, or other legal representatives thereof.
- 1.25 **Prescribed Burning** is the deliberate, planned and knowledgeable application of fire by authorized personnel and only in accordance with Ministry of Natural Resources legislation, policy and guidelines to a specific land area to accomplish pre-determined forest management or other land use objectives.
- 1.26 **Prohibited Materials** means any material other than as described under Acceptable Burn Materials. Specifically prohibited under this By-law and not to be burned under any circumstances include household waste, human or animal excrement, leaves, grass, treated lumber, insulation, asphalt shingles or other construction materials, commercial by-products such as those generated from wood working, deck building or landscaping businesses, tires, rubber, plastic, Styrofoam, petroleum or other potentially toxic waste materials.
- 1.27 **Recreational Fireplace** means a manufactured wood-burning appliance, site-built masonry fireplace, fire pit, chimeneas, clay or metal fireplaces, portable wood-burning devices used for outdoor recreation or heating, or other enclosed containers that are used outdoors and that are not fueled by natural gas or propane and are designed to hold a small fire, not exceeding one meter (3.2 feet) in any direction; but does not include pellet fueled barbeques or 'wood-waste' combustors defined under O. Reg. 347/90 General Waste Management.
- 1.28 **Restricted Fire Zone** or **RFZ** are regions defined by O. Reg. 207/96, where the Ontario Ministry of Natural Resources retains the right to restrict all fires. Ministry of Natural Resources Orders made under the Forest Fires Prevention Act that restricts the use of Open-Air fires in a specific area of the province. It is used when the fire hazard is extreme and/or when firefighting resources are stretched to capacity.

- 1.29 **Sensitive Receptor** may include a childcare facility, healthcare facility, a senior citizens' residence, long-term care facility, educational facility, environmentally sensitive area, or other place where smoke may have a greater risk to health or the environment.
- 1.30 **Total Burn Ban** shall mean absolutely no Open-Air burning within the municipality put in place by the Fire Chief or designate which shall prohibit the setting or maintaining of any type of fire, including Open-Air fires, burn barrels, wood burning barbeques, fire pits, and outdoor fireplaces.
- 1.31 **Waste** includes garbage or refuse materials from residential, commercial, agricultural, industrial or institutional establishment.
- 1.32 **Windrow** means Open-Air Burning where the size of the material to be burned does not exceed 137m (450ft) in length, 6m (20ft) in width and 3m (10ft) in height and a minimum of 30m (100ft) apart and is set and maintained solely for the purposes of burning wood, tree limbs and branches as part of normal farm practices or for clearing farm land.
- 1.33 **Wood Waste** means, tree trunks, tree branches, brush, or wood products that do not contain:
 - a) easily removable hardware, fittings and attachments, unless they are predominantly wood, or
 - b) plywood or composite wood products containing varnish or glue;
 - c) an upholstered article.

ARTICLE 2 - GENERAL PROVISIONS

- 2.01 No Person, being the owner or tenant in possession of lands within the Municipality, shall conduct Open-Air Burning unless a Permit has been issued in respect of such Open-Air Burning. Tenants in possession shall require written permission from the property owner for Open-Air burning.
- 2.02 Notwithstanding any provisions herein, no Person shall set or maintain a fire:
 - a) In contravention of the Ontario Fire Code, the *Environmental Protection Act*, the *Forest Fire Prevention Act*, or any other statutory requirements of the Province of Ontario or the Government of Canada;
 - b) On any property owned or operated by the Municipality without the written permission from the Municipality;
 - c) At a distance less than permitted in paragraph 1.04 (Brush Pile Fire) and paragraph 1.06 (Recreational Camp Fire/Cooking Fire) unless otherwise defined under this section;
 - d) Unless supervised at all times by the Person to whom the Permit has been issued or such other Person as may be designated in the Permit, until such fire has been completely extinguished;
 - e) Without obtaining and having on their person a valid Open-Air Burning Permit for those types of Open-Air Burning requiring one;
 - f) Which does not meet the description and distances as defined for a Campfire or Cooking Fire and;
 - g) When a Total Burn Ban or Restricted Fire Zone has been declared and put in place by the Fire Chief or his/her Designate or the Province of Ontario.
- 2.03 No Open-Air Burning shall be commenced or maintained when the wind is greater than 15 km/hr as reported by Environment Canada or in such a direction or intensity to cause any or all of the following:
 - a) The possible spread of the fire beyond the approved burn site;
 - b) A decrease in the visibility on any highway or roadway;
 - c) Excessive smoke or;
 - d) Any Dangerous Condition.
- 2.04 No Open-Air Burning shall commence or be maintained when weather conditions prevent the ready dispersion of smoke.
- 2.05 No Open-Air Burning shall be commenced or maintained without the presence of sufficient suppression or extinguishing equipment.

- 2.06 No Person shall set fire to, ignite, or otherwise burn any materials in a Brush Pile Fire with a combined size greater than 1.8m x 1.8m x 1.8m (6 ft wide x 6 ft long x 6 ft high) without a prior site inspection by the Fire Chief or Designate and a Permit.
- 2.07 No Person shall set fire or cause to be burned more than one (1) Open-Air Burn at any one time, without the written approval of the Fire Chief or their Designate.
- 2.08 No Person shall burn any grass, hay, straw or standing material.
- 2.09 No person possessing a valid Permit shall commence any Open-Air Burning without first advising the Fire Service.
- 2.10 Exemptions for Agricultural Burns.

Notwithstanding the provisions herein contained, Agricultural Burns, as herein defined shall be except from the provisions of Sections 2.02 to 2.09, subject to the following:

- (a) Agricultural burns must obtain a permit and will be effective on or after November 1st and must be extinguished prior to March 31st of the following year. Inspection of the area will be required by the Fire Chief or Designate prior to the issuance of a permit.
- (b) The Fire Service shall be notified at the commencement of burning and daily during the burn until the fire is extinguished.
- (c) Windrows shall be burnt during the off season as defined in Article 4, unless dangerous conditions exist, or if advised by the Fire Chief or Designate that burning is not permitted.
- (d) Brush piles or windrows are to be burnt during the off season and do not exceed 9m (30 ft) long x 6m wide (20 ft) x 3m (10 ft) high. Upon approval by the Fire Chief or Designate, multiple piles may be burnt provided a distance of 30m (100 ft) exist between the brush piles or windrows.
- (e) Agricultural Burns are to be monitored daily until extinguished.

ARTICLE 3 - ISSUANCE OF PERMIT

- 3.01 Prior to the issuance of a Permit, a proposed burn site may require the prior inspection by the Fire Chief or their Designate.
- 3.02 In applying for a Permit, no Person shall furnish false or misleading information.
- 3.03 Permit(s) may be obtained from the West Nipissing Fire and Emergency Services office or designated Municipal locations by the Fire Chief.
- 3.04 No Permit shall be considered valid until the Person granted the Permit has validated the Permit by reading the terms and conditions of the permit.
- 3.05 No Permit is required for Open-Air Burning consisting of a Camp Fire or Cooking Fire as defined and maintained by definition is in an organized campground and only if the campground owner/operator decides it is safe to do so. In these situations, strict campfire rules must be adhered to. Campground owner/operator are required to provide patrons of the rules when campfires are allowed.
- 3.06 No Permit shall be required for domestic barbeques used for the purpose of cooking food on a grill and extinguished immediately upon completion of its use to cook.
- 3.07 It is the responsibility of the Person to whom a Permit is granted to check and monitor burning conditions. Assistance can be obtained by contacting the Fire Service.
- 3.08 It is the responsibility of the Person at the time of Open-Air Burning to be in possession of the Permit for inspection by the Fire Chief or their Designate or By-law Enforcement.
- 3.09 In any prosecution under a provision of this by-law that requires a Permit, it is the responsibility of the Person charged to prove that the Person had a Permit at the time the offense is alleged to have been committed including adherence to the provision of this by-law.

ARTICLE 4. FIRE SEASON AND OFF SEASON

- 4.01 During the Fire Season, Open-Air Burning requiring a permit shall only be permitted between the hours of 6:00 pm until 8:00 am, on any day of the week, between April 1 and October 31.
- 4.02 During the Off-Season all burning shall comply with this by-law with the exception of the hours in Section 4.01 as approved by the Fire Chief or Designate.
- 4.03 The Fire Season and Off Season are subject to change at the discretion of the Fire Chief or their Designate in the event of Dangerous Conditions, or otherwise stated by the Ministry of Natural Resources in the event of a Total Burn Ban.
- 4.04 The time indicated for no burning does not apply to a Cooking Fire/Recreational Camp Fire as defined.

ARTICLE 5 - LEVELS OF FIRE BAN OR RESTRICTED FIRE ZONE

- 5.01 Total Burn Ban or Restricted Fire Zone shall mean absolutely no Open-Air Burning including Campfires, Cooking Fires, or charcoal barbecues, but does not include the use of cooking equipment which is equipped with a fuel shut off mechanism.
- 5.02 Total Burn Ban status, the need for a Total Burn Ban, will be assessed on a daily basis by the Fire Chief or their designate.
- 5.03 When the Fire Chief or their Designate orders a Total Burn Ban be put in effect, they will notify the CAO or designate who will then notify Council.

ARTICLE 6 - ADMINISTRATION AND ENFORCEMENT

- 6.01 This by-law shall be administered and enforced by the By-Law Enforcement Officer and/or the Fire Chief or Designate of the Municipality of West Nipissing.
- 6.02 The Fire Chief or Designate may, at any time, and in the exercise of their sole discretion, issue a Total Burn Ban, effective for a specified period of time, prohibiting the setting of any and all Open-Air Burns within any area of the entire Municipality.
- 6.03 Notwithstanding section 2 of this by-law, the Fire Chief or Designate may revoke any or all Permits, or refuse to issue Permits where, in the opinion of the Fire Chief or Designate, that:
 - (a) The ability to control the fire is hampered by the existence of a Dangerous Condition, which exists on or in the proximity of the proposed Open-Air Burning site; or,
 - (b) a person fails to comply with any part of this by-law.
- 6.04 Any person who fails to comply with the provisions of this By-law, or who fails to properly supervise and maintain a fire, or who fails to extinguish a fire once notification to do so has been given to them by the Fire Chief, their Designate, or By-Law Officer may, in addition to any penalty provided for herein, be liable to the Municipality for all expenses incurred for the purposes of controlling and extinguishing of any fire so set or left to burn.
- 6.05 The expenses referred to in 6.04 for which the person may be liable, cover the cost of sufficient personnel and equipment required to control a fire, calculated as follows:
 - (a) Current MTO rates per vehicle for the first hour or part thereof; and
 - (b) One Half (1/2) the current MTO rate per vehicle for each subsequent half hour or part thereof.

The rates shall be calculated from the time of initial dispatch of the fire department or any fire department under contract or agreement, until such time as each vehicle is back in service (defined as when the vehicle is back at the fire station and has been replenished with the requirements for the unit to respond to the next activation). These fees are in addition to any fines or penalties established elsewhere, in accordance with this by-law. Costs will be invoiced by the Municipality of West Nipissing “Fire and Emergency Service” and will be due thirty (30) days from the date of invoice.

- 6.06 Such expenses shall be equally chargeable in the event that a deliberately set fire burns out of control, such that the services of West Nipissing Fire and Emergency Services are necessary.
- 6.07 Any costs chargeable to any Person pursuant to section 6.4 hereof shall be invoiced to the Person and paid to the Municipality within thirty (30) days of the date of such invoice, failing which the costs may be deemed to be municipal taxes and added by the Clerk of the Municipality to the tax roll and collected in the same manner and with the same priority as municipal taxes.

ARTICLE 7 - OFFENCES

- 7.01 In addition to any other penalty prescribed by this by-law, any Person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine or penalty for each offence established pursuant to the Provincial Offences Act and is set out on Schedule B forming an integral part of this by-law.
- 7.02 The Department response to control and/or extinguish fires in contravention to this by-law may be subject to the cost in accordance with 6.05, 6.06 and 6.07, above.
- 7.03 Offences shall include the Permit being revoked.

ARTICLE 8 - SCHEDULES AND SEVERABILITY

- 8.01 Schedule “A” Permit Application for Open-Air Burning attached to this by-law shall form an integral part of this by-law.
- 8.02 Schedule “B” Set Fines, attached to this by-law shall form an integral part of this by-law upon approval from the Senior Regional Justice of the Ontario Court of Justice.
- 8.03 If any provision, section or word is held to be invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, sections or words.
- 8.04 Any Person invoiced for services as a result of violation of the provisions of this by-law may make submissions to Council with respect to having the costs invoice reduced or rescinded.
- 8.06 This by-law may be referred to as the Open-Air Burning By-Law.

ARTICLE 9 - EFFECTIVE DATE

- 9.01 This By-law shall come into force and take effect on the date it is passed.
- 9.02 This by-law shall come into effect upon receipt of approval of Schedule C, Short Form Wording/Set Fines by the Ontario Court of Justice.

ARTICLE 10 - BY-LAW REVIEW

- 10.01 This by-law shall be reviewed by the Council of the Municipality of West Nipissing during each new term of Council or as requested by Council or staff.

ENACTED AND PASSED ON OCTOBER 15, 2024 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.


KATHLEEN THORNE ROCHON, Mayor


MELANIE DUCHARME, Clerk

SCHEDULE “A” TO BY-LAW NO. 2024/79



CONDITIONAL PERMIT FOR “OPEN AIR BURNING”

The Corporation of The Municipality of West Nipissing

This Permit is valid until the _____ Day of _____ 20____		Date of Application: _____	
Applicant’s Name:	First _____	Last _____	
Applicant’s Home Address:	Number _____	Street/Road _____	Postal Code _____
Applicant’s Phone Numbers:	Home _____	Cell _____	Other _____
Property Owner Name: <i>(if different from applicant)</i>	First _____	Last _____	
Property Owner Address: <i>(if different from applicant)</i>	Number _____	Street/Road _____	Postal Code _____
Address of Burn Site:	Civic No. _____	Street/Road _____	Postal Code _____
THIS PERMIT IS ISSUED SUBJECT TO THE FOLLOWING CONDITIONS:			
(1)	The applicant acknowledges having read and understood By-law No. 2024/79 .		
(2)	This Permit shall be in effect for 30 days from the date of application.		
(3)	This Permit shall be kept at the site of the Open Air Burning and be produced upon request from the Fire Service or authorized authorities. Digital copy is acceptable.		
(4)	It is the responsibility of the person issued the permit to check and monitor burning conditions as well as to ensure a “Total Burn Ban” is not in place.		
(5)	Burning is not permitted if winds are/or expected to be 15km/h or higher.		
(6)	The person issued the permit shall have at the location of the open air burning at all times a competent person and enough water and equipment to completely control and extinguish the fire .		
(7)	The person issued the permit shall extinguish the fire until completely out before leaving the open-air burn site unattended.		
(8)	This Permit may be revoked at any time by the Fire Chief or their “Designate” for failure to comply with the regulations of the by-law or unsafe practices		
(9)	This Permit is granted for the purpose of open air burning, the size of a “Brush Pile”: (a) limited to one 1.8 m X 1.8 m X 1.8 m (6’ x 6’ x 6’) and solely for the purposes of burning piled wood or brush. (b) agricultural burning refer to General Provisions in Section 2.10 of By-Law 2024/79		
(10)	The permit applicant is to notify the Fire Department @ 705-753-1171 prior to commencing burning and once burning is complete.		
(11)	From April 1st until October 31st burning is only permitted from 6:00 pm until 8:00 am. No Daytime Burning is allowed.		

APPLICANT ACKNOWLEDGMENT:		ISSUED BY FIRE SERVICES :	
Initials	I agree to the Terms and Conditions of this permit.	Print Name: _____	
Initials	I understand that this permit is not valid unless I agree to the conditions of this permit.	Signature: _____	
Signature: _____			

IN CASE OF EMERGENCY - CALL 911

SCHEDULE "B" TO BY-LAW NO. 2024/79

Municipality of West Nipissing

**SETTING FIRES IN OPEN AIR AND ISSUANCE OF FIRE PERMITS
SET FINES - SCHEDULE "B" TO BY-LAW 2024/79****PART I – PROVINCIAL OFFENCES ACT**

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINES
1	Burn without permit	Sec. 2.01	\$300.00
2	Set/maintain fire in contravention of codes	Sec. 2.02(a)	\$300.00
3	Set/maintain fire on municipal property without permission	Sec. 2.02(b)	\$300.00
4	Set/maintain fire at distance less than permitted	Sec. 2.02 (c)	\$300.00
5	Fail to supervise/extinguish an open fire	Sec. 2.02(d)	\$300.00
6	Fail to obtain or possess valid permit when burning	Sec. 2.02(e)	\$150.00
7	Set/maintain fire that does not meet the defined description and distance.	Sec. 2.02(f)	\$150.00
8	Set/maintain fire when a Total Burn Ban or Restricted Fire Zone is in place	Sec. 2.02(g)	
9	Burn when windspeed is greater than 15 km/hr	Sec. 2.03	\$150.00
10	Burn material causing fire to spread	Sec. 2.03 (a)	\$ 150.00
11	Burn material causing decreased visibility on a Highway/ Roadway.	Sec. 2.03(b)	\$ 150.00
12	Burn material(s) causing excessive smoke	Sec. 2.03(c)	\$ 150.00
14	Burn causing Dangerous Condition	Sec. 2.03(d)	\$150.00
13	Burn when weather conditions prevent dispersion of smoke	Sec. 2.04	\$ 150.00
14	Burn without presence of suppression/extinguishing equipment	Sec. 2.05	\$150.00
15	Burn/maintain fire greater than specified size without inspection/permit	Sec. 2.06	\$150.00
16	Burn/maintain more than one fire at the same time	Sec. 2.07	\$150.00
17	Burn grass, hay, straw or standing material	Sec. 2.08	\$150.00
18	Fail to advise Fire service before burning	Sec.2.09	\$150.00
19	Furnish false or misleading information	Sec. 3.02	\$150.00

NOTE : The penalty provision for the offences indicated above is Section 7.01 of this By-Law 2024/79, a certified copy of which has been filed.

SCHEDULE “B” TO BY-LAW NO. 2024/79

OCTOBER 15, 2024

Municipality of West Nipissing
SETTING FIRES IN OPEN AIR AND ISSUANCE OF FIRE PERMITS
SET FINES - SCHEDULE “B” TO BY-LAW 2024/79

PART I – PROVINCIAL OFFENCES ACT

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINES
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2	Set/maintain fire in contravention of codes	Sec. 2.02(a)	\$300.00
3	Set/maintain fire on municipal property without permission	Sec. 2.02(b)	\$300.00
4	Set/maintain fire at distance less than permitted	Sec. 2.02 (c)	\$300.00
5	Fail to supervise/extinguish an open fire	Sec. 2.02(d)	\$300.00
6	Fail to obtain or possess valid permit when burning	Sec. 2.02(e)	\$150.00
7	Set/maintain fire that does not meet the defined description and distance.	Sec. 2.02(f)	\$150.00
8	Set/maintain fire when a Total Burn Ban or Restricted Fire Zone is in place	Sec. 2.02(g)	
9	Burn when windspeed is greater than 15 km/hr	Sec. 2.03	\$150.00
10	Burn material causing fire to spread	Sec. 2.03 (a)	\$ 150.00
11	Burn material causing decreased visibility on a Highway/ Roadway.	Sec. 2.03(b)	\$ 150.00
12	Burn material(s) causing excessive smoke	Sec. 2.03(c)	\$ 150.00
14	Burn causing Dangerous Condition	Sec. 2.03(d)	\$150.00
13	Burn when weather conditions prevent dispersion of smoke	Sec. 2.04	\$ 150.00
14	Burn without presence of suppression/extinguishing equipment	Sec. 2.05	\$150.00
15	Burn/maintain fire greater than specified size without inspection/permit	Sec. 2.06	\$150.00
16	Burn/maintain more than one fire at the same time	Sec. 2.07	\$150.00
17	Burn grass, hay, straw or standing material	Sec. 2.08	\$150.00
18	Fail to advise Fire service before burning	Sec.2.09	\$150.00
19	Furnish false or misleading information	Sec. 3.02	\$150.00