

## The Corporation of the Township of Centre Wellington

### By-law 2024-14

A By-law to amend By-law 2019-35 being a By-law to Regulate the Setting of Open-Air Fires in the Township of Centre Wellington

**Whereas** Part 7.1(1)(b) of the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4*, as amended, provides that the Council of a municipality may pass By-laws regulating the setting of open-air fires, including establishing the times during which open air fires may be set.

**Whereas** Section 7.1 (1) of the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4*, as amended, provides authority to the Council of a municipality to pass By-laws to regulate fire prevention including the prevention of the spreading of fires; and

**Whereas** Section 128 of the *Municipal Act, S.O. 2001*, as amended, provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council are or could become public nuisances; and

**Whereas** the Council of the Corporation of the Township of Centre Wellington deems it necessary and expedient to regulate the setting of open-air fires in the Township of Centre Wellington.

**Now therefore the Council of the Corporation of the Township of Centre Wellington hereby enacts as follows:**

**1. Definition Section:**

Add “**Class D Burn Permit**” means a permit for an open-air fire not exceeding 0.6 metres in diameter or height and associated with a date specific special occasion.

Add the words “or designate” to the definition of Officer to read as “**Officer**” means the Chief Fire Official or designate, a Police Officer, a Municipal Law Enforcement officer or other person appointed by By-law to enforce the provisions of this By-law.

**2. Permit Section:**

Add to Section 5.2

“A Class D permit is valid for a specific date or dates as identified on the permit.”

Add Section 5.7 and renumber sections 5.8 & 5.9

“5.7 A Class A or D Burn Permit, shall be issued within the Urban Boundary

5.8 The Chief Fire Official may:

- (a) refuse to issue a permit where a person has previously failed to comply with the terms and conditions of a permit or the provisions of this By-law.
- (b) impose any additional terms or conditions that he considers necessary in the interest of public safety.
- (c) vary the terms and conditions of a permit upon conducting an inspection and determining safety is maintained through approved site-specific terms and conditions.
- (d) revoke a permit where complaints are received regarding an open-air fire or for failing to comply with the terms and conditions of a permit.

5.9 The Chief Fire Official is hereby delegated authority to issue a permit in accordance with the provisions of this By-law.”

**3. Terms and Conditions of a Permit Section:**

Add the words "or D" to section 6.1 (e) to read as follows "(e) an open-air fire shall be attended and always supervised by a person at least eighteen (18) years of age for a Class C or D Burn Permit."


Add 6.1 (o) and renumber existing (o) to (p)

"(o) A campfire or burn under a Class A or B permit shall not be permitted in the front yard.

(p) the owner(s) agree on behalf of himself, its heirs, executors, administrators and assigns to defend, indemnify and save harmless the Township, and their elected officials, officers, employees and agents from and against any and all claims of any nature, actions, causes of action, losses, expenses, fines, costs (including legal costs), interest or damages of every nature and kind whatsoever, including but not limited to bodily injury, sickness, disease or death or to damage to or destruction of tangible property including loss of revenue or incurred expense resulting from disruption of service, arising out of or allegedly attributable to the negligence, acts, errors, omissions, misfeasance, nonfeasance, fraud or willful misconduct of the owner(s), its directors, officers, employees, agents, contractors and subcontractors, or any of them, in connection with or in any way related to the issuing of a permit."

4. This By-law shall come into force and take effect upon passing.

**Read a first, second and third time and finally passed this 15<sup>th</sup> day of April, 2024.**

  
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Mayor – Shawn Watters

  
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Clerk – Kerri O'Kane