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CORPORATION OF THE TOWN OF PETAWAWA
APPLICATION FOR A RURAL FIRE PERMIT

APPLICATION FOR

Rural Fire Permit

❖ Included with this document is the application for a Rural Fire Permit, plot diagram and By-Law 1196/18 BEING A BY-LAW TO PRESCRIBE THE TIME FOR SETTING FIRES IN THE TOWN OF PETAWAWA AND THE PRECAUTIONS TO BE OBSERVED WHEN SETTING FIRES ❖

SCHEDULE "B" TO BY-LAW 1196/18



CORPORATION OF THE TOWN OF PETAWAWA
APPLICATION FOR THE PURPOSE OF
RURAL FIRE PERMIT



NAME: _____ PROPERTY OWNER TENANT (see note below)
 (Important: Applicant name must be same as signature below) (Please check one)

ADDRESS: _____ POSTAL CODE: _____
 (This is the address where the fire will be located)

MAILING ADDRESS: _____ POSTAL CODE: _____
 (If different from above)

TELEPHONE: _____ CELL: _____

Important Information for Tenants: All tenants must include a letter of permission with the application. Letter must be signed by the property owner giving the tenant permission to have a rural fire.

1. Please indicate the location of house and all out buildings, as well as the location of the burn area in box provided on the reverse of this application.
2. Please indicate all dimensions from combustibles, including overhead combustibles on your plan.
3. A photograph of the fire area must be either emailed (email@petawawa.ca) or attached to this application.
4. **Note:** Under a Rural Fire Permit, burning is not allowed from May 1 to September 30 inclusive.

****SMOKE AND CARBON MONOXIDE ALARMS SHALL BE TESTED AT THE TIME OF INSPECTION****

Application will not be approved until all Smoke/CO alarms have been inspected and are deemed operational.

I, _____, confirm that the information contained in this application is correct.
 (Please print applicant name)

I have read and understand By-Law 1196/18, and agree to comply with the conditions contained therein and fully realize that any breach of these conditions could result in a fine being issued against me.

I understand that the issuance of a permit shall not be deemed a waiver of the provisions of any
 (Initial here) municipal by-law or provincial statute.

In the event that a permit is approved, I further understand that any departure from the conditions of this permit, any municipal by-law or provincial statute, could result in this permit being revoked and that, in this event, I shall not be entitled to any claim, whatsoever, against the municipality or any official thereof.

Signature _____ Date _____
 (Must be same as applicant above)

Please indicate the location of the burning area in relation to house and all out buildings, including overhead combustibles such as tree branches in the box below. *Please include distance from burning area to combustibles.*

Street or Road Name:

Additional Information: _____

Inspection Date _____	Inspected By _____
Number of Smoke Alarms _____	Number of Operational Smoke Alarms _____
Number of CO Alarms _____	Number of Operational CO Alarms _____
911/Civic Address posted _____	
Follow-up Required <input type="checkbox"/> Yes <input type="checkbox"/> No	Approved <input type="checkbox"/> Not Approved <input type="checkbox"/>
Approval Date _____	Chief Fire Official _____
Comments/Recommendations: _____	

CORPORATION OF THE TOWN OF PETAWAWA

BY-LAW 1196/18

**BEING A BY-LAW TO PRESCRIBE THE TIMES FOR SETTING FIRES
IN THE TOWN OF PETAWAWA AND THE PRECAUTIONS TO
BE OBSERVED WHEN SETTING FIRES**

WHEREAS Section 11 (1) of the *Municipal Act*, S.O. 2001, c.25, as amended, authorizes lower-tier municipalities to provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS Section 391 of the *Municipal Act*, S.O. 2001, c.25, as amended, authorizes a municipality to impose fees or charges on persons;

AND WHEREAS Section 398 of the *Municipal Act*, S.O. 2001, c.25, as amended, authorizes a municipality to collect fees and charges by adding them to the tax roll and collecting them in the same manner as municipal taxes;

AND WHEREAS Section 7.1 (1) of the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended, authorizes the council of a municipality to pass by-laws (a) regulating fire prevention, including the prevention of the spreading of fires; and (b) regulating the setting of open air fires, including establishing the times during which open air fires may be set;

AND WHEREAS Division B, Part 2, Section 2.4.4.4 (1) (a) of the *Ontario Fire Code* provides for the prohibition of open air burning unless approved;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PETAWAWA ENACTS AS FOLLOWS:

1.0 DEFINITIONS AND EXEMPTIONS

1.1 Definitions

“Appliance” shall mean a manufactured or fabricated noncombustible partially enclosed appliance designed to hold a small fire for decorative purposes and may include other appliances approved by the Chief Fire Official.

“By-Law Enforcement Officer” shall mean any Municipal Law Enforcement Officer appointed by the Council of the Town of Petawawa.

“Campground” shall mean an area of land owned or operated by a person that contains campsites for the purpose of providing overnight accommodation for tents, trailers and recreational vehicles in exchange for monetary payment.

“Chief Fire Official” shall mean the Fire Chief of the Town of Petawawa or his/her designate, namely Deputy Fire Chief, Assistant Deputy Fire Chief and/or Captain(s).

“Combustible Structures or Objects” shall mean a structure or object that is capable of catching fire and burning. Examples include but are not limited to: buildings, trees, clotheslines, fences, lumber, deck, shed, etc.

“Dangerous Condition” 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 increases 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.

“Fire” shall mean any fire set in the “open air” by any person within the boundaries of the Municipality. Please note the definitions for Recreational Fires and Rural Fires.

“Municipality” shall mean the Corporation of the Town of Petawawa.

“Non-Transferable” shall mean a fire permit cannot be transferred or made over to the possession of another person. The fire permit belongs to the person(s) it was originally issued to and it cannot be legally given to another person and used by them.

“Permit” shall mean a permit issued by the Municipality or Chief Fire Official signifying permission to set a fire and establishing the conditions under which the permit is granted.

“Permit Holder” shall mean any person who is a land owner, tenant, lessee or campground owner that has been granted a permit for open air burning by the Municipality or Chief Fire Official.

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

“Photograph” shall mean an image of the fire pit/burn area and the dimensions of the area around it, in the form of a print or electronic image recorded by a camera or other similar device. A photograph must accompany all permit applications.

“Recreational Fires” shall mean an open air fire that is set and maintained solely for the purposes of cooking food, providing warmth and recreational enjoyment.

“Rural Fires” shall mean an open air fire that is set and maintained solely for the purposes of burning brush and general clean-up of land in rural areas with a minimum property size of three (3) acres or 1.2 hectares. Location and property size must be approved by the Chief Fire Official.

“Tenant” is a person(s) who occupies land or property rented from a landlord. All tenants must have permission in writing from the owner of the property to apply for a fire permit.

1.2 Exemptions

Fire Services

The Town of Petawawa Fire Department 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.

Municipal Special Events

Special events initiated and administered by the Town of Petawawa as authorized by Council and under the advisement of the Chief Fire Official, shall be exempt from the provisions of this By-law with respect to open air burnings for the duration of a specified event.

2.0 BURNING REGULATIONS FOR BOTH RECREATIONAL AND RURAL FIRES

Notwithstanding any provisions herein, no person shall set or maintain a fire;

- a. on any highway or other public property of the Municipality;
- b. in any park owned or operated by the Municipality without written permission of the Municipality;
- c. on any commercial or industrial zoned property, within the Municipality, excluding a tourism commercial zoned campground;
- d. in contravention of the *Ontario Fire Code*, *Forest Fire Prevention Act*, the *Environmental Protection Act* or any other statutory requirements of the Province of Ontario;
- e. when, in the opinion of the Chief Fire Official:

- i. the wind is in the direction and/or intensity as to cause any or all of the following:
 - aa. the possible spread of the fire beyond the approved burn site;
 - bb. a decrease in the visibility on any highway or roadway due to smoke and/or ash; or
 - cc. any odour or smoke to such an extent or degree so as to cause discomfort to the persons in the immediate area;
- ii any other dangerous condition, as defined in this By-law, exists;
- f. on any site, or in the vicinity of any site, where construction or related activities are carried out;
- g. for commercial purposes or gain;
- h. for the purpose of clearing or disposing of trees, heavy brush or deadfall; and,
- i. in areas prohibited and so designated by the Chief Fire Official.

3.0 RECREATIONAL FIRES

No person shall set a fire or allow a fire to burn within the boundaries of the Town of Petawawa without first having obtained a permit from the Municipality or the Chief Fire Official.

3.1 Recreational Fires – Permissions

No person being the owner, tenant or occupant in possession of lands within the Municipality shall allow a fire to be set or allow a fire to burn on such lands unless a permit has been issued in respect of that fire.

Recreational fires may be permitted in approved residential areas, authorized campgrounds and/or any other area designated and approved by the Chief Fire Official. Fires are prohibited in areas so designated by the Chief Fire Official.

It is the responsibility of the permit holder to ensure that recreational fires are safe and are under control at all times.

3.2 Recreational Fires – Regulations

The following regulations shall apply with respect to open-air burnings for **recreational purposes**:

- a. A recreational fire pit shall be confined to a location that provides for a minimum distance of ten (10) feet or three (3) metres from adjacent properties.
- b. Recreational fires shall be confined to an area that is a minimum of ten (10) feet or three (3) metres from combustible structures or objects in all directions, including overhead.
- c. Recreational fire pits shall be no larger than two (2) feet (sixty-one (61) centimetres) by two (2) feet (sixty-one (61) centimetres) in size by eighteen (18) inches (forty-five (45) centimetres) in height.
- d. All fire pits/commercial or fabricated appliances used for a recreational fire must have a noncombustible base such as sand or cement (patio stones are preferred) to prevent any heat/fire transfer to the base material. A barrier of 6 – 10 inches or 15 – 25 centimetres around the fire pit should be included as part of the base.
- e. 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.
- f. Recreational fires shall be attended, controlled and supervised at all times and shall be completely extinguished before the fire site is vacated.
- g. Only materials such as commercially produced charcoal, briquettes or clean, dry seasoned wood may be burned.
- h. The dimensions of the fuel being burned 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.
- i. Only one (1) Recreational Fire Pit or Appliance per property.
- j. Only properties with a 911/Civic address posted will be considered for a permit.
- k. Permits are non-transferable.
- l. Special Occasion permits may be granted on a case by case basis at the discretion of the Chief Fire Official.

4.0 RURAL FIRES

No person shall set a fire or allow a fire to burn within the boundaries of the Town of Petawawa without first having obtained a permit from the Municipality or the Chief Fire Official.

4.1 Rural Fires – Permissions

No person being the owner, tenant or occupant in possession of lands within the Municipality shall allow a fire to be set or allow a fire to burn on such lands unless a permit has been issued in respect of that fire.

Rural fires are allowed in approved rural areas and/or any other area designated and approved by the Chief Fire Official. Fires are prohibited in areas so designated by the Chief Fire Official.

It is the responsibility of the permit holder to ensure that rural fires are safe and under control at all times.

4.2 Rural Fires – Regulations

The following regulations shall apply with respect to **rural fires**:

- a. Rural fires are only permitted in areas with a minimum property size of three (3) acres or 1.2 hectares. Location and property size must be approved by the Chief Fire Official.
- b. Rural Fires shall be confined to a location that provides for a minimum distance of forty (40) feet or twelve (12) metres in all directions from adjacent properties.
- c. Rural Fires shall be confined to an area that is a minimum of forty (40) feet or twelve (12) metres from any combustible structures or objects.
- d. Rural Fires shall be confined to an area no larger than thirty-nine (39) inches wide by thirty-nine (39) inches long or one (1) metre wide by one (1) metre long in size.
- e. The dimensions of the fuel being burned shall not be greater than thirty-five (35) cubic feet or one (1) cubic metre in total.
- f. The maximum number of rural fires authorized on any given property shall be limited to two (2).
- g. Rural Fires may be conducted between the hours of 6:00 pm and 6:00 am only from October 1st through to April 30th inclusive.
- h. An exemption for daytime burning by permit will only be granted when authorized by the Chief Fire Official.
- i. No materials other than wood or wood by-products may be burned. Wood that has been treated, preserved, stained, painted or is combined with any other material or chemical shall not be burned. No combustible material that does not originate from the permit holder's property shall be burned.

- j. The use of flammable or combustible liquids or accelerants of any kind is prohibited.
- k. Rural Fires shall be conducted in such a manner as to preclude the escape from the fire of combustible solids, such as sparks and ash.
- l. An effective extinguishing agent of sufficient size and with the capability of extinguishing the fire shall be at the site of the burning and immediately available for use.
- m. Rural Fires shall be attended, controlled and supervised at all times and shall be completely extinguished before the fire site is vacated.
- n. The owner, occupant or permit holder must take steps to ensure that the adjacent properties are protected and that the byproducts of Rural Fires do not have negative impacts on persons, pets or the environment.
- o. No Rural Fire Permits will be issued during the months of May, June, July, August and September.
- p. Permits are non-transferable.

5.0 ISSUANCE OF PERMIT

5.1 Application

- a. An original copy of the application form along with a plot plan (drawing) indicating the location of the fire pit or burning area and the distances shown from combustible structures or objects shall be submitted.
- b. A photograph, which can be emailed or included with the application package is also required.

5.2 Permit – Inspection

- a. At the discretion of the Chief Fire Official, a site inspection of the proposed burn location, whether for a recreational or rural fire, shall be required prior to issuing a permit.
- b. Verification of working/sufficient Smoke/Carbon Monoxide Alarms as well as 911/Civic addresses shall be part of the inspection process.
- c. Inspections for a recreational fire will only be conducted from April 1st through to October 31st inclusive, weather permitting, at the discretion of the Chief Fire Official.

5.3 Permit – Fees

All recreational and rural fires are subject to permits at the following rates:

- a. The fee for the issuance of an initial Recreational Fire Permit shall be a \$25.00 inspection fee, plus an additional \$25.00 permit fee, for a total payable of \$50.00. The permit is valid for one year from the date of issue and may be subject to an inspection prior to renewal. Each year the permit must be renewed for an annual permit fee of \$25.00 prior to the date of expiry. Should the renewal lapse, the applicant will have to reapply for the issuance of an initial Recreation Fire Permit. If the fire pit/appliance is moved from its original approved location, a re-inspection fee of \$25.00 will apply. There will be no refunds issued.
- b. The fee for the issuance of an initial Rural Fire Permit shall be a \$25.00 inspection fee, plus an additional fee of \$4.00 per day of burning. A permit may be issued for up to five (5) consecutive days. If the burning area is moved from its original approved location, a re-inspection fee of \$25.00 will apply. There will be no refunds issued.
- c. The fee for the issuance of an initial Recreational Fire Permit for a Campground shall be a \$75.00 inspection fee, plus an additional \$25.00 permit fee, for a total payable of \$100.00. The permit is valid for one year from the date of issue and may be subject to an inspection prior to renewal. Each year the permit must be renewed for an annual permit fee of \$25.00 prior to the date of expiry. Should the renewal lapse, the applicant will have to reapply for the issuance of an initial Recreational Fire Permit for a Campground. If the fire pit(s)/appliance(s) is/are moved from its/their original approved location(s), a re-inspection fee of \$75.00 will apply. There will be no refunds issued.
- d. The fee for an approved Special Occasion Recreational Fire Permit shall be a \$25.00 inspection fee, plus an additional fee of \$4.00 per day of burning. A permit may be issued for up to five (5) consecutive days. There will be no refunds issued.

5.4 Permit – False Information

In applying for a permit, no person shall supply false or misleading information.

5.5 Permit – Authority to Revoke

Notwithstanding Sections 2, 3 and 4 of this By-law, the Chief Fire Official or By-law Enforcement Officer may revoke any or all permits. The Chief Fire Official may refuse to issue permits where, in the opinion of the Chief Fire Official the ability to control the fire is hampered by the existence in or near the proposed burn site of a dangerous condition.

5.6 Permission – Withdraw Permit

The Chief Fire Official or By-law Enforcement Officer may withdraw a permit and/or stop a rural/recreational fire if, in the Chief Fire Official's or By-law Enforcement Officer's opinion, the fire is causing a negative impact on the occupants of adjacent land, smoke produced by the fire is causing visibility concerns on roads in the area of the burn, the weather has deteriorated and has become unfavourable for an open air burn, conditions attached to the granting of permission are not being adhered to or if this By-law is being contravened.

5.7 Order to Extinguish Approved or Unapproved Fires

The Chief Fire Official or By-law Enforcement Officer may order the permit holder, land owner or occupant to immediately extinguish the fire if, in the Chief Fire Official's or By-law Enforcement Officer's opinion, the fire is causing a negative impact on the occupants of adjacent land, smoke produced by the fire is causing visibility concerns on roads in the area of the burn, the weather has deteriorated and has become unfavourable for an open air burn, conditions attached to the granting of permission are not being adhered to or if this By-law is being contravened.

5.8 Order – Permit Holder/Owner/Occupant – Extinguish Approved or Unapproved Fires

The permit holder, land owner or occupant, shall immediately extinguish the fire upon being ordered to do so by the Chief Fire Official or By-law Enforcement Officer.

5.9 Failure to Extinguish Approved or Unapproved Fires – Liable for Costs

Should any permit holder, land owner or occupant fail to extinguish an approved or unapproved fire when ordered to do so, the Chief Fire Official or By-law Enforcement Officer may take action to have the fire extinguished and the person who owns or occupies the land on which the fire is located shall be responsible for any and all costs incurred by the Town of Petawawa Fire Department in its efforts to extinguish the fire.

6.0 ENFORCEMENT AND ENACTMENT

6.1 Regulations – Offence

No person shall fail to comply with the regulations as set out in this By-law.

6.2 Enforcement

This By-law shall be administered and enforced by the Chief Fire Official and/or the By-law Enforcement Officer.

6.3 Contravention – Penalties

Any person who contravenes any provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

6.4 Continuation – Repetition – Prohibition By Order

The Court in which the conviction has been entered, and any Court of competent jurisdiction thereafter, may make an Order prohibiting the continuation or repetition of the offence by the person convicted and such Order shall be in addition to any other penalty imposed on the person convicted.

6.5 Default – Collection of Costs

Any person who fails to comply with the provisions of this By-law or who fails to extinguish a fire once notification to do so has been given to him/her by the Chief Fire Official or By-law Enforcement Officer shall, in addition to any penalty provided for herein, be liable to the Municipality for all expenses reasonably incurred for the purpose of controlling and extinguishing of any fire so set or left to burn. Such expenses may be recovered by court action or in a like manner as municipal taxes.

6.6 Separation

If any Court of competent jurisdiction finds that any of the provisions of this By-law 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 By-law.

6.7 Schedules – Attached

That the following schedules attached hereto, hereby form part of this By-law:

Schedule “A” – Recreational Fire Permit Application;
Schedule “B” – Rural Fire Permit Application;
Schedule “C” – Recreational Fire Permit – Campground Application;
Schedule “D” – Recreational Fire Permit – Special Occasion Application;
Schedule “E” – Recreational Fire Permit – Initial;
Schedule “F” – Recreational Fire Permit – Renewal;
Schedule “G” – Rural Fire Permit;
Schedule “H” – Recreational Fire Permit – Campground – Initial;
Schedule “I” – Recreational Fire Permit – Campground – Renewal; and
Schedule “J” – Recreational Fire Permit – Special Occasion.

6.8 Repeal

That By-law 294/04 be hereby repealed.

That By-law 307/04 be hereby repealed.

6.9 Transitional Rules

After the date of passing this By-law:

- a. The provisions of By-law 294/04 shall continue to apply to permits issued under the authority of By-law 294/04 until their expiry; and
- b. The provisions of By-law 294/04 shall continue to apply to set fines issued under the authority of By-law 294/04 until the fines have been paid or until any enforcement proceedings with respect to the set fines have been concluded.

6.10 Effective Date

This By-law shall come into force and take effect following third reading.

By-law read a first and second time this 16th day of April, 2018.

By-law read a third time and passed this 16th day of April, 2018.



Mayor



Clerk