



**MONTAGUE TOWNSHIP BURN PERMIT**

I, the undersigned, hereby agree to follow the provisions of Bylaw 3635-2018, the Open Air Burning Bylaw; and

I agree to notify the Township Office at 613-283-7478 during regular business hours prior to any open air burning activities and when the fire is extinguished; and

I, the applicant, shall indemnify and save harmless the Township of Montague from any and all claims, demands, causes of actions, 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 employee, directors, contractors and agents; and

I acknowledge that all persons who sets a fire in contravention of by-law 3635-2018 or who fails to extinguish a fire once ordered to do so by the Fire Chief 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 as approved by Council. Any costs chargeable to any person pursuant to this section shall be invoiced to the person and paid to the Municipality within thirty (30) days of the date of such invoice, failing which the costs may be deemed to be municipal taxes and added by the Treasurer of the Municipality to the Collector's Roll and collected in the same manner and with the same priority as municipal taxes.

Name of Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_  
(Please print)

Civic Address: \_\_\_\_\_

Address for Open Air Burning (If different than above)

\_\_\_\_\_

Type of Open Air Burn Requested (Select all that apply):

- Campfire       Outdoor Fireplace       General Open Air (Large or Small)

Contact Information: \_\_\_\_\_

Name of Tenant/Resident (if different than owner): \_\_\_\_\_

Contact Information: \_\_\_\_\_

I, the undersigned, acknowledge and understand the requirements of Open Air Burning as contained in Bylaw 3635-2018:

\_\_\_\_\_  
Signature

\_\_\_\_\_

\*THIS PERMIT IS NOT VALID WITHOUT A PERMIT NUMBER\*

A PERMIT NUMBER IS ISSUED AT THE TOWNSHIP OFFICE WHEN APPLYING IN PERSON.

SUBMIT AN APPLICATION BY EMAIL TO: [MGREER@TOWNSHIP.MONTAGUE.ON.CA](mailto:MGREER@TOWNSHIP.MONTAGUE.ON.CA). THE FIRE CHIEF WILL APPROVE THE PERMIT AND ISSUE A PERMIT NUMBER IN A REPLY EMAIL WITHIN TWO WEEKS. PLEASE ENSURE YOU HAVE SIGNED THE PERMIT BEFORE SUBMITTING IT FOR A NUMBER.

IT IS NOT NECESSARY TO RENEW THIS PERMIT EACH YEAR PROVIDED IT HAS BEEN RETAINED AND THE HOLDER IS ABLE TO PRODUCE IT UPON REQUEST.

## EXTRACTS FROM THE TOWNSHIP OF MONTAGUE OPEN AIR BURNING BY-LAW NO. 3635-2018

**DEFINITIONS** In this by-law, the following terms have the specified meanings:

- a) **"Campfire"** means an open fire area where the material to be burned does not exceed 60cm (23.62 inches) in width and 60cm (23.62 inches) in height that is set and maintained solely for the purposes of cooking food, providing warmth or recreational enjoyment.
- b) **"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, brush, tree branches/limbs and leaves.
- c) **"Open Air Fire"** means the burning of material such as untreated wood and wood fiber products like non-laminated paper and cardboard and boxboard, brush, tree branches/limbs and leaves where the flame is not wholly contained and includes campfires, brush fires, burn drums, windrows and outdoor fireplaces, but does not include barbecues.
- d) **"Outdoor fireplace"** means a manufactured, non-combustible, enclosed container designed to hold a small fire for decorative purposes and the size of which does not exceed 1 m (3.28ft) in any direction and includes, but is not limited, to a chiminea.

### PROHIBITIONS

1. No person shall set or maintain an open air fire without first having obtained the necessary permit from the Fire Chief.
2. Despite Section 2, no person shall set or maintain an open air fire within built up areas that cannot meet the setback provisions outlined in Sections 15, 16, 17, 18 and 19 of this by-law, as determined by the Fire Chief.
3. No person shall set or maintain an open air fire when a fire ban on open air fire has been issued by the Fire Chief or designate.
4. 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:
  - a) the possible spread of the fire beyond the approved burn site;
  - b) a decreased in visibility on any highway;
  - c) excessive smoke.

### APPLICATION FOR AN OPEN AIR FIRE PERMIT

5. Any person eighteen (18) years of age or older may apply for an open air fire permit to the Fire Chief prior to the proposed date of the first open air fire.
6. The application shall include:
  - a) the name, address and phone number of the applicant;
  - b) the owner's written consent to the open air fire, if the applicant is not the owner of the property;
  - c) the municipal address of the location of the proposed open air if it differs from the address of the applicant. A farming business may offer multiple locations to reflect their agricultural property;
  - d) an indemnification in writing or electronically in accordance with the terms of Section 35; and
  - e) such other information as may be required by the Fire Chief
7. The Fire Chief shall issue an open air fire permit unless,
  - a) the application is incomplete;
  - b) there are reasonable grounds to believe that the open air fire may cause adverse effects;
  - 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 statute.
8. The Fire Chief may attach such additional conditions to a permit as he or she deems necessary to ensure public safety.
9. A permit for an open air fire is not transferable to another person or to a new location.

### GENERAL REQUIREMENTS FOR OPEN AIR FIRES

10. Where the material to be burned in an open air fire is 2m or less in length (Medium Open Air Fire), width and height or is in a burn drum, no permit holder shall set or maintain an open air fire,
  - a) at a distance of less than 25m (82ft) from any building, hedge, fence, overhead wiring or a highway and at a distance of less than 25m (82ft) from another open air fire;
  - b) where combustible material, other than a building, hedge, fence, or overhead wiring or a highway is present within a radius of 15m from the open air fire;
  - c) where the size of the open air fire will exceed the limits set by this by-law;
  - d) that is set or maintained with the aid of flammable or combustible liquids of any kind;
  - e) that uses fuel other than untreated wood and wood fiber products like non-laminated paper and cardboard and boxboard, brush, tree branches / limbs and leaves or, if in a burn drum, fuel other than that permitted in a burn drum;
  - f) that uses prohibited materials, which 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, R.S.O 1990, Chapter E.19, as amended,
  - g) between the hour of 6:00pm and 6:00am, with the exception of campfires and outdoor fireplaces that comply with the requirements of this by-law; or
  - h) unless the additional conditions specified on the permit deemed necessary by the Fire Chief have been met.
11. Where the material to be burned in an open air fire is between 2m and 3m in length (Large Open Air Fire), width and height, no permit holder shall set or maintain an open air fire,
  - a) at a distance of less than 60m from any building, hedge, fence, overhead wiring or a highway and at a distance of less than 25m (82ft) from another open air fire;
  - b) where combustible material other than a building, hedge, fence, or overhead wiring or a highway is present within a radius of 25m(82ft) from the open air fire; and
  - c) unless the permit holder complies with the conditions of Section 19, clauses (c) to (h) inclusive.

### **Additional Requirements for Campfires**

12. Despite clauses (a), (b) and (g) of Section 15, no permit holder shall set or maintain any campfire,
- a) where the material to be burned exceeds 60cm (23.62 inches) in width at the largest point or is piled higher than 60 cm(23.62 inches) in height;
  - b) that uses material other than dry firewood;
  - c) unless in compliance with the requirements of Section 15 clauses (c) to (f) inclusive and clause (h); and
  - d) unless the campfire is located a distance of not less than 5m(16ft) from any building, hedge, fence, overhead wiring or other combustible material or a highway where the campfire is not surrounded by non-combustible material;

### **Additional Requirements for Outdoor Fireplaces**

13. Despite clauses (a), (b) and (g) of Section 15, no permit holder shall set or maintain an open air fire in an outdoor fireplace unless,
- a) the outdoor fireplace is located a distance of not less than 5 m (16ft) from any building, hedge, fence, overhead wiring or other combustible material or a highway and is equipped with a spark arrester;
  - b) the outdoor fireplace is located on a non-combustible surface extending beyond the outdoor fireplace to a dimension equal to the height of the outdoor fireplace;
  - c) the outdoor fireplace uses only dry firewood; and
  - d) in compliance with the requirements of Section 15, clauses (c) to (f) inclusive and clause (h).
- a) the permit holder uses best efforts to aerate and separate any soil from wood, tree limbs and branches in the windrow;
  - b) a suitable means to control or extinguish the agricultural fire with a earth moving equipment is on site (i.e. backhoe, front end loader, bobcat, etc.)
  - c) the permit holder ensures that a person eighteen (18) years of age or older maintains constant watch and control over the windrow from the time of the setting of the windrow until there is no visible open flame; and
  - d) the permit holder complies with conditions of clauses (d) to (f) inclusive and clause (h) of Section 15.

### **DELEGATION OF AUTHORITY – FIRE CHIEF**

14. The Fire Chief is authorized to amend the boundaries of areas in which open air fires may be set or maintained provided that the amendment is a result of a change in one (1) or more of the following factors:
- a) population density;
  - b) building density;
  - c) risk management issues, including but not limited to incidence of false alarms and proximity to forested areas.

### **ENFORCEMENT**

#### **Extinguishment**

15. A member of the Fire Department or the Fire Chief may direct a person to extinguish any fire when, in their opinion, the fire creates a hazard or nuisance.
16. A person who fails to comply with the direction of a member of the Fire Department or the Fire Chief is guilty of an offence under this bylaw
17. A member of the Fire Department or Fire Chief , as the case may be, may extinguish a fire if a person fails to extinguish a fire on the request of a member of the Fire Department or Fire Chief

#### **Revocation**

18. Permits issued to a permit holder under this by-law may be revoked by the Fire Chief if, in the opinion of the Fire Chief, an adverse effect exists in or near the site of the open air fire.
19. Permits issued to a permit holder under this by-law may be revoked by the Fire Chief if the permit holder fails to comply with the requirements of the permit or permits and any other provisions of this by-law.

#### **Offences and Penalties**

20. Every person who contravenes any of the provisions of this by-law is guilty of an offence.
21. Every person who is convicted of an offence under this by-law is liable to a fine as provided for in the *Provincial Offences Act*.
22. Where a person has been convicted of an offence under this by-law,
- a) the Ontario Court of Justice, or
  - b) any court of competent jurisdiction thereafter may, in addition to
  - c) any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed towards the continuation or repetition of the offence.
23. 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 the Fire Chief 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 as approved by Council. Any costs chargeable to any person pursuant to this section shall be invoiced to the person and paid to the Municipality within thirty (30) days of the date of such invoice, failing which the costs may be deemed to be municipal taxes and added by the Treasurer of the Municipality to the Collector's Roll and collected in the same manner and with the same priority as municipal taxes.

**THE ENTIRE BY-LAW NO. 3635-2018 MAY BE VIEWED ONLINE AT [WWW.TOWNSHIP.MONTAGUE.ON.CA](http://WWW.TOWNSHIP.MONTAGUE.ON.CA) OR IN PERSON AT OUR TOWNSHIP OFFICE.**