THE CORPORATION OF THE TOWNSHIP OF CARLING

BY-LAW 2026- 15

BEING A BY-LAW TO PRESCRIBE TIMES FOR SETTING FIRES, PRECAUTIONS TO BE TAKEN WHILE BURNING AND ISSUANCE OF PERMITS FOR BURNING WITHIN THE TOWNSHIP OF CARLING

WHEREAS Section 7.1 of the Fire Protection and Prevention Act, provides that the council of a municipality may pass By-laws regulating fire prevention, including the prevention of the spreading of fires and the setting of open air fires, including establishing the times during which they may be set;

AND WHEREAS the Forest Fires Prevention Act and O. Reg 207/96, as amended, provide rules for outdoor burning within the Fire Regions;

AND WHEREAS the *Municipal Act, S.O., 2001,* grants municipalities the authority to impose fees or charges on a person;

(a) For services or activities provided or done by or on behalf of the municipality; and,

(b) For costs payable by the municipality for services or activities provided or done by or on behalf of any other municipality or any local board;

AND WHEREAS *Section 425 of the Municipal Act, S.O., 2001*, provides that any Person who contravenes any By-law of the municipality is guilty of an offence;

NOW THEREFORE Council for the Corporation of the Township of Carling enacts as a By-law of the Corporation as follows:

1.0 DEFINITIONS

For the purpose of this By-law the following definitions shall apply:

"Appliance" means equipment or a device specifically designed and constructed to provide for and contain the burning of combustible materials, including gases and liquefied gases;

"Campfire" means a small outdoor fire for cooking, warmth or recreation and is less than 1 metre in height and 1 metre in diameter;

"Campsite" means an area of land within a tent and trailer park or commercial camp ground which is designed to accommodate the placement of tents, travel trailers, motor coaches or truck campers for the temporary quarters of the travelling or vacationing public;

"Extinguish" means to put out or quench any open air fire completely so that no smoke, hot or glowing embers are to remain;

"Fire Chief" means the person appointed by Council to as Fire Chief for the Township of Carling, as defined in the Fire Protection and Prevention Act, 1997, or a person designated by the Fire Chief.

"Fire Department" means the Carling Fire Department;

"Fire Hazard Rating" means one of the following ratings established from time to time by the Fire Chief and communicated publicly by the Township to indicate the risk of forest fires based on changing conditions: LOW, MODERATE, HIGH, EXTREME and RFZ (Restricted Fire Zone)

"Fire Permit" means a permit issued by the Municipality pursuant to this By-law;

"Incinerator" means an appliance that conforms with Subsection 6.2.6 of the Ontario Building Code (ant. Reg. 332/12) and Div. B, Subsection 2.6.3 of the Ontario Fire Code (Ont. Reg. 213/07 as amended)

"Municipality" means the Corporation of the Township of Carling;

"Officer" means a By-law Enforcement Officer, Chief Fire Official, or any other person appointed to enforce the provisions of this By-law.

"Permittee" means a person who is at least eighteen (18) years of age and who has been issued a Fire Permit by the Municipality;

"Person" or any expression referring to a person, means an individual, sole proprietorship, partnership, limited partnership, trust, corporate body, organization, charity and/or an individual in his or her capacity as a trustee, executor, administrator, or other legal representative;

"Restricted Fire Zone (RFZ)" means a geographical area within the Municipality within which no burning is permitted.

2. REGULATION OF OPEN AIR FIRES

2.1 No Person shall start or maintain an Open Air Fire without a permit unless it conforms in size and use of a Campfire, as defined in section 1.0.

2.2 No Person shall start or maintain an Open Air Fire unless conditions will allow the fire to burn safely from start to extinguishment.

2.3 No Person who starts an Open Air Fire shall leave the fire unattended. For the purpose of this section unattended also means to leave the fire in the care of a person who is under the age of eighteen (18) years.

2.4 Every Person who starts or maintains an Open Air Fire shall take all necessary steps to tend to the fire, keep the fire under control, and extinguish the fire before leaving the area of the Open Air Fire.

2.5 No Person shall start or maintain an Open Air Fire except on land that Person legally occupies or has the permission of the Person who has lawful occupation of the land on which the fire is started.

2.6 No Person shall use as fuel for an Open Air Fire any substance, including but not limited to any kitchen waste, general garbage, pressure-treated wood products, construction materials (excluding dry wood or discarded wood by-products) or materials made of or containing rubber, plastic, petroleum, synthetics, or tar, other than dry wood, discarded wood by-products.

2.7 No Person shall start or maintain any Open Air Fire such that it may or does cause any of the following:

2.7.1 a decrease in visibility on any highway;

2.7.2 adversely affect an adjacent property by the products of combustion due to the size of fire and smoke;

2.7.3 the ignition of and/or spread of fire through grass, brush, forested area or other property that was not intended to be burned;

2.7.4 the contravention of any applicable municipal law, provincial or federal legislation, regulation, order or By-law.

2.8 No Person shall:

2.8.1 start or maintain any Open Air Fire during a Fire Ban.

2.8.2 start or maintain any Open Air Fire during a period of Extreme Fire Hazard.

2.8.3 start or maintain any Open Air Fire during a period of High Fire Hazard, other than a Campfire as defined in Section 1.0 of this by-law.

2.9 No Person shall start or maintain an Open Air Fire within two (2) metres of any flammable materials including any flammable materials intended to be stored and used as fuel for said Open Air Fire.

2.10 No Person shall start, tend or maintain an Open Air Fire unless such Person has adequate tools or water readily accessible to contain the fire within the fire site.

2.11 No person shall burn wood, brush, leaves or discarded wood by-products in an incinerator unless:

2.11.1 the incinerator is an enclosed devise constructed entirely of non-combustible material;

2.11.2 the incinerator is at least five metres from any forest or woodland;

2.11.3 the incinerator is at least two metres from any flammable materials;

2.11.4 the outlet of the incinerator is covered with a screen having a mesh size of not more than five millimetres;

2.11.5 the person who starts the fire in the incinerator ensures that a responsible person monitors the fire until it is extinguished; and,

2.11.6 the person monitoring the fire has access to an operable phone.

2.12 No person shall have more than one Campfire on a property unless that property is a commercial campground or resort, in which case no person shall have more than one Campfire per Campsite or Rental Unit.

3 FIRE PERMITS

3.1 No person shall start a fire outdoors for any purpose other than for cooking or obtaining warmth except under the authority of a Fire Permit issued pursuant to this by-law. Upon application, the Municipal Fire Chief or designate may issue a Fire Permit. A Fire Permit may be canceled or suspended at any time by the Municipal Fire Chief or designate and immediately upon receiving notice of such cancellation or suspension the Permittee, or in the absence of the Permittee, the person tending the fire, shall extinguish any fire started under the Fire Permit.

3.2 No person shall start a fire outdoors for the purpose of burning piled wood, brush, leaves or discarded wood by-products unless:

3.2.1 a responsible person is available to tend the fire until it is extinguished;

3.2.2 the material is burned in a single pile that is less than two metres in diameter and less than two metres high;

3.2.3 the fire is started two hours before sunset or later, and is extinguished no later than two hours after sunrise the following day;

3.2.4 the fire is located at least three metres from any flammable materials; and

3.2.5 the person tending the fire has tools or water adequate to contain the fire within the fire site; and,

3.2.6 the person has access to an operable phone when burning.

3.1 No person shall start a fire outdoors for the purpose of burning grass or leaf litter

4 REGULATION OF OUTDOOR FIRES IN RESTRICTED FIRE ZONES AND EXTREME FIRE DANGER RATING

4.1 No person shall start a fire outdoors in a Restricted Fire Zone or EXTREME Fire Danger Rating unless:

4.1.1 the fire is in a portable stove or appliance; and,

4.1.2 it is at least one metre from any naturally occurring flammable material, and the flame in the stove can be extinguished by a fuel control valve or by closing the stove.

5 SPECIAL APPROVALS

5.1 Notwithstanding the provisions of this by-law, the Municipal Fire Chief or designate may approve an outdoor fire and issue a Fire Permit therefore subject to such terms and conditions as the Municipal Fire Chief or designate deems appropriate.

6 PENALTIES AND LIABILITY FOR EXPENSES

6.1 Administrative Monetary Penalties

6.11 Every person who contravenes any provision of this By-law is liable to the fines and administrative fees set out under the AMPS By-law, as amended, or its successor by-law, and each day shall constitute a new and separate offence.

6.12 Every person who is in contravention of the provisions of this By-law may request a review of the matter in accordance with the AMPS By-law, as amended, or its successor by-law.

6.2 Any costs and expenses for services provided by or on behalf of the Municipality, or for which the Municipality is liable for in endeavoring to control or extinguish any fire caused by or resulting from a person contravening or failing to comply with any provision of this by-law shall be a service charge pursuant to Section 391 of the *Municipal Act*, S.O., 2001, and shall constitute a debt of such person to the Municipality.

6.3 Service charges pursuant to this by-law shall applied in conformance to the Township Fee Schedule By-law.

6.4 The service charges identified in this section will be applied when Fire Department vehicles are deployed as a result of a contravention of or failure to comply with one or more provisions of this by-law, regardless of whether the vehicles are utilized to control or extinguish a fire.

7.0 ENFORCEMENT

7.1 The provisions of this By-law may be enforced by a By-law Enforcement Officer or Fire Chief or their designate.

7.2 A By-law Enforcement Officer or Fire Chief or their designate may enter on land at any reasonable time to inspect the land and to determine whether there is compliance with this By- law.

7.3 For the purposes of conducting an inspection pursuant to this By-law, a By-law Enforcement Officer or Fire Chief or their designate may require the production for inspection of documents or things relevant to the inspection.

8.0 ADMINISTRATION

8.1 The Municipal Fire Chief has responsibility for the administration of this By-law and may delegate responsibility to any Carling Fire Department Firefighter or Municipal Employee.

8.2 This by-law applies to the entire geographic area of the Municipality.

8.3 This by-law shall come into effect on the date of passage.

9 **REPEALS**

9.1 By-law 2017-45 is hereby repealed.

READ and **FINALLY PASSED** in **OPEN COUNCIL** this **12** day of **May, 2026.**

THE CORPORATION OF THE TOWNSHIP OF CARLING

Susan Murphy, Mayor

Kevin McLlwain, CAO/Clerk