

By-law Number 107-2016
Of The Corporation of the
Municipality of Chatham-Kent

A by-law to regulate open air burning fires in the Municipality of Chatham-Kent.

FINALLY PASSED the 22nd day of August, 2016

Whereas S.7.1 of the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 as amended, authorizes the Council of a Municipality to pass by-laws regulating the setting of open air fires including establishing the times during which open air fires may be set and regulating fire prevention including the prevention of the spreading of fires;

And Whereas the Ontario Fire Code, O Reg. 213/07, Division B, Article 2.4.4.4. provides that open air burning shall not be permitted unless approved. Unapproved fires must be small, confined, supervised and used to cook food on a grill or barbecue;

And Whereas the Municipal Act, 2001, Section 10 (2) (6) authorizes a municipality to pass By-laws respecting the health, safety and well-being of Persons and the protection of Persons and property;

And Whereas the Municipal Act, 2001, Section 391 states that a municipality may pass by-laws imposing fees or charges on any class of Persons for services or activities provided or done by or on behalf of it;

And Whereas it is deemed advisable to exercise the authority conferred by the Act within the Municipality;

And Whereas Council considers that excessive smoke, smell, airborne sparks with embers to be or could become or cause negative public nuisance by creating negative health effects on neighbouring residents, increasing fire exposure hazards and infringing on the use and enjoyment of neighbouring properties:

Therefore the Municipal Council of the Corporation of the Municipality of Chatham-Kent enacts as follows:

1. Definitions

In this By-law:

- 1.1 **“Approved”** means approved by the Chief Fire Official or designate.
- 1.2 **“Approved Burning Device”** means a device in which a recreational fire may be set, made from pottery, metal or masonry, with a firebox that is no larger than 60 centimetres or 24 inches in diameter, located in an area that will not pose a risk

for fire spread and that is equipped with an enclosed hearth with a 6 millimetres or ¼” inch mesh screen completely covering the top, or a hearth that is enclosed on all sides that has a 6 millimetres or ¼” inch mesh screen completely covering the top. It may also include an Approved outdoor fireplace.

- 1.3 “**Authorized Agent**” means any Responsible Person who can provide reasonable evidence such as a written letter of permission, that they are authorized to act for the owner of a particular property.
- 1.4 “**Barbecue**” means an appliance designed and intended solely for the cooking of food in the open air but does not include devices predominantly designed for personal warmth.
- 1.5 “**Building**” means any structure used or intended for supporting or sheltering any occupancy or acceptable use, but does not include a non-enclosing open-sided structure.
- 1.6 “**Burn Ban**” means a restriction or prohibition on Open-Air Fires issued by the Chief Fire Official or designate, that serves as a temporary revocation of all issued Burn Permits and results from a high or extreme fire weather index (FWI) or other hazardous conditions.
- 1.7 “**Burn Barrel**” means a metal container that is structurally sound and no larger than 45 gallons or approximately 204 litres, with small holes in the side for ventilation and small holes in the bottom for drainage, a metal 6 millimetres or ¼” inch mesh screen completely covering the top to prevent debris and/or embers from escaping while burning and has adequate clearance from any vegetation, structures or other Combustible Material.
- 1.8 “**Burn Permit**” means a written conditional authorization issued and administered by the Municipality to set or maintain an Open-air Fire, as per any restrictions and conditions contained within this By-law or as may be specified on the “Burn Permit” itself.
- 1.9 “**Burn Safety Plan**” means a plan provided by the applicant and/or property owner, approved by the Chief Fire Official or designate that includes: a diagram of the burn site, the estimated distances to combustible materials, vegetation or structures, provisions for summoning emergency services, provisions for facilitating emergency vehicle access, details regarding the supervision of the Open-Air Fire, fire safety, control and extinguishment measures and any additional criteria as required by the Chief Fire Official or designate.
- 1.10 “**Campfire**” means a fire area no larger than 1 metre x 1 metre in diameter, and contained within a non-combustible barrier.

- 1.11 “**Chief Fire Official**” means the Fire Paramedic Chief for the Municipality, or a member or members of the Fire and Emergency Services so designated by the Fire Paramedic Chief.
- 1.12 “**CKFES**” means the Chatham-Kent Fire and Emergency Services.
- 1.13 “**CKPS**” means the Chatham-Kent Police Services.
- 1.14 “**Combustible Material**” means any material, combination of materials, or arrangement of materials in which any portion thereof is susceptible to ignition when exposed to radiant heat, direct flame, or exposure to other burning materials.
- 1.15 “**Council**” means the Council for the Municipality of Chatham-Kent.
- 1.16 “**Dangerous Conditions**” means:
- (a) A lack of precipitation which, as identified by Environment Canada for the area of Chatham-Kent, increases the risk for the spread of fire; or
 - (b) Wind speeds which, in the opinion of the Chief Fire Official, increases the risk of the spread of fire; or
 - (c) Any other condition declared by the Chief Fire Official to be a Dangerous Condition, from time to time, which increases the risk of the spread of fire.
- 1.17 “**Effective Barrier**” means an enclosure on the ground with a complete perimeter of metal, masonry, stone or earth, with the enclosure walls being a minimum height of 1/3 the diameter of the enclosure.
- 1.18 “**Farm or Agricultural Operation**” is as defined under the Farming and Food Production Protection Act.
- 1.19 “**Fires in Pits**” means a small fire on the ground either at grade or below grade that is contained within a non-combustible enclosure.
- 1.20 “**Incineration**” means the burning of material that is other than material that is permitted to be burned under the provisions of this By-law.
- 1.21 “**Licensed Recreational Camp**” means any summer camp, tourist camp or trailer camp licensed by the Municipality.
- 1.22 “**Multi-unit Residential Building**” means any buildings in which there are three (3) or more residential dwelling units as defined by the Ontario Building Code.

- 1.23 “**Municipality**” means the Municipality of Chatham-Kent.
- 1.24 “**Municipal Law Enforcement Officer**” means that Person or Persons appointed by Council for the purpose of enforcing By-laws or a Police Officer.
- 1.25 “**Non-exempt Open-Air Fire**” means an Open-Air Fire which is not exempt under Section 5 of this By-law.
- 1.26 “**Ontario Fire Code**” means O.Reg. 213/07 made under the provisions of the Fire Protection and Prevention Act 1997, S.O.1997.c.4, as amended.
- 1.27 “**Open-Air Fire**” means any fire set outdoors, i.e. not in an enclosed building or any fire set in a device or appliance located outside of a building; but does not include: fires in devices installed outside of a Building that are used as a source of heat or power for the building provided that such devices are certified for this purpose by a recognized agency, fires set in Buildings for the purposes of drying agricultural products or smoking food products, and fires that are ancillary to a manufacturing process.
- 1.28 “**Person**” means any individual, association, firm, partnership, corporation or trustee and their heirs, executors, or other legal representation of a person.
- 1.29 “**Recreational Fires**” shall mean a small, contained fire not exceeding 1 metre squared associated with the use of an Approved Burning Device or an Open-Air Fire burn area that complies with the provisions of this By-law.
- 1.30 “**Responsible Person**” means any adult person (18 years of age or older) who, in the opinion of the Municipal Law Enforcement Officer is capable of exercising the required judgment and who is capable of performing the necessary actions to control a fire and prevent its unwanted spread.
- 1.31 “**Strike or Lockout**” means a strike or lockout as defined in the Labour Relations Act, 1995, S.O. 1995, c.1. as amended.

2. Prohibitions

- 2.1 No person shall set or maintain a Non-Exempt Open-Air Fire without first obtaining a Burn Permit from the Chief Fire Official or designate and written permission from the property owner.
- 2.2 Only the Person or Persons to whom the Burn Permit has been issued or such other Person or Persons as has been designated on the Burn Permit shall be

permitted to burn and such Persons must be present at the burn site at all times until the fire has been completely extinguished.

- 2.3 No Person shall set or maintain an Open-Air Fire on any roadway, highway, park, easement, beach, or other public property owned or operated by the Municipality without permission.
- 2.4 No Person shall set or maintain an Open-Air Fire on any property zoned commercial, industrial or on a construction site, unless a Burn Permit has been obtained from the Chief Fire Official or designate.
- 2.5 No Person shall set or maintain an Open-Air Fire on any property where a Multi-Residential Building is located.
- 2.6 No Person shall set or maintain an Open-Air Fire when a Burn Ban has been declared by the Chief Fire Official or designate or when Dangerous Conditions exist that would propagate the spread of a fire.
- 2.7 No Person shall set or maintain a Non-Exempt Open-Air Fire during times that are other than those times specified on the Burn Permit.
- 2.8 No Person shall set or maintain a Non-Exempt Open-Air Fire within 7.5 metres (25 feet) of any Building, structure, fence, Combustible Material or property line.
- 2.9 No Person shall set or maintain a Non-Exempt Open-Air Fire that burns any materials other than the following:
 - a) Clean wood or wood by-products without treatments or other contaminants;
 - b) Paper or cardboard to be ignited only to start the fire;
 - c) Dry brush, stumps, hay, straw, grass, leaves and other dry yard or natural agricultural materials, but not including animal waste or parts;
 - d) Natural gas or other hydrocarbon gases or liquids used as appliance fuels;
 - e) Charcoal or briquette materials intended for Barbeque use; or
 - f) Other clean burning Combustible Materials that have been Approved by the Chief Fire Official or designate.
- 2.10 No Person shall set or maintain a Non-Exempt Open-Air Fire unless equipped with an appropriate means to extinguish the fire when necessary and the Person

has a means to immediately summon the CKFES to the location.

- 2.11 All non-exempt Open-Air Fires must be located at least 30 meters (100 feet) from any overhead wires.
- 2.12 No Person shall set or maintain a Non-Exempt Open-Air Fire where the following conditions exist: fog, rain, smog or air quality alerts, Burn Bans, and winds exceeding 30 kilometres (20 miles) per hour or winds blowing in a direction that will have a negative impact on neighbours or on the safety of motorists on roadways and/or highways.
- 2.13 No Person shall set or maintain an Open-Air Fire that is less than 2 metres (6 feet) from a tent structure. Open flames are not permitted within tent structures without permission from the Chief Fire Official or designate.
- 2.14 No person shall set or maintain an Open-Air Fire where:
- a) The smoke or other emissions travel to a neighbouring property to such an extent or degree that, in the opinion of a Municipal Law Enforcement Officer it may cause discomfort to Persons, loss of enjoyment or interference with the normal use of property or interference with the normal operation of a business.
 - b) The smoke or other emissions that travel across any public roadway to the extent or degree that, in the opinion of a Municipal Law Enforcement Officer, it may cause a public safety hazard to any Person traveling on the roadway; or
 - c) The fire, smoke or other emissions may elicit a response from the CKFES.
- 2.15 No Person shall set or maintain an Open-Air Fire for the purpose of Incineration.
- 2.16 All Open-Air Fires must be completely extinguished before the burn site is vacated.

3. Recreational Fires, Campfires, Fires in Pits

- 3.1 Recreational Fires, Campfires and Fires in pits may be set and maintained within the Municipality provided that:
- a) Permission is obtained from the property owner or the fire is located in a Licensed Recreational Campground;
 - b) There is compliance with all of the provisions contained within Part 2 of this

By-law, with the exception of Section 2.2;

- c) The fire is for the provision of warmth, recreation or cooking;
- d) The area designated for the fire is not more than one (1) square metre in any horizontal dimension and the flame is not more than 92 centimetres (36 inches) in height or contained within a pit specifically designed for Open-Air burning and has an Effective Barrier to prevent the spread of fire surrounding the container or pit. The dimensions of the fuel shall be no greater than the dimensions of the container or pit and shall be totally confined within the container or pit at all times;
- e) The fire is controlled such that flames and hot embers do not pose a risk of fire to nearby Combustible Materials and that the fire is attended/supervised at all times by a Responsible Person; and
- f) A Burn Permit for the property has been obtained.

4. Burning on Properties Classified as a Farm of Agricultural Operation:

4.1 The restrictions on burning outlined in Part 2 of this By-law also apply to Farms or Agricultural Operations with the following exceptions:

- a) Where the Farm Practices Protection Board deems that specific provisions of this By-law interfere with what it considers as “normal farm practices,” such provisions will be deemed ultra vires, as per the provisions of the Farming and Food Production Protection Act (F.F.P.P.A.);
- b) Fires set in devices installed outside of a Building that are used as a source of heat or power for the Building provided that such devices are certified for the purpose by a recognized agency;
- c) Fires set in Buildings for the purposes of drying agricultural products or smoking food products; and
- d) Fires set in smudge pots and/or orchard heaters.

4.2 Where Open-Air Fires are set on rural properties zoned Agricultural they shall have a Burn Permit and such fires shall be:

- a) Limited in size to 149 square metres (1600 square feet) in area and 6 metres (approximately 20 feet) in height;

- b) More than one fire may be permitted at any one time, provided there is sufficient supervisory personnel and fire extinguishing capability to satisfy the Chief Fire Official or designate;
- c) Each distinct fire shall be separated from another by not less than 45 metres (approximately 150 feet) of non-combustible space; and
- d) Not set for the purposes of Incinerating garbage, refuse, waste materials or other products that would produce toxic or irritating smoke or emissions.

4.3 Where more than one fire is set at any one time, or when a large area fire is set, an Approved Burn Safety Plan for the burn site may be required at the discretion of the Chief Fire Official or designate.

5. By-law Exemptions

The following types of Open-Air Fires may be set and maintained within the Municipality without a Burn Permit

5.1 Cooking Fires

- a) A charcoal, gas, briquette or wood fire, that is limited in size to 1 metre squared, and is confined within a barbecue, grill or other enclosure that is constructed of metal, ceramic, stone, or masonry, and that is continuously supervised by a Responsible Person, and provided the fire is in compliance with all of the provisions contained within Part 2 of this By-law, with the exceptions of Sections 2.1 and 2.2.

5.2 Construction or Maintenance Activities

- a) An appliance of a portable nature (e.g.-salamander) which requires an open flame for the heating of a material during a construction or maintenance process, provided such appliance is safe to operate, and provided that it is not operated in such a manner as to create a fire hazard.

5.3 Other Flaming Devices

- a) Approved Burning Devices provided such devices are not operated in or near dry vegetation; and such devices are not operated in any other place conducive to the development or the spread of a fire or explosion.

5.4 **Burn Barrels**

5.4.1 An Enclosed Fire in a Burn Barrel situated on privately owned lands is permitted at the discretion of the Chief Fire Official or designate provided that it meets all of the requirements of Part 2 of this By-law and that all of the following other conditions are met:

- a) The Burn Barrel is situated securely on level ground;
- b) The Burn Barrel is able to safely support a fire;
- c) All openings at the top of the Burn Barrel or in other areas where embers might escape are covered at all times by a metal wire mesh with a grid openings of not more than 6 millimetres (1/4 inch) in diameter; and
- d) The fire is controlled such that flames and hot embers do not pose an undue risk of spreading the fire to nearby Combustible Materials.

5.5 **Approved Burning Devices**

5.5.1 A fire in an Approved Burning Device on any privately owned lands is permitted provided that:

- a) Only clean and dry wood, charcoal or briquettes shall be burned;
- b) The Approved Burning Device is not located on or near any combustible surface;
- c) The fire is controlled such that flames and hot embers do not pose an undue risk of fire to nearby Combustible Materials; and
- d) The Approved Burning Device must provide an Effective Barrier to the spread of a fire.

5.6 **Wood Fueled Boilers**

5.6.1 Wood fueled boilers utilized as a heat source are exempt from the provisions of this By-law.

5.7 **Fires Set in Buildings Designed for Smoking or Drying (i.e., tobacco kilns or barns, and Buildings designed for smoking food)**

- a) Fires set in Buildings designed for smoking or drying are exempt from the provisions of this By-law.

5.8 **Smudge Pots and Orchard Heaters**

- a) Smudge Pots and orchard heaters are exempt from the provisions of this By-law.

5.9 Strikes, Lock Outs, Demonstrations

- a) Open-Air burning for the purposes of maintaining warmth during a Strike or Lockout or a demonstration shall require a Burn Permit.

5.10 Prescribed Burns

- a) Burns conducted by a government agency or their designate for the purposes of maintaining grassland or forest ecology are exempt from the provisions of this By-law.

5.11 Other Conditions for Exempt Fires

- a) Any Person who sets or maintains an exempt Open-Air Fire shall be responsible to take all necessary steps to ensure that all of the conditions specified in this By-law are met.
- b) At the discretion of the property owner, Barbeques may be permitted on a porch, balcony, or veranda of a Multi-unit Residential Building. Barbeques shall be not less than 1.5 meters (5 feet) away from any combustible surface and smoke or emissions shall not interfere with the common enjoyment of neighbouring suites.
- c) Approved Burning Devices on a porch or balcony shall not be located within 1 metre (3 feet) of any roof and shall be located at least 1.5 metres (approximately 5 feet) horizontally away from any Combustible Material or the wall of a structure.
- d) Burning is prohibited at any location where the conditions exist such that there is a reasonable probability of such fire spreading to any Combustible Material.

6. Burn Permits

- 6.1 The Municipality may issue written Burn Permits to property owners or to Authorized Agents, permitting a Responsible Person to burn approved materials under the following conditions:

- (a) All the conditions of this By-law shall apply equally to all permitted fires;
- (b) Burn Permits may be issued by CKFES through the nearest municipal service centre of fire station;

- (c) An inspection of the burn site by the Chief Fire Official or designate may be required before a Burn Permit is issued;
- (d) Constant supervision of the fire shall be maintained by a Responsible Person, equipped with the necessary means to immediately extinguish the fire or limit its spread and to immediately summon the CKFES. The extinguishing agent or means to extinguish the fire must be kept within three (3) metres (10 feet) of the fire;
- (e) The property owner shall be held responsible for the actions of their designate or their Authorized Agent with respect to the provisions, conditions, and penalties contained within this By-law;
- (f) An expiry date shall be indicated on the Burn Permit. In no case shall a Burn Permit have an expiry date of longer than one (1) year after the date of issue. The expiry date on a Burn Permit shall not be extended due to any suspension;
- (g) Burn Permit fees as outlined in the Municipal User Fee By-law shall form part of this By-law;
- (h) The fee collected for each Burn Permit (if applicable) is non-refundable regardless of whether or not the privileges granted under the Burn Permit have been exercised. No adjustment or refund of the fee shall be provided due to suspension or revocation of any Burn Permit;
- (i) All valid Burn Permits are automatically suspended on any day when there is a smog advisory or an air quality alert issued for that day by the Ontario Ministry of Environment;
- (j) All valid Burn Permits are automatically suspended during such periods and in such areas where gusting or sustained wind speeds exceed 30 kilometres per hour (approximately 20 miles per hour) or where wind directions are changing frequently;
- (k) All valid Burning Permits are automatically suspended during such periods and in such areas where the Chief Fire Official or designate has determined that there exists a High or Extreme Fire Weather Index (FWI) or other hazardous conditions and declares a "Burn Ban";

- (l) The Burn Permit shall specify as precisely as possible the civic or street address for the location of the intended fire. Separate Burn Permits will be required for properties at different addresses;
- (m) The holder of a Burn Permit will be required to advise CKPS Dispatch Services before any burning commences and again when the burning ends and the fire is extinguished with the following exemptions:
 - Licenced Recreational Campgrounds
 - Recreational Fires
 - Campfires
 - Fire in Pits
- (n) The holder of a Burn Permit shall keep the Burn Permit or a legible copy at the location of the fire specified on the Burn Permit;
- (o) Burn Permits are not-transferable;
- (p) The Chief Fire Official or designate may make an inspection of the property or review the property via a G.I.S. viewer to determine if the application for a Burn Permit will be Approved. If it is determined that burning on the property can be safely carried out within the provisions of this By-law and will not adversely affect the neighbouring property, a Burn Permit may be issued;
- (q) An application for a minor exemption to the requirements of this By-law may be made to the Chief Fire Official or designate; and
- (r) Before issuing a Burn Permit, the Chief Fire Official or designate may set out other restrictions as may be necessary in order to ensure public safety.

7. Burn Ban

- 7.1 Despite the existence of valid Burn Permits, the Chief Fire Official or designate may issue a Burn Ban on any or all Open-Air Fires or may suspend without recourse any or all Burn Permits and cause to be extinguished all Open-Air Fires.
- 7.2 All Burn Bans shall be posted on the Municipal website, but for clarification all conditions outlined in Section 6.1 of the By-law shall not be posted on the Municipal website.

8. Right to Enter and Enforce

- 8.1 Municipal Law Enforcement Officers shall have the right to enter at all times

upon any property to inspect an Open-Air Fire and to enforce this By-law.

- 8.2 A CKFES on duty Incident Commander or a Fire Inspector shall have the right to enter at all times upon any property to inspect an Open-Air Fire, and if found to be in contravention of the By-law, order the immediate extinguishment of the fire or extinguish the fire themselves utilizing CKFES resources.

9. Fire and Emergency Services are Exempt

- 9.1 Any fires under the direct and constant supervision and control of the CKFES are exempt from the provisions of this By-law.

10. Offences

- 10.1 Every Person who knowingly provides false or misleading information for the purposes of obtaining a Burn Permit, who contravenes any provisions of this By-law or fails to follow the terms of his or her Burn Permit is guilty of an offence and upon conviction is liable to a fine as provided for in the *Ontario Provincial Offences Act* R.S.O. 1990, as amended.
- 10.2 Municipal Law Enforcement Officers shall have the discretion to take one or more of the following actions for contraventions of this By-law:
- a. Revoke the Burn Permit and order extinguishment of the fire;
 - b. Require the offender to attend a CKFES training session at their expense and require that new conditions be met prior to the issuance of another Burn Permit;
 - c. Issue a Certificate of Offence under the provisions of the *Ontario Provincial Offences Act* R.S.O. 1990, Part 1, as amended; and
 - d. Issue a Summons to Appear under the provisions of the *Ontario Provincial Offences Act* R.S.O. 1990, Part 3, as amended.
- 10.3 If a contravention of this By-law results in CKFES personnel and vehicles being dispatched to the property, the property owner may be invoiced at the discretion of the Chief Fire Official or designate for the cost of the response in accordance with the Municipality's User Fee By-law.
- 10.4 An invoice received under Section 10.3 of this By-law may be appealed to the By-law Appeals Committee appointed by Council for the review, confirmation, adjustment of the amount or the withdrawal of the invoice. In all cases the decision of the By-law Appeals Committee shall be final.
- 10.5 The quantity and type of CKFES vehicles and personnel dispatched for the purposes of extinguishing, controlling, or investigating any Open-air Fire is at the

discretion of the Fire Paramedic Chief or designate.

10.6 No owner of a property, or Authorized Agent of such owner, shall fail to comply with any order to comply issued under this By-law. Should the owner of the property, or agent, fail to rectify the condition in accordance with the Order, the Municipality, in addition to other remedies:

- a) Shall have the right to enter in or upon the property at any reasonable time without a warrant to correct the non-compliance;
- b) Shall not be liable to compensate such owners, occupants, or any other Person having interest in the property by reason of anything done by or on behalf of the Municipality in a reasonable exercise of its power under the provisions of this By-law;
- c) May cause a prosecution to be brought against any Person who is in breach of such an order; and
- d) May place a lien on the land for the amount spent on the work taken by the Municipality to correct non-compliance with this By-law and this amount shall be deemed to be municipal real property taxes and shall be collected in the same manner and with the same priorities as municipal real property taxes.

11. Validity

11.1 In the event that any of the provisions of this By-law are deemed ultra-vires by any Court or Board having jurisdiction, the remaining terms and provisions shall remain in full force and effect.

11.2 Schedule "A" attached hereto forms part of this By-law.

12. Repeal

12.1 By-Law 193-2009 of the Corporation of the Municipality of Chatham Kent is hereby repealed in its entirety.

12.2 This By-law replaces and repeals any previous By-law in respect of the regulation of Open-Air Fires herein defined and shall come into full force and effect upon the final passing thereof.

Read a First, Second and Third time this 22nd day of August, 2016

Mayor – Randy R. Hope

Deputy Clerk – Meredith Cadotte

Schedule A

Part I: Provincial Offences Act

MUNICIPALITY OF CHATHAM-KENT BY-LAW 107-2016 TITLE: OPEN AIR BURN BY-LAW

Item	Column 1 Short Form Wording	Column 2 Offence Creating Provision	Column 3 Set Fine
1.	Set a Non-Exempt Open Air Fire without an Approved Burn Permit	2.1	\$250.00
2.	Set a Non-Exempt Open Air Fire without written permission from the property owner	2.1	\$250.00
3.	Set a Non-Exempt Open Air Fire as a Person not named on the Burn Permit	2.2	\$250.00
4.	As a Burn Permit holder, leave an Open Air Fire burn location unattended	2.2	\$250.00
5.	Set an Open-Air Fire on a roadway, highway, park, easement, beach or other public property without permission	2.3	\$250.00
6.	Set an Open-Air Fire on a property that is zoned commercial, industrial or on a construction site without a Burn Permit	2.4	\$250.00
7.	Set an Open-Air Fire on a Property where a Multi-Residential Building is located	2.5	\$250.00
8.	Set an Open-Air Fire during a declared Burn Ban or when Dangerous Conditions exist	2.6	\$250.00
9.	Set a Non-Exempt Open-Air Fire during times other than permitted by the Burn Permit	2.7	\$250.00
10.	Set a Non-Exempt Open-Air Fire within 7.5 metres of a building, structure, fence Combustible Material or property line	2.8	\$250.00
11.	Set a Non-Exempt Open-Air Fire to burn materials that are not permitted to be burned in the By-law	2.9	\$250.00
12.	Set a Non-Exempt Open-Air Fire where there is not the appropriate means present at the burn site to extinguish the fire	2.10	\$250.00

Item	Column 1 Short Form Wording	Column 2 Offence Creating Provision	Column 3 Set Fine
13.	Set a Non-Exempt Open-Air Fire where there is not the appropriate means present at the burn site to summon Chatham-Kent Fire and Emergency Services	2.10	\$250.00
14.	Set a Non-Exempt Open-Air Fire within 30 metres of overhead wires	2.11	\$250.00
15.	Set a Non-Exempt Open Air Fire when weather conditions exist that prohibit the setting of Non-Exempt Open-Air Fires.	2.12	\$250.00
16.	Set an Open Air Fire within 2 metres of a tent structure	2.13	\$250.00
17.	Set a non-exempt Open-Air Fire inside a tent structure without permission from the Chief Fire Official or designate	2.13	\$250.00
18.	Set an Open Air Fire where smoke or other emissions create: a discomfort to persons, loss of enjoyment or loss of the normal use of property or that interfere with the normal operation of a business	2.14(a)	\$250.00
19.	Set an Open Air Fire where smoke or other emissions travel across a public roadway and creates a public safety hazard	2.14(b)	\$250.00
20.	Set an Open Air Fire where smoke or emissions elicit a response from Chatham-Kent Fire and Emergency Services	2.14(c)	\$250.00
21.	Set an Open Air Fire for the purpose of Incineration	2.15	\$250.00
22.	Fail to completely extinguish an Open Air Fire before vacating the burn site	2.16	\$250.00
23.	Set a Recreational Fire, Campfire or a Fire in Pits without permission from the property owner or is not located in a Licensed Recreational Campground	3.1 (a)	\$250.00
24.	Set a Recreational Fire, Campfire or a Fire in Pits for purposes other than warmth, recreation or cooking	3.1 (c)	\$250.00
25.	Set a Recreational Fire, Campfire or a Fire in Pits that is larger than 1 metre squared horizontally or with a flame that is higher than 92 centimetres	3.1 (d)	\$250.00
26.	Set a Recreational Fire, Campfire or a Fire in Pits where the fuel being used for the fire exceeds the size of the fire pit or enclosure	3.1 (d)	\$250.00

Item	Column 1 Short Form Wording	Column 2 Offence Creating Provision	Column 3 Set Fine
27.	Set a Recreational Fire, Campfire or a Fire in Pits without an effective barrier	3.1 (d)	\$250.00
28.	Set a Recreational Fire, Campfire or a Fire in Pits where the flames or hot embers pose a risk of fire to nearby Combustible Material	3.1 (e)	\$250.00
29.	Set a Recreational Fire, Campfire or a Fire in Pits that is not being attended	3.1 (e)	\$250.00
30.	Set a Recreational Fire, Campfire or a Fire in Pits without a Burn Permit	3.1 (f)	\$250.00
31.	Fail to extinguish a Recreational Fire, Campfire or a Fire in Pits upon complaint from a neighbour	3.1 (g)	\$250.00
32.	Set an Open-Air Fire on property zoned agricultural without a Burn Permit	4.2	\$250.00
33.	Set an Open-Air Fire on property zoned agricultural that is larger than 149 square metres horizontally or higher than 6 metres vertically	4.2 (a)	\$250.00
34.	Set more than one Open-Air Fire on property zoned agricultural without sufficient supervisory personnel as specified by the Chief Fire Official or designate	4.2 (b)	\$250.00
35.	Set multiple Open Air Fires on property zoned agricultural without 45 metres of non-combustible space between each fire.	4.2 (c)	\$250.00
36.	Set an Open-Air Fire on property zoned agricultural for the purposes of Incinerating garbage, waste material or products that produce toxic or irritating smoke or emissions	4.2 (d)	\$250.00
37.	Set an Open Air Fire on property zoned agricultural in non-conformance with an Approved Burn Safety Plan	4.3	\$250.00
38.	Set an Open-Air Cooking Fire that is non-compliant with the By-law	5.1	\$250.00
39.	Set an Open-Air Construction Fire that is non-compliant with the By-law	5.2	\$250.00
40.	Set an Open-Air Fire in a Flaming Device that is near dry vegetation or is being operated in a place that is conducive to the development or the spread of a fire	5.3	\$250.00
41.	Set an Open-Air Fire in a Burn Barrel that is not in compliance with Part 2 of the By-law	5.4.1	\$250.00

Item	Column 1 Short Form Wording	Column 2 Offence Creating Provision	Column 3 Set Fine
42.	Set an Open-Air Fire in a Burn Barrel that is not situated securely on level ground	5.4.1 (a)	\$250.00
43.	Set an Open-Air Fire in a Burn Barrel that is not able to safely support a fire	5.4.1 (b)	\$250.00
44.	Set an Open-Air Fire in a Burn Barrel where the appropriate measures, in accordance with the By-law, have not been put in place to prevent the escape of embers	5.4.1 (c)	\$250.00
45.	Set an Open-Air Fire in a Burn Barrel where the flames and hot embers pose a risk of spreading the fire to nearby Combustible Materials	5.4.1 (d)	\$250.00
46.	Set an Open-Air Fire in an Approved Burning Device that is burning materials other than clean and dry wood, charcoal or briquettes	5.5.1 (a)	\$250.00
47.	Set an Open-Air Fire in an Approved Burning Device that is located on or near a combustible surface	5.5.1 (b)	\$250.00
48.	Set an Open-Air Fire in an Approved Burning Device the fire is not controlled such that flames and hot embers pose a risk to nearby Combustible Materials	5.5.1 (c)	\$250.00
49.	Set an Open-Air Fire in an Approved Burning Device that does not prevent an effective barrier to the spread of fire	5.5.1 (d)	\$250.00
50.	Set an Open-Air Fire for warmth during a strike, lockout or demonstration without a Burn Permit	5.9 (a)	\$250.00
51.	Operate a Barbeque on a porch, balcony, or veranda of a Multi- Unit Residential Building that is not less than 1.5 meters away from any combustible surface	5.10 (b)	\$250.00
52.	Operate a Barbeque on a porch, balcony, or veranda of a Multi- Unit Residential Building where the smoke or emissions interfere with the common enjoyment of neighbouring suites	5.10 (b)	\$250.00
53.	Operate an Approved Burning Device that is located within 1 metre of a roof or within 1.5 meters horizontally of combustible material or structure.	5.10 (c)	\$250.00
54.	Fail to keep a means to extinguish a Non-Exempt Open-Air Fire within 3 metres of the fire	6.1 (d)	\$250.00

Item	Column 1 Short Form Wording	Column 2 Offence Creating Provision	Column 3 Set Fine
55.	Burn on a public road or a public road allowance without express written permission from the Municipality	6.1 (f)	\$250.00
56.	Set a Non-Exempt Open-Air Fire with an expired Burn Permit	6.1 (g)	\$250.00
57.	Set an Open-Air Fire during a smog advisory or an air quality alert	6.1 (j)	\$250.00
58.	Set an Open-Air Fire when wind speeds exceed 30 kilometres per hour	6.1 (k)	\$250.00
59.	Set an Open-Air Fire during a Burn Ban	6.1 (l)	\$250.00
60.	Set a Non-Exempt Open-Air Fire without first notifying CKPS Dispatch	6.1 (o)	\$250.00
61.	Set a Non-Exempt Open-Air Fire without having the Burn Permit at the burn site and available for inspection	6.1 (p)	\$250.00