

**THE MUNICIPAL CORPORATION OF THE TOWNSHIP
OF MCMURRICH/MONTEITH**

BY-LAW #16-2026

**Being a By-law to Regulate and Prescribe for Open Air Fires Within
the Township of McMurrich/Monteith (Open Air Burning By-law)**

WHEREAS pursuant to section 7.1 of the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended, a Council of a municipality may pass by-laws to regulate the setting of open-air fires, including establishing the times during which open air fires may be set;

AND WHEREAS pursuant to section 128 of the *Municipal Act*, 2001, c.25, s. 128 (1), as amended, permits a local municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

AND WHEREAS: pursuant to Part XII, section 391 of the *Municipal Act*, 2001, S.O. 2001, c. 25 without limiting sections 9, 10 and 11, those sections authorize a municipality to impose fees or charges on persons:

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and
- (c) for the use of its property including property under its control. 2006, c. 32, Sched. A, s. 163 (1).

AND WHEREAS: pursuant to Part XIV, section 429, subject to subsection (4), of the *Municipal Act*, 2001, S.O. 2001, c. 25, a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act. 2006, c. 32, Sched. A, s. 184;

AND WHEREAS Section 434.1 (1) of the *Municipal Act*, S.O. 2001, c.25, as amended, a municipality may require a person to pay an administrative penalty for failing to comply with a By-Law of the municipality passed under this Act;

AND WHEREAS: pursuant to Part XIV, section 446, (1) if a municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense. 2006, c. 32, Sched. A, s. 184;

(1) For the purposes of subsection (1), the municipality may enter upon land at any reasonable time. 2006, c. 32, Sched. A, s. 184.

(2) The municipality may recover the costs of doing a matter or thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes. 2006, c. 32, Sched. A, s. 184.

AND WHEREAS the Council of the Municipal Corporation of the Township of McMurrich/Monteith deems it expedient to regulate the setting of open fires, including establishing the times during which open air fires may be set;

NOW THEREFORE the Council of the Municipal Corporation of the Township of McMurrich/Monteith hereby enacts as follows:

PART 1 - DEFINITIONS

In this By-law:

“By-Law Enforcement Officer” means the Township’s By-Law Enforcement Officer and/or his or her designate, and includes any other employee of the Municipality designated by Council to carry out duties specified in this By-law;

“Cooking and Warmth” means a campfire for the purposes of cooking or warmth when no other means are available;

“Chief Fire Official” means the Fire Chief and/or his or her designate;

“Council” means the Council for the Municipal Corporation of the Township of McMurrich/Monteith;

“Designate” means any member of the McMurrich/Monteith Fire Department, Fire Chief, Deputy Fire Chief, Fire Prevention Officer, Captain or Firefighter;

“Dwelling Unit” means a building, structure or suite operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;

“Extinguish” means to completely put out the fire, and the materials be cool to the touch;

“Extreme” (red on fire danger rating) means total fire ban, absolutely no burning of any kind. Fireworks prohibited;

“Fire Ban” means a period of time designated by the Chief Fire Official or their designate, where a total prohibition on all Open-Air Burning is in place. No burning or fireworks allowed at any time;

“Fire Danger Rating” are the four categories (low, moderate, high, extreme) of risk for forest/wildland fires. It is determined using the Fire Weather Index (FWI), an internationally used method for determining the risk of fires in open air. It uses factors such as the relative humidity, temperature, previous 24-hour rain amount, wind directions and wind speed in combination with the forest fuel type and loads;

“Fire Department” means the McMurrich/Monteith Fire Department;

“Fire Prevention and Preparedness Plan” A plan consisting of such thing as; fire education, safe locations for fire pits, construction of fire pits, equipment on site to control/prevent the spread of fires and campground map.

“Fire Site/Pit” means a fire burn area specifically designed for an open air fire for both recreational fires and non-recreational fires;

“Fireworks” means consumer or commercial grade devices that explode or burn to produce visual or sound effects;

“Flying Lanterns” means a small hot air balloon or other device designed to carry an open flame as an airborne light, also known as sky lanterns, Chinese lanterns, wish lanterns, sky candle or fire balloon;

“Hazardous Materials” includes, but is not limited to, materials with properties such as flammability, corrosiveness, inherent toxicity or is hazardous to human health or the environment;

“High” (orange on the fire danger rating) means no daytime burning is allowed except for, a campfire for cooking and warmth where no other means are available. Recreational only and are permitted after 6:00pm and shall be totally extinguished no later 10:00am;

“Moderate” (yellow on fire danger rating) means no daytime burning is allowed except for, a campfire for cooking and warmth where no other means are available. All other fires shall be set after 6:00pm and shall be totally extinguished no later 10:00am;

“Low” (green on fire danger rating) means daytime burning allowed in compliance of this By-law;

“Non-Recreational Open-Air Burning” or **“Non-Recreational Open-Air Burn”** means any open air burning that exceeds the definition of a Recreational Open-air Burn or burning and must not exceed 3.048 meters (10 ft.) in diameter and 1.98 meters (6.5ft.) in height.

“Noxious Material” includes, but is not limited to, petroleum products, tires, plastics, rubber products, drywall, construction waste (except clean wood products), tar, asphalt products, pressure-treated wood, creosote-treated wood, painted wood, and includes Hazardous Materials;

“Open Air Burning” or **“Open Air Burn”** means the burning of any material outside of a building, including but without limiting the generality of the foregoing, wood, cardboard, brush or yard waste, where the flame is not wholly contained and is, thereby, open to the air and includes both Recreational and Non-Recreational Burns;

“Owner” means the registered owner of the land on which open air burning occurs, and includes a trustee acting on behalf of the registered owner, the estate of the registered owner, and a person with a leasehold interest in the land;

“Recreational Open-Air Burning” or **“Recreational Open-Air Burn” (campfire)** means a small, controlled and contained fire for the purpose of cooking, warmth, or personal enjoyment. In an area no larger than two (2) feet (61 cm) contained in a noncombustible ring;

“Municipality” means the Municipal Corporation of the Township of McMurrich/Monteith;

“Yard Waste” includes but is not limited to, grass, leaves, trees, brush trimmings, spent flowers, garden plants, weeds, pine needles, hay, straw, and sawdust.

PART 2 – GENERAL PROHIBITIONS

2.1 No person and/or owner shall set or permit an open-air fire in the Municipality between the hours of 10:00am and 6:00pm from April 1st to October 31st (subject to fire danger rating) except for cooking and warmth as permitted and under Part 3 of this By-law.

2.2 No person and/or owner shall set or permit an open-air fire in the Municipality at any other time except as permitted under Parts 3, 4 and 5 of this By-law.

2.3 No person and/or owner shall set or permit an open-air fire in the Municipality during a Total Fire Ban. Notwithstanding the exceptions set out in Parts 3, 4, and 5 of this By-law, the Chief Fire Official may declare a total ban against open air fires when atmospheric conditions or local circumstances make such fires hazardous. Bans against open air fire shall be advertised through the Municipality website and Facebook page and fire danger rating signs throughout the fire service area.

2.4 No person and/or owner in the Municipality shall set or permit a flying lantern or any other device designed to carry an open flame as an airborne light, also known as sky lanterns, Chinese lanterns, wish lanterns, sky candles or fire balloon.

PART 3 – GENERAL EXEMPTIONS

3.1 Barbeques used to cook shall be exempt from this By-law provided the following conditions are followed:

- a) the barbeques shall be supervised at all times
- b) the barbeques shall be place on non-flammable material; and
- c) the fuel is a commercially produced charcoal, briquette, or a flammable liquid commercially produced for the purpose of cooking, such as natural gas and propane gas.

3.2 Gas-fired Outdoor Devices (ULC or CSA certified) used for warmth or cooking shall be exempt from this By-law, provided such appliance is safe to operate and that it is not operated in such manner as to create a fire hazard and following manufacturers recommendations.

3.3 With written approval from the Chief Fire Official, this By-law shall not apply to fires set, started, or maintained in the course of activities undertaken by or on behalf of the Municipality by an employee or agent of the Municipality.

3.4 The Fire Department shall be exempt from the provisions of this by-law with respect to open-air fires set or permitted for the purpose of educating and training individuals.

3.5 Recreational Open-air burns during the day for the sole purpose of cooking and warmth when no other means are available.

3.6 Any Campground not able to meet the requirements of this bylaw may create and present the Chief Fire Official or Designate a Fire Prevention and Preparedness Plan for open-air burning.

PART 4 – APPROVAL

4.1 Approval under this Part is required for burning during prohibited times.

4.2 Notwithstanding any other provisions of this By-law, the Chief Fire Official may approve any open-air fire subject to the fire being adequately supervised, having an effective extinguishing agent or device of sufficient size and with the capability of extinguishing the fire immediately available, and any special conditions the Chief Fire Official may direct.

4.3 The Chief Fire Official or designate may withdraw permission for and/or stop an open-air burn at any time if, in his or her opinion;

- a) the fire presents a fire hazard; or
- b) smoke produced by the fire is causing visibility concerns on roads in the area of the burn; or
- c) the weather has deteriorated and has become unfavorable for an open-air fire;

or

- d) conditions attached to the granting of permission are not being adhered to; or
- e) this by-law is being contravened.

4.4 Upon the notification of the withdrawal of permission by the Chief Fire Official or designate, the person and/or the owner shall immediately extinguish the fire. If the person and/or the owner fails to immediately extinguish the fire upon such notification, the Chief Fire Official or designate may take action to have the fire extinguished, and the person and/or the owner may be held liable for any and all costs incurred by the Fire Department to extinguish the fire. Where applicable, such costs shall be calculated in accordance with the current fee by-law of the administering Municipality. In addition to the fire department costs, fines can also be laid against the owner or any person setting the fire.

PART 5 – RECREATIONAL OPEN-AIR FIRE (campfires)

5.1 Every person and/or owner, conducting, or permitting a recreational open-air burn shall abide by the Fire Danger Rating as defined.

5.2 Every owner shall ensure that all recreational open air burning on their land complies with this By-law.

5.3 No person setting or permitting a recreational open-air fire shall burn materials other than commercially produced charcoal, briquettes or clean, dry, seasoned wood.

5.4 No person shall set or permit any recreational open-air fire in which any hazardous or noxious materials, kitchen garbage, household waste, construction materials, or materials made of/ or containing rubber, plastics, treated wood or tar are burned.

5.5 Every person setting or permitting a recreational open-air fire shall confine the fire to either an open-air fire device or to a fire pit with a burn area no larger than two (2) feet (61 cm) by two (2) feet (61 cm) x two (2) feet (61 cm) or 8 cubic feet (0.2266 cubic meters) in size.

5.6 No person setting or permitting a recreational open-air fire shall burn wood having a dimension greater than the size of the open-air fire device or burn pit. All such fires shall be totally confined within the open fire device or fire pit or site at all times.

5.7 Every person setting or permitting a recreational open-air fire shall confine the fire to a location that provides for a minimum distance of 4.6 meters (15 feet) from any building or structure, combustible materials, overhead wires, or roadway.

5.8 Every person setting or permitting a recreational open-air fire shall confine the fire pit or site to a location that provides for a minimum distance of 4.6 meters (15 feet) in all directions from adjacent properties.

5.9 Every person setting or permitting a recreational open-air fire shall take all reasonable steps to ensure that adjacent properties and individuals are protected from any fire hazard and are not adversely affected by the products of combustion (size of fire and smoke).

5.10 Every person setting or permitting a recreational open-air fire shall ensure the fire site is attended, controlled, and supervised at all times by a competent person and that the fire is completely extinguished before the fire site is vacated.

5.11 Every person setting or permitting a recreational open-air fire shall have immediately available for use an effective extinguishing agent or device of sufficient size and with the capability of extinguishing the fire.

5.12 Every person setting or permitting a recreational open-air fire shall take any other precautions as may be reasonably necessary to prevent the fire from getting beyond control, causing damage, or becoming a danger to life and/or property. Adequate water, shovels, rakes or any other machinery that can assist in containing a fire, should it get beyond its origin, shall be immediately available.

5.13 No person shall set or permit a recreational open-air fire when the wind speed exceeds 20 kilometers per hour, or at times when a smog alert for any area of the Municipality has been declared by the Ministry of the Environment for Ontario.

5.14 No person shall set or permit a fire in open air if the Chief Fire Official or the Ministry of Natural Resources has declared a Fire ban or Restricted Fire Zone due to atmospheric conditions or local circumstances make such fires hazardous.

5.15 If the Fire Department attends a recreational open-air fire in response to public safety concerns due to fire hazard, whether in response to a complaint or otherwise, the Chief Fire Official or Designate has the discretion to order the fire extinguished and/or brought into compliance with this By-law and this order shall be final. Any person and/or owner setting or permitting such fire shall comply with the order of the Chief Fire Official. If the person and/or the owner fails to comply as directed, the Chief Fire Official may take action to have the fire extinguished or otherwise brought into compliance, and that person and/or the owner may be held liable for any and all costs incurred by the Fire Department to extinguish the fire or bring it into compliance. Where applicable, such costs shall be calculated in accordance with the Fees and Charges By-law. In addition to the fire department costs, fines can also be laid against the owner or any person setting the fire.

6.0 Non-Recreational Open-Air Burning

6.1 No person shall set or permit a non-recreational open-air burn without approval from the fire chief or designate.

6.2 Every person and/or owner, conducting, or permitting a non-recreational open-air burn shall abide by the Fire Danger Rating as defined.

6.3 Every owner shall ensure that all non-recreational open air burning on their land complies with this By-law.

6.4 Every person and/or owner setting, conducting, or permitting a non-recreational open-air burn shall burn only clean, dry seasoned wood or yard waste as defined in the By-law.

6.5 No person and/or owner shall set, conduct, or permit any non-recreational open-air burn in which kitchen garbage, construction materials or materials made of/ or containing rubber, plastic, or tar, hazardous materials, or noxious materials are burned.

6.6 No person and/or owner shall set, conduct, or permit a non-recreational open-air burn if burn pile is greater than 3.048 meters (10 ft.) in diameter and 1.98 meters (6.5ft.) in height.

6.7 Every person and/or owner setting, conducting, or permitting a non-recreational open-air burn shall confine the fire to a location that provides for a minimum distance of fifteen (15) meters (50 ft) from any building or structure, combustible materials, overhead wires, or roadway.

6.8 Every person and/or owner setting or permitting a non-recreational open-air fire shall confine the fire pit or site to a location that provides for a minimum distance of 15.25 meters (50 ft) in all directions from adjacent properties.

6.9 Every person and/or owner setting, conducting, or permitting a non-recreational open-air burn shall take all reasonable steps to ensure that adjacent properties and individuals are protected from any fire hazard and are not adversely affected by the products of combustion (size of fire and smoke).

6.10 Every person and/or owner setting or permitting a non-recreational open-air fire shall ensure the fire site is attended, controlled, and supervised at all times by a competent person and that the fire is completely extinguished before the fire site is vacated.

6.11 Every person and/or owner setting or permitting a non-recreational open-air fire shall have immediately available for use an effective extinguishing agent or device of sufficient size and with the capability of extinguishing the fire.

6.12 Every person and/or owner setting or permitting a non-recreational open-air fire shall take any other precautions as may be reasonably necessary to prevent the fire from getting beyond control, causing damage, or becoming a danger to life and/or property. Adequate water, shovels, rakes or any other machinery that can assist in containing a fire, should it get beyond its origin, shall be immediately available.

6.13 No person and/or owner shall set or permit a non-recreational open-air fire when the wind speed exceeds 20 kilometers per hour, or at times when a smog alert for any area of the Municipality has been declared by the Ministry of the Environment for Ontario.

6.14 No person and/or owner shall set or permit a fire in open air if the Chief Fire Official or the Ministry of Natural Resources has declared a total fire ban due to atmospheric conditions or local circumstances make such fires hazardous.

6.15 If the Fire Department attends at a non-recreational open-air fire to respond to public safety concerns due to fire hazard, whether in response to a complaint or otherwise, the Chief Fire Official or Designate has the discretion to order the fire extinguished and/or brought into compliance with this By-law and this order shall be final. Any person and/or owner setting or permitting such fire shall comply with the order of the Chief Fire Official. If the person and/or the owner fails to comply as directed, the Chief Fire Official may take action to have the fire extinguished or otherwise brought into compliance, and that person and/or the owner may be held liable for any and all costs incurred by the Fire Department to extinguish the fire or bring it into compliance. Where applicable, such costs shall be calculated in accordance with the Fees and Charges By-law. In addition to the fire department costs, fines can also be laid against the owner or any person setting the fire.

PART 7 – RESPONSE TO COMPLAINTS

7.1 The Chief Fire Official, designate, or By-Law Enforcement Officer may give an owner or a person setting or permitting an open-air fire a verbal notice of remedy and require immediate action or other means of remediation, where in the sole discretion of either there is an immediate risk to public health or safety.

7.2 When the Fire Department is dispatched to a fire due to a fire hazard created by an open-air fire, whether upon a complaint or notification of a prohibited open-air fire not

authorized under this By-law or otherwise, the Chief Fire Official or designate can order the owner or person setting or permitting the fire to immediately extinguish the fire.

7.3 Any owner or person setting or permitting an open-air fire shall extinguish the fire when ordered to do so by the Chief Fire Official or designate. If such owner or person fails to immediately extinguish the fire upon such notification, the Chief Fire Official or designate may take action to have the fire extinguished, and the owner and/or the person setting or permitting the fire may be held liable for any and all costs incurred by the Fire Department to extinguish the fire. Where applicable, such costs shall be calculated in accordance with the Fire Fees By-law. In addition to the fire department costs, fines can also be laid against the permit holder, owner or any person setting the fire.

PART 8 – RIGHT OF ENTRY

8.1 The Chief Fire Official, designate or By-Law Enforcement Officer may enter upon lands or into structures at any reasonable time to inspect the land to determine whether an open-air fire is being set or permitted in accordance with this By-law.

8.2 The Chief Fire Official, designate or By-Law Enforcement Officer may enter upon lands or into structures at any reasonable time to inspect barbecues, fire pits/sites, or open-air fire devices that are being used or can be used for open air fire to determine whether such things are in compliance with this By-law.

8.3 The Chief Fire Official, designate or By-Law Enforcement Officer may enter upon lands or into structures at any reasonable time to direct or require that a matter or thing be done, and in default of that matter or thing being done, to do such matter or thing in accordance with this By-law.

8.4 A person exercising a power of entry on behalf of the Municipality under this By-law may be accompanied by any person under his or her direction.

8.5 A person exercising a power of entry on behalf of the Municipality under this By-law must, on request, display or produce proper identification.

PART 9 - REMEDIATION

9.1 The Chief Fire Official, designate, or By-law Enforcement Officer is authorized to order any person to extinguish any fire or to cause such a fire to be extinguished when there is a breach of any of the provisions of this By-law or where, in his or her sole discretion, there is a danger of such fire spreading or otherwise endangering life or property and the owner or person setting the fire shall comply with any such order.

9.2 Where an owner is in default of doing any matter or thing directed or required to be done under this By-law, The Chief Fire Official, designate or By-law Enforcement Officer may direct such matter or thing to be done at the owner's expense.

9.3 The Municipality may recover the remedial action costs incurred by action, or by adding them to the tax roll and collecting them in the same manner as taxes in accordance with section 446 of the *Municipal Act*.

9.4 Prior to recovering remedial costs under section 8.3, the Municipality may invoice owners requesting voluntary payment of those remedial costs.

PART 10 – OFFENCES AND PENALTIES

10.1 Every person and/or owner who contravenes any of the provisions of this By-law is guilty of an offence and is subject to the set fines and/or administrative monetary penalties.

Every person who violates any provision of this By-law or causes or permits a violation shall be guilty of an offence and may be subject to fees under the Administrative Monetary Penalties By-law and/or fined as per the current Fees and Charges By-law.

10.2 Every person and/or owner who is convicted of an offence under this By-law shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) for each offence.

Such fines shall be recoverable under the Provincial Offences Act, R.S.O. 1990, c. P.22, as amended.

10.3 The provisions of this By-law may be enforced pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33 as amended, and where any provision of this By-law is contravened and a conviction entered, in addition to any other remedy and to any other penalty the person convicted may also be prohibited from continuing or repeating the offence in accordance with the provisions of section 442 of the Municipal Act.

PART 11 – OBSTRUCTION

11.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-law.

11.2 Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Chief Fire Official, designate or By-Law Enforcement Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Chief Fire Official, designate or By-Law Enforcement Officer in the execution of his/her duties.

PART 12 – MUNICIPALITY NOT LIABLE

12.1 The Municipality assumes no liability for property damage or personal injury resulting from remedial action or remedial work undertaken with respect to any person or property that is subject of this By-law.

PART 13 – VALIDITY AND SEVERABILITY

13.1 Should any section, subsection, clause, paragraph, or provision of this bylaw be declared by a Court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of the enforceability of any other provision of this By-law, or of the By-law as a whole.

PART 14 – SEPARATE OFFENCE

14.1 For the purpose of this by-law, each event, complaint, or call shall be deemed to be a separate offence.

PART 15 – SHORT TITLE

15.1 The short title of this by-law is the "Open Air Burning By-law".


PART 16 - REPEALED

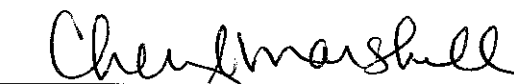
16.1 By-law #08-2023 is hereby repealed.

PART 17 - FORCE AND EFFECT

17.1 This By-law comes into effect on the date of its passing.

Read in its entirety, approved, signed and the seal of the Corporation affixed thereto and finally passed in open Council this 17th day of March, 2026.


Glynn Robinson, Mayor


Cheryl Marshall, Clerk