

# THE CORPORATION OF THE VILLAGE OF CASSELMAN

## BY-LAW NUMBER: 2009-279

**BEING A BY-LAW** of the Corporation of the Village of Casselman respecting the setting of open air fires and the use of cooking devices and to repeal by-law 2007-211.

**WHEREAS** *section 7.1 (1) of the Fire Prevention and Protection Act, 1997 as amended* provides that a council of a municipality may pass by-laws regulating fire prevention, including the spreading of fires and for regulating the setting of open air fires, including establishing the times during which open air fires may be set, (2009-279);

**AND WHEREAS** the Fire Department of the Village of Casselman is being proactive in the prevention of accidental fires within its boundaries;

**AND WHEREAS** the Corporation of the Village of Casselman deems it desirable to do so.

**NOW THEREFORE** the Council of the Corporation of the Village of Casselman **ENACTS** as follows:

### 1. DEFINITIONS:

1.1 In this by-law:

1.1.1. "**Village**" shall mean the Village of Casselman.

1.1.2. "**Owner**" shall mean the registered owner of the land and include a lessee, a mortgagee in possession and the person in charge of the property.

1.1.3. "**Corporation**" shall mean The Corporation of the Village of Casselman.

1.1.4. "**Event**" shall mean one day.

1.1.5. "**Municipal Law Enforcement Officer**" shall mean the Municipal Law Enforcement Officer appointed by the Council of The Corporation of the Village of Casselman.

- 1.1.6. **"Permit Holder"** shall mean the person to whom a permit was issued.
- 1.1.7. **"Fire Chief"** shall mean the Chief of the Fire Department of the Village of Casselman, or his or her authorized subordinates or assistants.
- 1.1.8. **"Fire Department"** shall mean the Fire Department for The Corporation of the Village of Casselman.
- 1.1.9. **"Balcony"** shall mean a platform at least 8 feet from grade and projecting from the wall of a multi family residential building. (2009-279)
- 1.1.10. **"Cooking device"** means a non combustible device designed for and used for the cooking of food and fueled by charcoal, natural gas, propane or wood;

## 2. GENERAL REQUIREMENTS:

- 2.1 No person shall, unless otherwise authorized by the provisions of this or any other by-law of the Corporation, set, or permit to be set, a fire in the open air without first obtaining a fire permit as provided in this by-law.
- 2.2 No person shall set, or permit to be set, a fire in the open air one half hour before sunset and after 11 O'clock (11 :00 P.M.).
- 2.3 No person shall set, or permit to be set, a fire in the open air for burning grass or garbage.
- 2.4 To obtain a permit the owner shall file an application in writing by completing a prescribed form as described in Schedule "B" of this by-law and include the fees as indicated in Schedule "A" of this by-law.
- 2.5 The permit may, at the discretion of the Fire Chief, designate any further terms or conditions deemed necessary.
- 2.6 Fire in outdoor fireplaces:

No person shall set a fire in an outdoor fireplace unless he or she ensures that all the following conditions are met:

- (a) The outdoor fireplace:  
(i) is approved for such use;  
(ii) is not located on a balcony;

- (iii) is not located on any combustible surface;
  - (iv) is in good working order; and
  - (v) is located at least 3 metres from any structure and property lines;
- (b) Except for certified natural gas or propane fueled outdoor fireplaces, all openings in an outdoor fireplace shall be completely covered by metal wire mesh with grid openings no larger than ½ inch;
  - (c) The fire shall be confined to the outdoor fireplace;
  - (d) Except for certified natural gas or propane fueled outdoor fireplaces, a person shall only burn clean dry wood or charcoal in an outdoor fireplace;
  - (e) Flammable liquids shall never be used to start a fire in an outdoor fireplace;
  - (f) A means of extinguishment such as a garden hose or fire extinguisher must be within close distance to an outdoor fireplace when in use and;
  - (g) Burning in an outdoor fireplace shall not take place when winds are present or when weather conditions cause smoke to remain low. At no time must a person allow smoke to disturb the neighbours. If such a condition occurs or if the Fire Department receives a complaint, the person must immediately extinguish the fire.
- 2.6.1 A fire permit is not required to set fire in an outdoor fireplace.
- 2.6.2 An outdoor fireplace cannot be used when a fire ban has been declared by the Fire Chief.
- 2.7 No fire permit shall be issued for any period of time exceeding thirty (30) days or one event.
- 2.8 No open air fires are allowed after 11:00 P.M.
- 2.9 No permit shall be issued during a fire ban as designated by the Fire Chief.
- 2.10 Despite any other provisions of this by-law, if upon inspection of a fire, the Fire Chief considers that the fire is a danger to the health

or safety of any person or property, the Fire Chief shall cancel or suspend the fire permit and order the fire extinguished.

- 2.11 No person shall burn petroleum products, plastics, rubber or any other material that will cause excessive smoke or noxious fumes.
- 2.12 The area of burning must be restricted in order to enable the permit holder to extinguish the fire immediately if necessary due to a change in weather or other conditions or if so ordered by the Fire Chief.
- 2.13 No person shall be deemed to have been issued a permit until the Fire Chief has issued the permit. An application for a permit does not constitute a permit.
- 2.14 No person shall give false or incorrect information for the purposes of obtaining a fire permit.
- 2.15 No open air fires are to be set at less than three (3) meters of any lot line or structure.
- 2.16 No person shall obstruct, hinder or interfere with the Municipal Law Enforcement Officer or the Fire Chief in the lawful performance of their duties.
- 2.17 No permit holder shall:
- 2.17.1. Fail or refuse to produce the permit upon demand.
  - 2.17.2. Burn any material other than those for which the permit was issued.
  - 2.17.3. Fail to supervise the fire continuously from ignition until it is completely extinguished.
  - 2.17.4. Refuse to extinguish the fire when ordered to do so by the Fire Chief.
  - 2.17.5. Fail to comply with any conditions on the Fire Permit.
- 2.18 Fire in a cooking device
- No person shall set or maintain a fire in a cooking device unless he or she ensures that the following conditions are met:
- (a) The cooking device:
    - i) is not located on a balcony;

- ii) is located at least 1 metre from any structure or as specified by the manufacturer if the required clearance is more than 1 metre;
  - iii) is in good working order; and
  - iv) is attended by a person competent to supervise it;
- (b) The fire in the cooking device is no larger than reasonably necessary to cook the food;
  - (c) The fire is contained within the cooking device; and
  - (d) The person burns only charcoal, compressed gas or wood in the cooking device, as is appropriate for that cooking device.

2.18.1 Notwithstanding section 2.18(a) (i), natural gas and electric cooking devices shall be permitted on balconies of residential occupancies.

2.18.2 When natural gas cooking devices are to be installed on balconies, the installation has to be inspected and approved by a TSSA registered heating contractor. A copy of the inspection report has to be provided to the Fire Chief before the cooking device can be operated.

2.18.3 Cooking devices shall under no circumstances be operated inside a building or enclosure.

### **3. ADMINISTRATION AND ENFORCEMENT:**

- 3.1 The Municipal Law Enforcement Officer or the Fire Chief shall enforce the provisions of this By-law.
- 3.2 The Municipal Law Enforcement Officer is hereby authorized to:
  - 3.2.1. Undertake any technical investigation or inspection for the purposes of administering this by-law.
- 3.3 The Municipal Law Enforcement Officer or Fire Chief may:
  - 3.3.1. Demand the fire permit for inspection from any permit holder.
  - 3.3.2. Inspect any premises for which a fire permit has been issued.
  - 3.3.3. Enter at all reasonable times upon any property in order to ascertain whether the provisions of this by-law are obeyed and to enforce or carry on any provisions of by this by-law.

**4. PENALTIES:**

- 4.1 If any person or permit holder contravenes any provisions of this by-law, the Fire Department may enter upon any lands to extinguish the fire and the cost of extinguishing the fire, as identified in Schedule A, shall be at the expense of the owner.
- 4.2 When the Municipal Law Enforcement Officer or Fire Department causes the work to be done pursuant to Section 4.1, the Corporation shall have a lien for the amount of \$1,000.00 and an administrative fee of ten (10%) percent and such total amounts together with the administrative fee shall be added to the collector's roll of taxes and shall be subject to the same penalty and interest charges as real property taxes and shall be collected in a like manner and with the same remedies as real property taxes.
- 4.3 Before the certificate of the clerk of the Corporation is issued under subsection 4.2, an interim certificate shall be delivered to the owner of the property that is subject to the lien, as well to all prior mortgagees or other encumbrances and the affected owner, mortgagees or other encumbrances shall have two (2) weeks from the date of receipt of the interim certificate to appeal the amount shown thereon to the Council of the Corporation.
- 4.4 Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction thereof shall forfeit, and pay a penalty for each such offence and every such penalty shall be recoverable under the Provincial Offences Act, R.S.O. 1990, Chapter P.33 and amendments thereto.
- 4.5 When a person has been convicted of an offence under this by-law, the County Court of the County of Prescott-Russell, or any court of competent jurisdiction thereafter, may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation of repetition of the offence.

**5. SEVERABILITY:**

- 5.1 If a court of competent jurisdiction should declare any paragraph or part of a paragraph of this by-law to be invalid or ultra vires such a paragraph or part of a paragraph shall not be construed as having persuaded or influence Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in force.

5.2 This by-law is not to be construed at any time in such a fashion as to hold the Corporation or its officers liable for failing to ensure that persons comply with the provisions of this by-law.

6. **REPEAL:**

6.1 By-laws number 77-25, 96-641 and 2007-211 are hereby repealed.

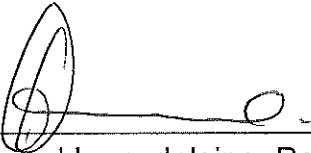
7. **DATE OF EFFECT:**

7.1 This by-law shall come into full and effect on the date of passing thereof.

8. **SHORT TITLE:**

8.1 This by-law may be cited as the *"Fire Prevention and Fire Safety By-law"*.

9. **DONE AND PASSED** in open Council this 13<sup>th</sup> day of October, 2009.



---

Conrad Lamadeleine, Reeve



---

Gilles Lortie, A.M.C.T.  
Clerk

I, Gilles Lortie, Clerk of The Corporation of the Village of Casselman, does hereby certify that this document is a true certified copy of by-law number 2009-279, passed in open Council on October 13, 2009.

---

Gilles Lortie, AM.C.T.  
Municipal Clerk

**SCHEDULE "A" TO BY-LAW 2009-279**

1. **FIRE PERMIT FEES:**

- 1.1 Permits issued for fires set per event \$20.00
- 1.2 Outdoor Backyard Fire Place No charge

2. **FIRE DEPARTMENT FEE:**

- 2.1 Call for service \$1,000.00