



**Corporation of the Town of Ingersoll**  
**By-Law 21-5141**

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A by-law to amend By-Law 13-4726, Open Air Burning in the Town of Ingersoll.

**WHEREAS** Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended states that the powers of a municipality under this or any other Acts shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues.

**AND WHEREAS** the Municipal Act, S.O. 2001, c. 25, Part III, Section 128 states that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances, and the opinion of Council if arrived at in good faith is not subject to review by any court; **AND** Council is of the opinion that the setting of open air fires are or could become or cause public nuisances by creating negative health effects on neighbouring residents, increasing fire exposure hazards, infringing the enjoyment of the use of neighbouring properties, and generating false fire alarms;

**AND WHEREAS** Section 7.1 (1) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended provides that a municipality may pass by-laws:

- (a) regulating fire prevention, including the prevention of the spreading of fires;
- (b) 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 section 7.1 (1) may deal with different areas of a 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 to determine whether by-laws enacted in accordance with this section are being complied with.

**AND WHEREAS** Paragraph 2.4.4.4 (1) of O. Reg. 213/07: Fire Code provides that Open-air burning shall not take place unless

- (a) it has been **approved**, or
- (b) the open-air burning consists of a small, confined fire that is
  - (i) used to cook food on a grill, barbecue or spit,
  - (ii) commensurate with the type and quantity of food being cooked, and

(iii) supervised at all times.

**AND WHEREAS** section 391 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended states that a municipality is authorized to pass by-laws imposing fees or charges on persons for services or activities provided or done by it or on behalf of it, and for the use of its property including property under its control.

**AND WHEREAS** section 446 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended provides that if a municipality has authority under the Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of being done by the person directed or required to do it, the matter or thing shall be done at the person's expense.

**AND WHEREAS** By-Law 13-4726, a by-law to regulate and establish procedures for open air burning within the Town of Ingersoll was enacted and passed on August 12, 2013.

**AND WHEREAS** the Council deems it expedient to amend By-law 13-4726 to recognize new lands brought into the Town of Ingersoll's boundary as a result of the Boundary Adjustment with South West Oxford.

**NOW THEREFORE** the Council of The Corporation of the Town of Ingersoll enacts as follows:

1. **THAT** the following amendments to Open Air Burning By-Law 13-4726 be adopted:

(1) Part 1 – Definitions be amended to include the following definition:

**“Built Up Residential Area”** means any area within the Town of Ingersoll, that in the opinion of the Chief Fire Official or designate, open-air burning would cause a fire hazard or an air quality concern for neighbouring structures or properties.

(2) Section 3 be amended to include the following provisions:

**Open Air Burning Allowed – On Properties Regulated Under the Farming and Food Production Act**

3.4 Upon the application of any person to the Chief Fire Official or designate for the setting of a fire otherwise herein prohibited, the Chief Fire Official or designate may give his/her consent in writing in the form of a Fire Permit upon the following terms and conditions:

- (a) That no provincial enactment, law or regulation shall be infringed by the setting of such fire.
- (b) That the fee for such a permit, if any, be paid by the applicant, and the amount of such fee shall be set by Council, and may be amended from time to time as deemed necessary by Council.

- (c) No such fire shall be set on any street, parks, private or public property that in the opinion of the Chief Fire Official or designate is deemed to be a built up residential area.
- (d) Every person setting a fire herein permitted shall exercise such due care and take such necessary precaution as may be required to avoid endangering persons or property in the vicinity thereof and shall remain in constant attendance at such fire until the same is completely burned out or extinguished and shall take precautions and follow such directions as may be set out by the Chief Fire Official whether before, during, or after setting such fire.
- (e) All conditions and special conditions listed on the Ingersoll Fire & Emergency Services fire permit shall be strictly adhered to or the fire permit shall be revoked.
- (f) A fire permit shall not be issued until an inspection of the property, including verification of working smoke alarms in all property dwelling units, has been conducted by the Chief Fire Official or his/her designate.
- (g) Under no circumstances shall open air burning of petroleum products, including but not limited to tires, plastics and asphalt shingles, be permitted on any lands and premises in the Town of Ingersoll.

- 3.5 A person or persons conducting an Open-air burning as a normal farm practice must apply for a fire permit to ensure that all information is registered with the dispatching center to avoid nuisance calls. All requests for burning permits shall be made at least three (3) working days in advance of the date of the proposed burn.
- 3.6 No person shall fail to produce the Fire Permit if requested by any member of the Ingersoll Fire & Emergency Services, or Police Officer.
- 3.7 A Fire permit is non-transferable and is only valid for the person(s) and property named on the Permit.
- 3.8 A fire permit application may be refused at any time by the Chief Fire Official. Also a current fire permit may be cancelled or suspended at any time by the Chief Fire Official or his/her designate and immediately upon receiving notice of such cancellation or suspension; the fire permit holder shall extinguish any fire started under the permit.
- 3.9 All burn permits will be issued to a maximum of a one (1) year time period at the discretion of the Chief Fire Official.
- 3.10 Fires permitted under this part shall be subject to all conditions established under Section 3.3 of Municipal By-Law 13-4726.

**(3)** Section 3.3 (c) be repealed and replaced with the following:

(c) shall only burn commercially produced charcoal, briquettes, or clean, dry, seasoned wood unless otherwise approved

(4) Part 4 be amended to include the following:

**Part 4 – POWER OF ENTRY AND INSEPCION**

4.1 Under the authority of Section 436 of the Municipal Act, an officer, may at any reasonable time, enter and inspect any land or premises to determine whether the provisions of this by-law or any direction or order made thereunder is being complied with.

4.2 An owner shall permit an officer to inspect any land, property, or premises for the purposes of determining compliance with this by-law.

(5) Part 4.0 and 4.1 of By-Law 13-4726 be renumbered to 4.3 and 4.4 respectively.

(6) Section 7.1. (4) be amended to specify that the interest rate will be calculated at a rate of fifteen percent (15%) **per year**.

(7) Section 9.1 be repealed and replaced with the following:

Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended and:

2. **THAT** Schedule “A” Open Air Burning Permit Application, attached hereto form part of this By-Law.
3. **THAT** this by-law shall come into force and take effect on the day of the final passing thereof.

**READ** a first and second time in Open Council this 10<sup>th</sup> day of May, 2021.

**READ** a third time in Open Council and passed this 10<sup>th</sup> day of May 2021.

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**Edward (Ted) Comiskey, Mayor**

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**Danielle Richard, Clerk**



**Ingersoll Fire & Emergency Services  
Open Air Burning Permit Application**

(For Properties Regulated under the Farming and Food Production Act under By-Law 21-5141)

**Part One – Permit Application**

**Applicant Information**

Applicant Name:	
Address:	
Address of Proposed Burn Location if Different from Above:	
Applicant's Primary Phone Number:	
Alternative Phone Number:	
Name(s) of Persons Responsible for Monitoring the Fire(s):	

**Materials to be Burned (check all that apply)**

Brush:	<input type="checkbox"/>	Standing Structure:	<input type="checkbox"/>
Dry Clean Wood:	<input type="checkbox"/>	Fallen Structure:	<input type="checkbox"/>
Pallets	<input type="checkbox"/>	Other (provide details):	
Construction Materials:	<input type="checkbox"/>		

**Part Two - Release and Indemnification**

I, the Permit Holder shall indemnify and save harmless The Corporation of the Town of Ingersoll and its employees from any and all claims, demands, causes of action, costs or damages that the Town may suffer, incur or be liable for resulting from the Open Air Burning as set out in by-law 21-5141 and 13-4726, whether with or without negligence on the part of the Permit Holder, the Permit Holder's employees, directors, contractors and agents. I confirm that I have read and fully understand the safety implications laid out in By-Law 21-5141 and 13-4726 as per attached information.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Your application will be reviewed by the Fire Chief within five (5) business days of your application

**Note:** Even if a permit has been issued, the open air burning may be terminated and extinguished if, in the opinion of the Chief Fire Official or his/her designate that a potential fire hazard exists or the conditions of the *permit* are being violated. **Note:** The general penalty provision for the offences cited above is Section 9 of By-Law No. 13-4726, a certified copy of which has been filed.

**Office Use Only**

Approved: <input type="checkbox"/>	Denied: <input type="checkbox"/>	Inspection Needed: <input type="checkbox"/>	Permit Issued: <input type="checkbox"/>
Signature: _____		Fire Chief John Holmes/or Designate	
<b>Permit Details</b>		Issue Date:	Expiration:

**Short form Wording – Set fines**  
**Open Air burning 13-4726**

<b>By-law 13-4726 Open Air Burning</b>	<b>May 26, 2014</b>	
Burning outside of 4:00 pm and midnight	3.1 (2)(a)	\$250.00
Fire container is not approved for use	3.1 (2) (d)	\$250.00
Fire larger in size than permitted	3.1 (2) (e)	\$250.00
Fire not contained with fire container	3.1 (2) (f)	\$250.00
Fire located within 4.5m from other combustibles	3.1 (2) (g)	\$250.00
Fire container not placed on a non combustible surface.	3.1 (2) (h)	\$250.00
Burning cooking fire outside of 6:00am until midnight	3.2 (2) (a)	\$250.00
Failed to allow officer to inspect location	3.3 (a)	\$250.00
Failed to have legal title of property	3.3(b)	\$250.00
Did not burn seasoned fire wood	3.3(c)	\$250.00
Did burn noxious material	3.3(d)	\$250.00
Did not have an extinguishing agent available for use	3.3 (e)	\$250.00
Failed to supervise burning at all times	3.3 (f)	\$250.00
Failed to extinguish fire	3.3 (g)	\$250.00
Burn - wind speed exceeded 15 km per hour	3.3 (h)	\$250.00
Burning during rain or fog	3.3 (i)	\$250.00
Burning during a smog alert	3.3 (j)	\$250.00
Failed to protect adjacent properties	3.3 (l)	\$250.00
Open air burning created a nuisance	3.3 (m)	\$250.00
Failed to discontinue open air burning	8.4	\$250.00
Failed to extinguish open air burn	8.5	\$250.00