

By-law Number 2026-27

**A By-law to Regulate the Setting and Maintaining of Open Air
Fires within the Township of South Frontenac**

Whereas subsection 7.1(1) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended, provides that a council of a municipality may pass By-laws for regulating the prevention of the spreading of fires and the setting of open fires including times during which they may be set;

Whereas subsection 11(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes a municipality to pass By-laws respecting the health, safety and well-being of persons, the protection of persons and property, and the economic, social and environmental well-being of the municipality, including respecting climate change;

Whereas the regulation of Open Air Fires will contribute to the health, safety and well-being of the inhabitants of the municipality, the protection of persons and property within the municipality, and the economic, social and environmental well-being of the municipality;

Whereas 30.2 of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended, provides 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 the municipality and for the use of the municipality's property, including property under its control;

Whereas section 121 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may prohibit and regulate the setting off of fireworks;

Whereas section 391 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides 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 the municipality and for the use of the municipality's property, including property under its control;

Whereas section 425 of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that a municipality may pass a by-law providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

Whereas section 429, subsection (4), of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act;

Whereas Section 446(2) provides that the municipality may enter upon land at any reasonable time for the purpose of remedial action under subsection (1);

Whereas Section 446(3) and (4) provides that the municipality may recover the costs of doing a matter or thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

Whereas the Council of The Corporation of the Township of South Frontenac deems it necessary and desirable to enact such a By-law to regulate Open Air Fires; and

Therefore Be It Resolved That A By-law to Regulate the Setting of Open Air Fires within the Township of South Frontenac is hereby enacted as follows:

1. Definitions

For the purposes of this By-law,

“Administrative Monetary Penalty” means a fine administered pursuant to the Administrative Monetary Penalties By-Law;

“Administrative Monetary Penalties By-Law” means the Corporation of the Township of South Frontenac By-Law Number 2022-70, “A By-Law to Impose Administrative Monetary Penalties on Violations of Municipal By-Laws”, as amended or replaced from time to time;

“Adult” shall mean an individual of at least sixteen years of age;

“Adverse Effect” means one or more of the following, as determined by the Fire Chief:

- (a) impairment of the quality of the natural environment for any use that can be made of it,
- (b) injury or damage to Property, or plant or animal life,
- (c) harm or material discomfort to any person,
- (d) a detrimental effect on the health, or the impairment of the safety of any person,
- (e) loss of enjoyment of normal use of Property, or
- (f) interference with the normal operation of any business;

“Agricultural Fire” means an Open Air Fire that is set solely for the purpose of burning wood, tree limbs and branches related to a Farming Business and which exceeds the permitted conditions related to a Brush Fire;

“Approved” means approved by the Fire Chief;

“Barbecue” means a portable or fixed device designed and intended solely for the cooking of food in the open air, but does not include an Outdoor Fireplace;

“Brush Fire” means an Open Air Fire Set solely for the purpose of burning wood, tree limbs, leaves, and branches but does not include an Agricultural Fire;

“Campground” means an area of land on which the use of campsites for the purpose of overnight accommodations for tents, trailers and/or motorhomes in exchange for monetary payment is permitted under the applicable Zoning By-law;

“Ceremonial/Sacred Fire” means an Open Air Fire carried out in observance of a ceremonial or sacred service;

“Dangerous Condition” means any condition as determined by the Fire Chief or an Officer that increases the risk of the spread of a fire;

“Extinguish” means to put out or quench a fire completely with no smoke, or hot or glowing embers remaining;

“Farming Business” means a Farming Business as defined by the *Farm Registration and Farm Organizations Funding Act, 1993*, S.O. 1993, c. 21;

“Fees and Charges By-law” means Municipality of South Frontenac By-law Number 2024-59, “A By-law to Establish Fees and Charges to be Collected by The Corporation of the Township of South Frontenac”, as amended from time to time;

“Fire Chief” means the person appointed under Section 6 of the *Fire Protection and Prevention Act* as Fire Chief for the Township of South Frontenac, or their designate;

“Fire season” means the period from the 1st day of April to the 31st day of October in each year or as determined by the Minister of Natural Resources;

“Fireworks” shall include consumer fireworks, display fireworks, special effect pyrotechnics, fireworks accessories, and novelty devices regulated under the

Explosive Regulations made pursuant to the *Explosives Act*, R.S.C 1985, c. E-17, as amended and includes one single item;

“Flying/floating lantern” means a small hot air balloon made of treated paper or any other material, with an opening at the bottom and propelled by an open flame, allowing the balloon to rise and float in the air while ignited;

“Fire Protection and Prevention Act” means the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, (FPPA) as amended, and the regulations enacted thereunder, as amended from time to time, or any successor legislation;

“Highway” means 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; and, except as otherwise provided, includes a portion of a highway;

“Level 1 Burn Ban” means a period of time declared by the Fire Chief during which the setting of fireworks is prohibited and during which certain conditions, as prescribed in this By-Law or established by the Fire Chief from time to time, apply to Open Air Fires;

“Material to be Burned” means the total volume of the materials contained in a fire;

“Municipality” means the Corporation of the Township of South Frontenac;

“Nuisance Open Air Fire” means an Open Air Fire that causes smoke, odour and/or airborne sparks or embers, alone or in combination, that is likely to, or does, disturb others, reduce visibility on a Highway or private driveway, and/or create a Dangerous Condition, and/or produce an Adverse Effect, inconvenience, or discomfort to others in the vicinity of the Open Air Fire;

“Officer” means any person who has been assigned the responsibility of administering and enforcing this By-law and includes the Fire Chief or designate, Fire Inspector, Assistant to the Fire Marshal as defined in section 11 of the *Fire Protection and Prevention Act*, Municipal Law Enforcement Officer, Provincial Offences Officer, and an Officer of the Ontario Provincial Police (O.P.P.) or other police force assisting the O.P.P.;

“Open Air Fire” means the burning of any material, including but not limited to untreated wood and wood fiber products such as non-laminated paper, cardboard and boxboard, brush, tree limbs, leaves, and branches, where the flame is not wholly contained, and includes Agricultural Fires, Brush Fires, and Outdoor Appliance Fires, Outdoor Fire Place Fires, Open Air Fires as part of a Special Event and Open Air Fires at Campgrounds but does not include the use of appliances with mechanical shut-offs (e.g. propane or natural gas appliances), smokers, Barbecues, or charcoal appliances;

“Outdoor Appliance” means a wood burning device that is CSA/ULC approved or approved by the Fire Chief to contain an Open Air Fire;

“Outdoor Appliance Fire” means an Open Air Fire contained within an Outdoor Appliance;

“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 in any direction and includes, but is not limited, to a chiminea;

“Person” means any individual, association, firm, partnership, corporation, agent or trustee and the heirs or executors of a person to whom the context can apply according to law;

“Prohibited Conditions” mean the following conditions:

- (a) wind speeds exceed 25 kilometers per hour, as determined and published by Environment and Climate Change Canada;
- (b) A smog alert/smog watch/smog advisory has been declared by Environment and Climate Change Canada and remains in effect; or
- (c) drought or dry weather conditions exist that increase the risk of a burn escaping containment and becoming a wildfire;
- (d) unavailability of Fire Response due to staffing shortage, staff fatigue, and out of service equipment such as forestry hose;

“Prohibited Materials” means combustible material, including but not limited to: rubber, rubber products, plastic, plastic products, polyethylene terephthalate, polystyrenes (Styrofoam), waste petroleum products, rubbish, demolition materials, metal, tires, rubber, plastic, fiberglass, cloth, asphalt products, shingles, insulation, electrical wiring, painted or treated wood, furniture, synthetic fabrics, composite wood waste, residential waste (such as food scraps, diapers and household trash), commercial, industrial, manufacturing, or construction waste, flammable or combustible liquids, oils, paints, solvents, batteries, acids, chemicals, explosives, radioactive, infectious, and other hazardous materials, and any material prohibited by the *Environmental Protection Act*, R.S.O. 1990, c. E. 19, as amended, but shall not include untreated wood and wood fiber products, such as non-laminated paper, cardboard and boxboard, brush, tree limbs, leaves, and branches;

“Property” includes a building or structure or part of a building or structure, and includes the lands appurtenant thereto and all mobile homes, mobile buildings or mobile structures and vacant land;

“Set” means to do anything in connection with the lighting or ignition of a fire, and shall include maintaining a fire or causing or permitting a fire to continue to burn;

“Special Event” means an event held or authorized by the Municipality, or by a community not-for-profit organization, school, an event that supports the local tourism industry or a ceremonial or sacred service;

“Total Fire Ban” means a period of time declared by the Fire Chief during which the Setting of fireworks and all Open Air Fires, including, Agricultural Fires, Brush Fires, Outdoor Appliance Fires, Outdoor Fire Place Fires, Open Air Fires as part of a Special Event and Open Air Fires at Campgrounds are prohibited, but does not include Outdoor Appliances with mechanical shut-off (i.e. propane, naphtha, and natural gas appliances), smokers, Barbecues, and charcoal appliances.

2. Administration

- 2.1 The Fire Chief shall be responsible for the administration of this By-law.
- 2.2 The Fire Chief may declare a Level 1 Burn Ban or Total Fire Ban at any time. The declaration of the ban and any accompanying restrictions may be made by publication on the Township website.

3. Application

- 3.1 This By-law applies to all persons and Property within the geographic limits of the Township of South Frontenac.
- 3.2 Every person that owns Property and every officer or director of a corporation that owns Property within the Township of South Frontenac has a duty to take all reasonable care to prevent occupants and users of the Property from breaching the provisions of this By-law, and
 - (a) Every person who has a duty under this section and who fails to carry out that duty is guilty of an offence, and
 - (b) A director or officer of a corporation is liable to a conviction under this section whether

or not the corporation has been prosecuted or convicted.

4. Interpretation

- 4.1 Nothing in this By-law shall be deemed to authorize any fire, burning or other act that is in contravention of the *Environmental Protection Act*, R.S.O. 1990, c. E.19, the *Wildland Fire Management Act*, R.S.O. 1990, c. F.24, the *Fire Protection and Prevention Act*, or other federal or provincial statute, or any regulation made thereunder.
- 4.2 In the event of any conflict between the provisions of this By-law and any Act or Regulation described in section 4.1 above, the said Act or Regulation shall govern. In the event of any conflict between the provisions of this By-law and any other municipal By-law, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.
- 4.3 Without limiting the generality of section 4.2, the issuance of a permit under provincial law shall not exempt the permitholder from any provision of this By-Law, except where compliance with the By-Law makes it impossible to comply with the provincial permit.

5. Exemptions

- 5.1 This By-law does not apply to the use of appliances with mechanical shut-offs (such as propane or natural gas appliances), smokers, Barbecues, or charcoal appliances.
- 5.2 This By-law does not apply to an event hosted and organized by the Municipality.
- 5.3 This By-law does not apply to the use of blow torches, cutting or welding torches, paving equipment or other such apparatus, where the use is associated with a commercial service or occupation.
- 5.4 This By-law does not apply to the Setting of an Open Air Fire:
- (a) In a device that has been installed outside of a building and that meets each of the following conditions:
 - (i) the device is designed for and used as a source of heat or power for the building or is designed for and used for a purpose ancillary to a manufacturing process,
 - (ii) the device is certified for use for a purpose described in paragraph 5.4(a)(i) by a recognized agency mandated in part for that purpose;
 - (iii) the certification of the device is produced upon request of an Officer or the Fire Chief, or the device has been approved by the Fire Chief; and
 - (iv) the device is in good working order; or
 - (b) For the purpose of a training exercise or demonstration of firefighting equipment, if such exercise or demonstration is authorized by the Fire Chief;

6. General Regulations

- 6.1 No Person shall cause or permit an Open Air Fire to be Set except in accordance with the provisions of this By-law.
- 6.2 No Person shall cause, permit or maintain the burning of Prohibited Materials in an Open Air Fire.
- 6.3 No Person shall cause or permit an Open Air Fire to be Set in Prohibited Conditions.

- 6.4 The Fire Chief may impose a Level 1 Burn Ban or Total Fire Ban outside of the Fire Season as established by the Ministry of Natural Resources under the *Forest Fire Prevention Act*.
- 6.5 No Person shall cause or permit an Open Air Fire to be Set except in accordance with the following conditions:
- (a) The Open Air Fire is contained within an area of non-combustible metal, masonry, ceramic or stone or is contained within a pit in the ground that does not exceed 90 centimetres (3 feet) in height, width and length;
 - (b) The Material to be Burned in the Open Air Fire is clean dry wood in a single pile and does not exceed 90 centimetres (3 feet) in height, width and length;
 - (c) The Open Air Fire is located at a distance of not less than 5 metres (16 feet) from any building, structure, hedge, fence, overhead wiring, trees, or other combustible material or the lot line;
 - (d) Necessary means are immediately available at the site of the Open Air Fire to permit the fire to be Extinguished, and/or to limit the spread of fire, and if necessary, to summon South Frontenac Fire & Rescue; and
 - (e) There is an Adult present and in control of the Open Air Fire at all times
 - (f) Any applicable condition under Schedule "A" to this By-Law.
- 6.6 No Person shall cause or permit an Open Air Fire to be Set during a Level 1 Burn Ban except in accordance with the conditions described in Section 6.5, Clause (a), (b), (c), (d) and (e) and any additional restrictions imposed by the Fire Chief.
- 6.7 No Person shall cause or permit an Open Air Fire to be Set during a Total Fire Ban.
- 6.8 No Person shall cause or permit fireworks to be set off during a Level 1 Burn Ban or Total Fire Ban.
- 6.9 No Person shall cause or permit a fire in an outdoor incinerator in the Municipality without first obtaining written approval from the Fire Chief and under the following conditions:
- (a) The person is burning only wood, brush, leaves, or discarded wood by-products;
 - (b) The incinerator is an enclosed device constructed entirely of non-combustible material which is not capable of holding more than one cubic metre of unburned material;
 - (c) The incinerator is at least five metres from any forest or woodland;
 - (d) The incinerator is at least two metres from any flammable materials; and
 - (e) The outlet of the incinerator is covered with a screen having a mesh size of not more than five millimeters.
- 6.10 No Person shall cause or permit a fire to become or remain a Nuisance Open Air Fire.
- 6.11 No Person shall use, or cause or permit the use of a Flying/floating Lantern at any time.
- 6.12 No Person shall permit an Open Air Fire without necessary means immediately available at the site of the Open Air Fire to permit the fire to be Extinguished, and/or to limit the spread of fire, and if necessary, to summon South Frontenac Fire & Rescue.
- 6.13 No Person shall permit an Open Air Fire unless there is an Adult present and in control of the Fire at all times.

7. Enforcement

- 7.1 The provisions of this By-law may be enforced by an Officer as defined in this By-law.

8. Obstruction

- 8.1 No person shall obstruct or hinder or attempt to obstruct or hinder an Officer or other authorized employee or agent of the Township in the exercise of a power or the performance of a duty under this By-law.
- 8.2 Where an Officer has reasonable grounds to believe that an offence under this By-law has been or is being committed on a Property, the Officer and any authorized employee or agent of the Township of South Frontenac may, upon producing proper identification, enter the Property at any reasonable time for the purpose of carrying out an inspection to determine whether this By-law is being complied with.
- 8.3 For the purposes of an inspection under section 8.2, an Officer may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require the name, address and proof of identity from any person concerning a matter related to the inspection; and
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 8.4 Without limiting the generality of section 8.1, failure to provide proof of identification satisfactory to the Officer when requested to do so pursuant to Subsection 8.3 of this By-law shall constitute obstruction of a Municipal By-law Enforcement Officer under Section 8.1 for the purposes of the inspection.
- 8.5 The foregoing inspection powers shall be interpreted so as to be consistent with the powers of entry provided under Part XIV the *Municipal Act, 2001*.

9. Extinguishing Any Fire

- 9.1 An Officer may direct any person to Extinguish any Open Air Fire where the Officer has reasonable grounds to believe that the Open Air Fire is in contravention of this By-law or of the terms and conditions of an Open Air Fire Permit.
- 9.2 Where the action taken by such person pursuant to 9.1 is, in the opinion of the Fire Chief or Officer not adequate, the Fire Chief may take such action as he or she considers necessary to control and Extinguish the fire.
- 9.3 No action or other proceeding for damages shall be instituted against a Fire Chief, Officer, firefighter, a fire inspector, an assistant to the Fire Marshal, the Deputy Fire Marshal, the Fire Marshal, or a person acting under his or her authority, or any other person directed by the Fire Chief pursuant to section 9.1 or 9.2, for any act done in good faith in the execution or intended execution of his or her power or duty or for any alleged neglect or default in the execution in good faith of his or her power or duty.

10. Costs of Action Regarding Fires

- 10.1 The Owner(s) of Property shall be responsible for any and all extraordinary costs and expenses of any action(s) taken by the Fire Chief pursuant to section 9.1 and/or section 9.2 of this By-law with respect to responding to, controlling or Extinguishing an Open Air Fire on that Property that is caused by, or results from, a contravention of this By-law, or is caused by or results from the failure to comply with any of the provisions of this By-law or the terms and conditions issued pursuant to this By-law.
- 10.2 For the purposes of section 10.1 of this By-law, extraordinary costs and expenses include, but are not limited to: the costs and expenses related of any actions related to the burning of Prohibited Materials or in Prohibited Conditions; the costs and expenses of multiple responses to the same address due to contraventions of this By-law; the costs and expenses related to the spread of an Open Air Fire onto property owned by the Municipality, and other impacted

- properties including to repair or replace damaged property.
- 10.3 The costs and expenses in section 10.1 of this By-law shall be assessed in accordance with the Municipality's Fees and Charges By-law and are payable to the Municipality.
- 10.4 If costs or expenses are assessed against an Owner under this By-law, the Municipality shall deliver an invoice to each such Owner and the Owner shall pay the fee within thirty (30) days of receipt of the invoice or as may be otherwise specified on the invoice.
- (a) The invoice shall explain how the owner can dispute the invoice with the Fire Chief; and
- (b) Upon receiving a written statement disputing the invoice, then the Fire Chief shall make a determination as to the validity of the fees and provide written reasons.
- 10.5 The Municipality may deliver such invoice personally, by registered mail, or by regular mail to the Owner(s)'s last known address.
- 10.6 Receipt of the invoice shall be deemed to have occurred:
- (a) on the date of delivery, if delivered personally;
- (b) three (3) business days after the date of mailing, if delivered by registered mail to an address within the Municipality;
- (c) five (5) days after the date of mailing, if delivered by registered mail to an address outside of the Municipality;
- (d) five (5) days after the date of mailing if delivered by regular mail to an address within the Municipality;
- (e) seven (7) days after the date of mailing if delivered by regular mail to an address outside of the Municipality.
- 10.7 If any amount payable under this By-law remains unpaid after thirty (30) days of receipt of the invoice, the Municipality may add such amount to the tax roll for any Property for which all the Owners are responsible and may collect the amount in the same manner as municipal taxes or through the use of other legal means as deemed appropriate.

11. Offence and Penalty Provisions

- 11.1 Every person who contravenes any provision of this By-law is guilty of an offence and all offences under this By-law are designated as continuing offences.
- 11.2 A person who is convicted of a first offence under this By-law is liable, for each day or part of a day that the offence continues to a maximum fine of no more than \$5,000. The total of all daily fines imposed for the continuing offence may exceed \$100,000.
- 11.3 A person who is convicted of a second or subsequent offence under this By-law, for each day that the second or subsequent offence continues, to a maximum fine of no more than \$10,000. The total of all daily fines imposed for the second or subsequent continuing offence may exceed \$100,000.
- 11.4 Every Person who contravenes any provision of this By-law shall, upon issuance of a Penalty Notice, be liable to pay to the Township of South Frontenac an Administrative Monetary Penalty, and the Administrative Monetary Penalty By-law applies to each Administrative Monetary Penalty issued pursuant to this By-law.

- 11.5 If a Person is required to pay an Administrative Monetary Penalty under Section 12.4 in respect of a contravention of this By-law, the Person shall not be charged with an offence in respect of the same contravention.
- 11.6 If an administrative penalty imposed under this By-law is not paid within 15 days after the day that it becomes due and payable, the Treasurer may add the administrative penalty to the tax roll for any property in the Township for which all of the owners are responsible for paying the administrative penalty, and collect it in the same manner as municipal taxes.
- 11.7 If this By-law is contravened and a conviction entered, the court in which the conviction was entered or any court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

12. Schedules

12.1 The following Schedules are attached to and form part of this By-law:

- a) Schedule A: Additional Open Air Fire Conditions

13. Validity

13.1 Should a court of competent jurisdiction declare any provision, or any part of any provision, of this By-law to be invalid or of no force and effect, the provision or part shall be deemed severable from this By-law and it is the intention of Council that the remainder of the By-law survive and be applied and enforced in accordance with its terms to the extent possible under law.

14. Short Title of By-law

14.1 This By-law may be referred to as the "Open Air Fires By-law".

15. Commencement

15.1 This By-law shall come into force and take effect on the date of its passing.

15.2 By-law 2012-68, As Amended and any other by-law, policies, practices or parts thereof conflicting with this By-law be repealed.

Given First and Second Readings: Tuesday, May 5, 2026

Given Third Reading and Passed: Tuesday, May 5, 2026

James Thompson, Clerk

Ron Vandewal, Mayor

Schedule A

Additional Open Air Fire Conditions

1. Application

- 1.1 The Additional Conditions set out in section 2 of this Schedule shall apply to every Agricultural Fire.
- 1.2 The Additional Conditions set out in section 3 of this Schedule shall apply to every Brush Fire .
- 1.3 The Additional Conditions set out in section 4 of this Schedule shall apply to every Outdoor Appliance and Outdoor Fireplace .
- 1.4 The Additional Conditions set out in section 5 of this Schedule shall apply to every Open Air Fire set as part of a Special Event.
- 1.5 The Additional Conditions set out in section 6 of this Schedule shall apply to and form part of every Open Air Fire set at a campground.

2. Additional Conditions For Agricultural Fires

2.1 No Person shall Set an Agricultural Fire, or cause or permit an Agricultural Fire to be Set, unless all of the following conditions are met:

- (a) South Frontenac Fire & Rescue has inspected and approved the location of the Agricultural Fire;
- (b) South Frontenac Fire & Rescue has been notified prior to Setting the Agricultural Fire by contacting the Township by phone at (613)-376-3027;
- (c) South Frontenac Fire & Rescue has been notified at the conclusion of the Agricultural Fire by contacting the Township by phone at (613)-376-3027.
- (d) The Agricultural Fire shall be Set at a distance of no less than 90 metres (295 feet), or at such greater distance as may be specified by the Fire Chief, from any building, hedge, fence, overhead wire, trees, or other combustible material, or the lot line;
- (e) The Material to be Burned shall not exceed 6 metres (20 feet) in height, 6 metres (20 feet) in width and 6 metres (20 feet) in length or as otherwise approved by the Fire Chief;
- (f) The Agricultural Fire is not Set except between 7:01 p.m. and 6:59 a.m., unless otherwise authorized by the Fire Chief and in accordance with Section 7. of this By-law;
- (g) Necessary means are immediately available at the site of the Agricultural Fire to permit the fire to be Extinguished, and/or to limit the spread of fire, and if necessary, to summon South Frontenac Fire & Rescue; and
- (h) There is an Adult present and in control of the Agricultural Fire at all times;

3. Additional Conditions For Brush Fires

3.1 No Person shall Set a Brush Fire, or cause or permit a Brush Fire to be Set, unless all of the following conditions are met:

- (a) The Brush Fire is not Set except between 7:01 p.m. and 6:59 a.m., unless otherwise authorized by the Fire Chief and in accordance with Section 7 of this By-law;
- (b) The Brush Fire shall be Set at a distance of no less than 30 metres (98 feet), from any building, hedge, fence, overhead wire, trees, or other combustible material, or the lot line;
- (c) The Material to be Burned shall not exceed 3 metres (10 feet) in height, 3 metres (10 feet) in width and 3 metres (10 feet) in length or as otherwise approved by the Fire Chief;
- (d) Necessary means are immediately available at the site of the Brush Fire to permit the fire to be Extinguished, and/or to limit the spread of fire, and if necessary, to summon South Frontenac Fire & Rescue;
- (e) There is an Adult present and in control of the Brush Fire at all times;

4. Additional Conditions For Outdoor Appliance and Outdoor Fireplace Fires

- 4.1 No Person shall Set a fire in an Outdoor Appliance or Outdoor Fireplace, or cause or permit a fire to be Set in an Outdoor Appliance or Outdoor Fireplace, unless all of the following conditions are met:
- (a) The Outdoor Appliance or Outdoor Fireplace is not located on a balcony;
 - (b) The Outdoor Appliance or Outdoor Fireplace is not located on any combustible surface;
 - (c) The Outdoor Appliance or Outdoor Fireplace is in good working order;
 - (d) The Outdoor Appliance is located at a distance of not less than 5 metres (16 feet) from any building, structure, hedge, fence, overhead wiring, trees, or other combustible material or the lot line;
 - (e) The Outdoor Fireplace is located at a distance of not less than 3 metres (10 feet) from any building, structure, hedge, fence, overhead wiring, trees, or other combustible material or the lot line;
 - (f) The Material to be burned is clean dry wood in a single pile and does not exceed 45 centimeters (1.5 feet) in height, width and length;
 - (g) Necessary means are immediately available to permit the fire to be Extinguished, and/or to limit the spread of fire, and if necessary, to summon South Frontenac Fire & Rescue; and
 - (h) There is an Adult present and in control of the fire at all times.

5. Additional Conditions For Open Air Fires during or as part of a Special Event

5.1 No Person shall Set an Open Air Fire during or as part of a Special Event, or cause or permit an Open Air Fire to be Set during or as part of a Special Event, except in accordance with any specific terms and conditions that the Fire Chief imposes pursuant to section 5.2 of this Schedule, and unless all the following terms and conditions are met:

- (a) Necessary means are immediately available at the site of the Open Air Fire to permit the fire to be Extinguished, and/or to limit the spread of fire, and if necessary, to summon South Frontenac Fire and Rescue;
- (b) The Adult present and in control of the Open Air Fire is the Person identified in the Special Event Fire conditions or an officer, director or agent thereof;
- (c) The Special Event Fire is not Set except during the timeframes set out on the issued Open Air Fire conditions and in accordance with Section 7. of this By-law; and

5.2 The Fire Chief may, in his or her sole discretion, may impose, as part of a Special Event Fire, any other terms and conditions as the Fire Chief deems necessary, in addition to those set out in this By-law and Schedule, including but not limited to restricting the time(s) or day(s) during which an Open Air Fire is permitted.

6. Additional Conditions For Open Air Fires at Campgrounds

- 6.1 No Person shall Set an Open Air Fire in a Campground, or cause or permit an Open Air Fire to be Set in a Campground, except in accordance with any specific terms and conditions that the Fire Chief imposes pursuant to section 6.2 of this Schedule, and unless all the following terms and conditions are met:
- (a) Necessary means are immediately available at the Campground to permit an Open Air Fire to be Extinguished, and/or to limit the spread of fire, and if necessary, to summon South Frontenac Fire and Rescue; and
 - (b) There is an Adult present and in control of the Open Air Fire at all times.
- 6.2 Every owner, operator, manager or supervisor of a Campground shall be responsible for ensuring compliance with the provisions of this By-law.