



**THE CORPORATION OF THE TOWNSHIP OF AUGUSTA
BY-LAW NUMBER 3583-2022**

**A BY-LAW TO PRESCRIBE THE PRECAUTIONS AND CONDITIONS UNDER WHICH
FIRES MAY BE SET IN OPEN AIR**

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

AND WHEREAS Section 7.1(3) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended, provides that a By-Law under this section may deal with different areas of the municipality differently;

AND WHEREAS Section 7.1(4) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended, provides that a municipality may appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether By-Laws enacted in accordance with Section 7.1 are being complied with;

AND WHEREAS Section 19(2) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, provides an inspector may, without a warrant, enter and inspect land and premises for the purposes of assessing fire safety;

AND WHEREAS Article 2.4.4.4. of the Ontario Fire Code O. Reg. 213/07, as amended, provides that open-air burning shall not be permitted unless approved, or unless such burning consists of a small confined fire supervised at all times, and used to cook food on a grill, barbeque or spit, or such burning takes place in an appliance that is in conformance with the Technical Standards and Safety Act, 2000, S.O. 2000, c.16, is for outdoor use, and is assembled and/or installed in accordance with the manufacturer's instructions;

AND WHEREAS Section 11(2)6 and 8 of the Municipal Act, 2001 S.C. allows for municipalities to pass By-Laws respecting matter pertaining to Health, safety and well-being of persons and the Protection of persons and property;

AND WHEREAS Section 128 of the Municipal Act, 2001, S.O. 2001, c. 25, provides that a municipality may pass By-Laws to prohibit and regulate public nuisances including matters that, in the opinion of Council, are or could become or cause public nuisance;

AND WHEREAS Section 391 of the Municipal Act, 2001, S.O. 2001, c. 25, provides that a municipality and a local board may pass By-Laws imposing fees or charges for services or activities provided or done by or on behalf of it, or for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board;

AND WHEREAS section 425 of the Municipal Act, 2001, S.O. 2001, c.25, provides for a municipality to pass By-Laws providing that a person who contravenes a By-Law of the municipality passed under the Act is guilty of an offence;

AND WHEREAS section 426 of the Municipal Act, S.O. 2001, c.25 provides that no person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this Act or under a By-Law passed under this Act;

AND WHEREAS section 429 of the Municipal Act, S.O. 2001, c.25 provides for a municipality to establish a system of fines for offences under a By-Law of the municipality passed under this Act;

AND WHEREAS section 444 of the Municipal Act, 2001, provides that a municipality may make an order to require a Person to discontinue contravening a By-Law and to do the work required to correct the contravention;

AND WHEREAS Section 445 of the Municipal Act, 2001, provides that if a municipality is satisfied that a contravention of a By-Law of the municipality passed under the Municipal Act has occurred, the municipality may make an order requiring the person who contravened the By-Law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention;

NOW THEREFORE the Council of the Corporation of the Township of Augusta enacts as follows:

1. DEFINITIONS

1.1. "Adverse Effect" means one or more of:

- 1.1.a.** damage to property
- 1.1.b.** an adverse effect on the health of any person,
- 1.1.c.** impairment of the safety of any person, or
- 1.1.d.** loss of enjoyment of normal use of property

1.2. "Agricultural Fire" means an open-air fire that is set and maintained solely for the purpose of disposing wood, tree limbs, yard waste and branches as part of normal farm practices for clearing agricultural land where the material to be burned does not exceed 125 cubic meters (4414.3 cubic feet)

1.3. "Barbecue" means a portable or fixed device designed and intended solely for the cooking of food in the open air, but does not include outdoor fireplaces, campfires or any other open-air burn.

1.4. "Building" means any structure used or intended for supporting or sheltering any use or occupancy.

1.5. "Brush Pile Fire" means an open-air fire that is set and maintained solely for the purposes of disposing of wood, tree limbs, yard waste, and branches; where the material to be burned does not exceed 3 meters (10 feet) in Length or Width and 1.5 meters (5 feet) in height

1.6. "Burn Drum" means an open-air fire that is set and maintained for the purpose of disposing of wood, tree limbs, branches, yard waste and non-compostable material limited to paper, cardboard and sisal twine; It shall be a steel container the approximate size of a regular 45" gallon drum where the only open side is facing up and that open side is covered with a steel mesh screen with openings of not more than 7 mm (1/4 inch).

1.7. "Campfire" means an open-air fire that is set and maintained using only wood, solely for the purpose of cooking food, providing warmth and recreational enjoyment; and the material to be burned does not exceeds 0.9 meters (3 feet) in Height, Length or Width

1.8. "Campground" means an area of land owned and operated by a person that contains campsites for the purpose of overnight accommodations for tents, trailers, or motorhomes in exchange for monetary payment.

1.9. "Chief Fire Official" means the Chief or Deputy Chief of Fire Services of the Municipality or authorized designates.

1.10. "Competent" means properly or sufficiently qualified or capable.

- 1.11. “Dangerous condition”** means any condition as determined by an Officer that could increase the risk of the spread of a fire or could create an adverse effect.
- 1.12. “Discharge”** means to light, fire or set off fireworks.
- 1.13. “Farm”** means a farm as defined in Division A Part 1 paragraph 1.3.1.1.(1) of the *Ontario Fire Code*.
- 1.14. “Fire Ban”** means a period during which the Chief Fire Official declares a partial or total ban on open-air fires and fireworks.
- 1.15. “Fireworks”** means a pyrotechnic device producing quantities or effects of light, sound and or smoke by the combustion of explosive and or flammable composition and includes but not limited to devices commonly known as fireworks, fireworks showers, fountains, golden rain, lawn lights, pin wheels roman candles, sparklers, volcanoes, mines, and firecrackers.
- 1.16. “FPPA”** means the *Fire Protection and Prevention Act*, 1997, as amended, and the regulations enacted thereunder as amended from time to time, or any Act or Regulation enacted in substitution, therefore.
- 1.17. “Household Waste”** means combustible material such as plastics, polyethylene terephthalate, paints, oils, solvents, rubber, insulation, batteries, acids, polystyrenes (Styrofoam), pressure treated or painted lumber, tires, upholstered furniture, synthetic fabrics, diapers and hazardous waste as defined in the *Environmental Protection Act* and all other similar and like materials but shall not include untreated wood and wood fiber products such as non-laminated paper and cardboard and boxboard, sisal twine, brush, tree branches / limbs and leaves.
- 1.18. “Highway”** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.
- 1.19. “Incinerator”** means an open-air fire set and maintained in a closed container that does not exceed 1.5m (4.92ft) in Length, Width or Height. There may be one door for access on one side that securely latches closed while burning is taking place and has a chimney with a screen with openings of not more than 7 mm (1/4 inch) where the open-air fire is set and maintained for the purposes of disposing of wood, tree limbs, branches, yard waste and non-compostable material limited to paper, cardboard and sisal twine.
- 1.20. “Maintain”** means to allow an open-air fire to continue to burn and “maintained” and “maintaining” have a corresponding meaning.
- 1.21. “Material to be burned”** means the total volume of the materials contained in the open-air fire.
- 1.22. “Municipality”** means the Corporation of the Township of Augusta or the geographic area of Augusta Township as the context requires.
- 1.23. “Normal Farm Practice”** means a practice that,
- 1.23.a.** is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances, and;
 - 1.23.b.** makes use of innovative technology in a manner consistent with proper advanced farm management practices.

- 1.24. **“Officer”** means the Fire Chief or Deputy Fire Chief of Fire Services of the Municipality or authorized designates and includes the By-Law Enforcement Officer for the Township of Augusta as appointed by Council, Police Officer, any other person or company directed by the Chief Fire Official to enforce parts of this By-Law.
- 1.25. **“Open-Air Fire”** means the burning of material such as untreated wood and wood fiber products like non-laminated paper and cardboard and boxboard, sisal twine, brush, tree branches / limbs and yard waste where the flame is not wholly contained and includes campfires, brush pile fires, burn drums, incinerator, agricultural fires, and outdoor fireplaces, but does not include barbecues.
- 1.26. **“Outdoor Fireplace”** means an open-air fire that is set and maintained using only wood, in a manufactured, non-combustible, enclosed container designed to hold a small fire for decorative purposes and the size of which does not exceed 1m (3.28ft) in any direction and includes, but is not limited, to a chiminea.
- 1.27. **“Owner”** means the registered owner of the land.
- 1.28. **“Person”** means any individual, association, firm, partnership, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law and includes an Owner.
- 1.29. **“Prohibited Materials”** includes household waste, rubber or rubber products, plastic or plastic products, and waste petroleum products and any material or materials which are prohibited by the *Environmental Protection Act*, as amended.
- 1.30. **“Set”** means to light an open-air fire and “setting” has a corresponding meaning.
- 1.31. **“Special Events Fire”** means an open-air fire that does not meet the definition of any of the other types of fires/permits set out in this By-Law.

2. INTERPRETATION

- 2.1. In this By-Law, a word interpreted in the singular number has a corresponding meaning when used in the plural.
- 2.2. This By-Law includes the Schedules attached hereto and the Schedules are hereby declared to form part of this By-Law.
- 2.3. In this By-Law, the word “meter” shall be represented by the abbreviation “m”, and the word “millimeter” shall be represented by the abbreviation “mm”, and the words “foot” or “feet” shall be represented by the abbreviation “ft”.

3. GENERAL CONDITIONS FOR OPEN-AIR FIRES

- 3.1. No person shall set or maintain an open-air fire without first having obtained the necessary permit in such a fashion as approved by the Chief Fire Official.
- 3.2. No person shall set or maintain an open-air fire or discharge fireworks on any municipally owned or operated property unless approved by the Chief Fire Official.
- 3.3. No person shall set or maintain an open-air fire or discharge fireworks when a fire ban has been issued by the Chief Fire Official.
- 3.4. No person shall set or maintain an open-air fire that contains prohibited materials.
- 3.5. No person shall set an open-air fire that is a windrow.
- 3.6. No person shall set or maintain an open-air fire when the wind is in such a direction or intensity to cause any or all of the following;
- 3.6.a. the possible spread of the fire beyond the open-air fire site or;
- 3.6.b. a decrease in visibility on any highway due to smoke;
- 3.6.c. to cause a medical emergency to any person due to smoke.

- 3.7. Except for agricultural open-air fires, no person shall set or maintain more than one open-air fire at any time.
- 3.8. No person shall set or maintain an open-air fire unless they are equipped with sufficient persons, equipment, and tools to control and/or extinguish the fire and must have a phone to immediately contact 9-1-1 in case of emergency.
- 3.9. Except for agricultural open-air fires, the owner shall ensure that only competent persons over the age of eighteen (18) set and maintain watch of the open-air fire at all times, until the fire is totally extinguished.
- 3.10. No owner shall undertake to set or maintain any open-air fire except in accordance with the conditions of the permit.
- 3.11. The owner shall always comply with the *FPPA*, and with all other applicable municipal By-Laws and Provincial and Federal laws.
- 3.12. A permit issued under this By-Law is valid on the date of issue and for the balance of the calendar year in which the permit is issued unless revoked.
- 3.13. The holder of an un-revoked permit issued under this By-Law may set or maintain an open-air fire and shall comply with the following requirements and conditions:
 - 3.13.a. calls the Township's open burning hotline to verify if a burn ban has been declared prior to setting an open-air fire, campgrounds must call daily;
 - 3.13.b. produces his or her permit upon being so directed by an Officer ;
 - 3.13.c. immediately extinguishes the fire upon being so ordered by an Officer and;
 - 3.13.d. follows this By-Law in its entirety.
- 3.14. The Chief Fire Official may attach such additional conditions to a permit as he or she deems necessary to ensure public safety and every permit holder shall comply with such conditions.
- 3.15. A permit for an open-air fire is not transferable to another person, owner or to a new location.

4. APPLICATION FOR AN OPEN-AIR FIRE PERMIT

- 4.1. Any owner eighteen (18) years of age or older may apply for an open-air fire permit to the Municipality prior to the proposed date of the first open-air fire.
- 4.2. The permit shall include;
 - 4.2.a. the name, address, and phone number of the owner;
 - 4.2.b. the municipal address of the location of the proposed open-air fire if it differs from the address of the applicant. A farm may offer multiple locations to reflect their agricultural property and;
 - 4.2.c. the applicable open-air fire permit fee in accordance with Schedule "A".
- 4.3. The Municipality shall not issue a permit if;
 - 4.3.a. the permit is incomplete;
 - 4.3.b. there are reasonable grounds to believe that the open-air fire may cause adverse effects;
 - 4.3.c. there are reasonable grounds to believe that the open-air fire will result in a breach of this By-Law, the *FPPA*, or any other Provincial or Federal Law and;
 - 4.3.d. The owner has a history of not abiding by the open-air fire By-Law.

5. BRUSH PILE FIRES, INCINERATORS AND BURN DRUMS - Annual Open-Air Fire Permit

- 5.1. No permit holder shall set or maintain a brush pile fire, incinerator or burn drum fire at a distance less than 20 m (65 ft) from any building, overhead wiring, highway, or other combustible material.
- 5.2. No person shall set or maintain a brush pile fire, incinerator or burn drum fire when the wind is in such a direction or intensity to cause an adverse effect for any person.
- 5.3. No person shall set or maintain a Brush Pile, Burn Drum or Incinerator Fire that does not meet the definition in Section 1.

6. CAMPFIRES AND OUTDOOR FIREPLACES - Annual Open-Air Fire Permit

- 6.1. No permit holder shall set or maintain a campfire or outdoor fireplace fire at a distance less than 5m (16.5 ft) from any building, overhead wiring, highway, or other combustible material.
- 6.2. No person shall set or maintain a campfire or outdoor fireplace fire when the wind is in such a direction or intensity to cause an adverse effect for any person.
- 6.3. No person shall set a Campfire or Outdoor Fireplace Fire that does not meet the definition in Section 1.

7. CAMPGROUNDS – Annual Open-Air Fire Permit

- 7.1. A campground fire permit transfers the responsibilities for control and extinguishment of a campfire from the campground campers to the campground property owner. As such the campground owner is responsible for all violations of this By-Law and is liable for recovery of any fees for response and or extinguishment of any open-air burn or any fires caused by any open-air burn.
- 7.2. The owner or operator of a campground shall have available equipment to provide the means of extinguishment to control and or extinguish a fire that can be taken to any campsite within 10 minutes.
- 7.3. The owner or operator of a campground shall have available staff who are trained to respond with and use the extinguishing equipment required by Section 7.2.
- 7.4. All campground staff must have communications equipment on their person to contact 9-1-1 should a fire escape containment.
- 7.5. A map of such campground must be supplied to an Officer which includes roadways, routes, lanes, water sources, and structures, upon request.
- 7.6. All campfires at campgrounds must meet all of Section 6.
- 7.7. No person shall set or maintain a campfire in a campground unless approved by the Chief Fire Official as a Special Event
- 7.8. Application shall be made at least two weeks prior to the campground opening on a form supplied to the Township and such application should be accompanied by the applicable fee in accordance with Schedule "A".

8. AGRICULTURAL - Annual Open-Air Fire Permit

- 8.1. A permit holder may conduct an agricultural fire on a farm for Normal Farm Practices if it is part of a normal farm practice, and subject to the conditions set out in this By-Law.
- 8.2. No permit holder shall set or maintain an agricultural fire at a distance less than 61 meters (approximately 200 feet) away from any building, overhead wiring, highway, or other combustible material.
- 8.3. The owner shall ensure that only competent persons over the age of eighteen (18) set the open-air fire.

9. SPECIAL EVENTS - Specific Dates

- 9.1. All owners seeking permission to hold a special event / large development land clearing involving an open-air fire shall apply for a permit.
- 9.2. Application shall be made at least two weeks prior to the proposed date of the event on a form supplied by the Township and such application should be accompanied by the applicable fee in accordance with Schedule "A".
- 9.3. The Chief Fire Official may issue permits to allow the event to reoccur over an extended period.
- 9.4. Prior to granting a permit to hold an open-air fire for the event, the Chief Fire Official may arrange for a site visit and shall give consideration to the type of event, proposed location of the event, size of the fire, safety measures, supervision arrangements, the time of year, the time of day, and the anticipated weather conditions.
- 9.5. Any person who sets a Special Events fire shall ensure that the fire is located a minimum distance away from any building, overhead wiring, highway, or other combustible material as determined by the Chief Fire Official and shall be noted on the permit.
- 9.6. Any person who sets a Special Events fire shall ensure that the pile does not exceed the maximum size as determined by the Chief Fire Official and shall be noted on the permit.
- 9.7. No person shall set or maintain a Special Event fire when the wind is in such a direction or intensity to cause an adverse effect for any person.
- 9.8. Any other rules or regulations deemed necessary by the Chief Fire Official shall be noted on the permit and every Owner shall comply with such rules and regulations.

10. INDEMNIFICATION

- 10.1. By signing the permit, the owner shall indemnify and save harmless Augusta Township from all claims, demands, causes of action, losses, costs or damages that the Municipality may suffer, incur or be liable for resulting from the open-air fires as set out in the By-Law whether with or without negligence on the part of the applicant, the applicant's employees, directors, contractors and agents.

11. REVOCATION

- 11.1. Permits issued to an owner under this By-Law may be revoked by an Officer if, in the opinion of the Officer, an adverse effect or dangerous condition exists in or near the site of the open-air fire.
- 11.2. Permits issued to an owner under this By-Law may be revoked by an Officer if the permit holder fails to comply with the requirements of the permit or permits and any other provisions of this By-Law.

12. EXEMPTIONS

- 12.1. Augusta Fire Rescue shall be exempt from the provisions of this By-Law with respect to open-air fires for the purposes of training, educating individuals in fire safety or for research purposes.
- 12.2. Professional fire prevention trainers shall be exempt from the provisions of this By-Law with respect to open-air fires set for the purposes of fire safety training or education.

13. OFFENCES AND PENALTIES

- 13.1.** Any person who contravenes any provision of this By-Law shall be guilty of an offence and upon conviction, shall be liable to a penalty as provided under the Provincial Offences Act. Provincial Offences Act, R.S.O. 1990, c.P33, as amended, as set out in Schedule "B" Set Fines.
- 13.2.** Every person who sets an open-air fire, with or without a permit, or causes an open-air fire by discharging fireworks that requires Augusta Fire Rescue to extinguish the burn shall, in addition to any penalty provided for herein, be liable to the Municipality for all expenses incurred for the purpose of investigating, controlling, and extinguishing any fire set or left to burn.
- 13.3.** Every person who sets a fire in contravention of this By-Law or who fails to extinguish a fire once ordered to do so by an Officer shall, in addition to any penalty provided for herein, be liable to the Municipality for all expenses incurred for the purpose of investigating, controlling, and extinguishing any fire set or left to burn.
- 13.4.** Any costs chargeable to any person pursuant to paragraphs 13.2 and 13.3 shall be invoiced to the person and paid to the Municipality within sixty (60) days of the date of such invoice, failing which the costs may be deemed to be municipal taxes added by the Clerk of the Municipality to the Collector's Roll and collected in the same manner and with the same priority as municipal taxes.

14. ENFORCMENT

- 14.1.** This By-Law may be enforced by all Officers.
- 14.2.** No person shall provide false information or give a false statement to an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this By-Law.
- 14.3.** No person shall hinder or otherwise obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this By-Law.
- 14.4.** Every person shall comply with any Order or Notice issued under the authority of this By-Law.

15. SEVERABILITY

- 15.1.** If any provision of this By-Law or application thereof to any person or circumstance is held invalid by any Court, other provisions or applications of the By-Law which can give effect without the invalid provision or application shall not be affected, and to this end the provisions of this By-Law are declared to be severable.

16. SHORT TITLE

- 16.1.** This By-Law may be referred to as the "Burn By-Law".

17. OTHER


- 17.1.** Where a provision of this By-Law conflicts with a provision of another By-Law enforced in the Township, the provisions that establish the higher standard shall prevail in order to protect the health, safety and welfare of the general public.
- 17.2.** This By-Law shall come into force and take effect upon its passing.
- 17.3.** Schedules "A" and "B" shall constitute part of this By-Law.

18. REPEALS

18.1. By-Law 3579-2020 and all By-Laws relating to the regulation and control of open-air fire and open-air burning are contrary to this By-Law are hereby rescinded.

Read a first and second time this 12th day of September 2022.

Read a third time and passed this 12th day of September 2022.



MAYOR



CLERK

THE CORPORATION OF THE TOWNSHIP OF AUGUSTA
BY-LAW 3583-2022

A BY-LAW TO PRESCRIBE THE PRECAUTIONS AND CONDITIONS UNDER WHICH FIRES MAY BE SET IN OPEN AIR
SCHEDULE "A" – FEES

Item	COLUMN 1 Reason for Fee	COLUMN 2 Fee
1.	Annual Campfire and Outdoor Fireplace Permit	\$0.00
2.	Annual Brush Pile Fire Incinerator and Burn Drum Permit	\$0.00
3.	Annual Agricultural Fire Permit	\$0.00
4.	Annual Campground Permit	\$100.00
5.	Special Events / Large Development Land Clearing Permit	\$100.00

**THE CORPORATION OF THE TOWNSHIP OF AUGUSTA
PART 1 PROVINCIAL OFFENCES ACT
BY-LAW 3583-2022**

**A BY-LAW TO PRESCRIBE THE PRECAUTIONS AND CONDITIONS UNDER WHICH FIRES MAY BE SET IN OPEN AIR
SCHEDULE “B” – SET FINES**

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1.	Setting or maintaining an open-air fire without a permit	3.1	\$200.00
2.	Setting or maintaining an open-air fire or discharging fireworks on municipally owned or operated property without approval	3.2	\$200.00
3.	Setting or maintaining an open-air fire or discharging fireworks while a fire ban is in place	3.3	\$200.00
4.	Setting or maintaining an open-air fire that contains prohibited materials	3.4	\$200.00
5.	Setting or maintaining an open-air fire that is a windrow	3.5	\$200.00
6.	Setting or maintaining an open-air fire when the wind may cause the fire to spread	3.6.a	\$200.00
7.	Setting or maintaining an open-air fire, when the wind is causing the smoke to decrease visibility on a highway	3.6.b	\$200.00
8.	Setting or maintaining more than one open-air fire at a time	3.7	\$200.00
9.	Setting or maintaining an open-air fire without enough persons, equipment, tools to control the fire and/or a phone to contact 9-1-1 if needed	3.8	\$200.00
10.	Set or maintain open air fire – fire not completely extinguished or watched by a competent person over the age of eighteen (18)	3.9	\$200.00
11.	Setting or maintaining an open-air fire without calling the “Open Burning Hotline”	3.13.a	\$200.00
12.	Unable to produce a valid open-air fire permit while setting or maintaining an open-air fire	3.13.b	\$200.00
13.	Maintaining and open-air fire after being ordered to extinguish	3.13.c	\$200.00
14.	Not following additional conditions to an open-air fire permit as attached by the Chief Fire Official	3.14	\$300.00

Note: The general penalty provision for the offences listed above is Section 13.1 of Bylaw 3583-2022, a certified copy of which has been filed.

**THE CORPORATION OF THE TOWNSHIP OF AUGUSTA
PART 1 PROVINCIAL OFFENCES ACT
BY-LAW 3583-2022**

**A BY-LAW TO PRESCRIBE THE PRECAUTIONS AND CONDITIONS UNDER WHICH FIRES MAY BE SET IN OPEN AIR
SCHEDULE "B" – SET FINES**

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
15.	Setting or maintaining a brush pile fire, incinerator or burn drum fire within 20m from buildings, overhead wiring, highway, or other combustibles	5.1	\$200.00
16.	Setting or maintaining a brush pile fire, incinerator or burn drum fire when the wind is in such a direction or intensity to cause an adverse effect for any person	5.2	\$200.00
17.	Setting or maintaining a Brush Pile, Burn Drum or incinerator Fire which does not meet requirements	5.3	\$200.00
18.	Setting or maintaining a campfire or outdoor fireplace within 5m from buildings, overhead wiring, highway, or other combustibles	6.1	\$200.00
19.	Setting or maintaining an open-air fire when the wind is causing an adverse effect to any person	6.2	\$200.00
20.	Setting or maintaining a camp or outdoor fireplace fire which does not meet requirements	6.3	\$200.00
21.	Campground with no means of extinguishment within 10 minutes for campfires	7.2	\$300.00
22.	Campground with not enough staff to respond to or staff not trained to respond	7.3	\$300.00
23.	Campground staff with no communication equipment to contact 9-1-1	7.4	\$300.00
24.	Campground conducting an open-air fire other than a campfire that was not approved	7.7	\$300.00
25.	Setting or maintaining an agricultural fire within 61m from buildings, overhead wiring, highway, or other combustibles	8.2	\$300.00
26.	Permit an agricultural fire to be set by a person who is not a competent person over the age of 18	8.3	\$300.00

WVC

Note: The general penalty provision for the offences listed above is Section 13.1 of Bylaw 3583-2022, a certified copy of which has been filed.

**THE CORPORATION OF THE TOWNSHIP OF AUGUSTA
PART 1 PROVINCIAL OFFENCES ACT
BY-LAW 3583-2022**

**A BY-LAW TO PRESCRIBE THE PRECAUTIONS AND CONDITIONS UNDER WHICH FIRES MAY BE SET IN OPEN AIR
SCHEDULE "B" – SET FINES**

Item	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
27.	Setting or maintaining a special events fire not a sufficient distance from buildings, overhead wiring, highway, or other combustibles	9.5	\$300.00
28.	Setting or maintaining a special events fire that is larger than the approved size	9.6	\$300.00
29.	Setting or maintaining a special events fire when the wind is in such a direction or intensity to cause an adverse effect for any person	9.7	\$300.00
30.	Fail to comply with additional rules or regulations as determined by Fire Chief	9.8	\$300.00

The fine amounts listed above have been approved by the Regional Senior Justice. Dated October 3, 2022.

Electronic Signature:



W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice - East Region

Note: The general penalty provision for the offences listed above is Section 13.1 of Bylaw 3583-2022, a certified copy of which has been filed.

PROVINCIAL OFFENCES ACT

Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 3583-2022, of the Township of Augusta attached hereto is the set fine for that offence. This Order is to take effect on October 3, 2022.

Dated at Ottawa, this 3rd day of October 2022.

ELECTRONIC SIGNATURE:

W. Vincent Clifford

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice
East Region

THE HONOURABLE
W. VINCENT CLIFFORD
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
EAST REGION

COURTHOUSE
161 ELGIN STREET, 6TH FLOOR
OTTAWA, ONTARIO
K2P 2L1



L'HONORABLE
W. VINCENT CLIFFORD
JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'EST

PALAIS DE JUSTICE
161, RUE ELGIN, 6^e ÉTAGE
OTTAWA (ONTARIO)
K2P 2L1

TELEPHONE/TÉLÉPHONE (613) 239-1520
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October 3, 2022

Rbowman@augustafire.ca

Augusta Township
3560 County Road 26, RR 2
Prescott, Ontario K0E 1T0

Attention: Mr. Rob Bowman
Fire Chief/Manager of By-Law

Dear Mr. Bowman:

Re: Set Fines – Provincial Offences Act – Part I
By-Law No. 3583-2022: Open Air Fire

Enclosed herewith are the original Order (Part I) dated October 3, 2022, and original schedule of set fines for By-Law No. 3583-2022, the By-Law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Township of Augusta.

Yours truly,

ELECTRONIC SIGNATURE:

W. Vincent Clifford

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice
East Region

/nl

Enclosures

c.c.: Ms. Devyani Anandjit
Crown Law Office – Criminal, Ministry of the Attorney General