

**The Corporation of the
Municipality of Trent Lakes**

By-law No. B2026-034

A by-law to regulate open-air burning and fireworks

Whereas Section 11(2) of the Municipal Act, S.O. 2001, Chapter 25 provides that a municipality may pass by-law respecting the health, safety and well-being of persons; and the protection of persons and property;

And Whereas Section 391(1) of the Municipal Act, S.O. 2001, Chapter 25 provides that a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it, and for costs payable by it for services or activities provided or done by or on behalf of any other municipality;

And Whereas Section 444 of the Municipal Act, S.O. 2001 authorizes municipalities to make orders requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

And Whereas Section 446 of the Municipal Act, S.O. 2001, Chapter 25 authorizes entry onto property to enforce municipal By-laws;

And Whereas Section 7.1(1) of the Fire Protection and Prevention Act, 1997, S.O. 1997, as amended, provides that a council of a municipality may pass by-laws regulating fire prevention, including the prevention of the spreading of fires;

And Whereas The Ontario Fire Code O. Reg 213/07 Sentence 2.4.4.4. (1) 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

Now Therefore the Council of The Corporation of the Municipality of Trent Lakes hereby enacts as follows:

1.0 Definitions

- 1.1 **Administrative Monetary Penalty System (AMPS) By-law** means the Municipality's Administrative Monetary Penalty System By-law B2023-051, as amended, or any successor administrative monetary penalty system by-law.
- 1.2 **Administrative Penalty** means a monetary penalty imposed for a contravention of this By-law and as established by the Administrative Monetary Penalty System By-law.
- 1.3 **Adverse Effect** means:
 - 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 to plant or animal life;
 - c. the rapid spread of fire through grass or a brush area;
 - d. harm or material discomfort to any person;

- e. an adverse effect on the health of any person or the impairment of the safety of any person;
 - f. loss of enjoyment of normal use of property;
 - g. interference with the normal conduct of business; and/or
 - h. obstruction or decrease of visibility of a traveled portion of a public or private driveway or roadway.
- 1.4 **Approved Burning Device** means any fixture, appliance, apparatus, or device that uses propane, natural gas, or another combustible fuel as a source of fuel for light, heat or cooking and is approved or certified by the Technical Standards and Safety Authority (TSSA), The Canadian Standards Association (CSA), Underwriters Laboratories of Canada (ULC) or another Authority Having Jurisdiction. Approved fuel burning appliances shall not be modified or used for anything other than for the purpose recommended by the manufacturer. Approved fuel burning appliances must be equipped with an on/off valve that can be easily operated, and the shutoff valve must be accessible
- 1.5 **Burn Ban** means a time frame declared by the Fire Chief when no Open-Air Burns or Fires are permitted within the Municipality. For the purpose of a Burn Ban such items as bonfires, charcoal BBQ's, outdoor candles and lanterns, tiki torches, burning brush or leaves, all outdoor solid fuel burning appliances, etc. are prohibited.
- 1.6 **Chief Fire Official** means the assistant to the Fire Marshall who is the Municipal Chief Fire Official or a member or members of the Fire Department appointed by the Fire Chief under Article 1.1.1.2. of Division C or a person appointed by the Fire Marshall under Article 1.1.1.1. of Division C or their delegate.
- 1.7 **Fire Chief** means the Municipal Chief Fire Official or designate.
- 1.8 **Fireworks** means Display Fireworks, Pyrotechnic Fireworks and Consumer Fireworks.
- 1.9 **Fireworks, Consumer** means outdoor low hazard fireworks generally used for recreational purposes such as showers, fountains, golden rain, lawn lights, pin wheels, roman candles, volcanoes and sparklers, as outlined in the Explosives Act, R.S.O., 1985, c.E-17.
- 1.10 **Fireworks, Display** means an outdoor, high hazard firework that is designed for professional use only. They include items like aerial shells, cakes, Roman candles, waterfalls, lances and wheels. Display Fireworks are strictly regulated by Federal Law.
- 1.11 **Fireworks, Pyrotechnics** means high-hazard and designed for professional use. They include items like gerbs, mines, comets and crossette fireworks, as well as special-purpose pyrotechnics made for live stage performances and the film and television industry. Pyrotechnics are strictly regulated by Federal Law.
- 1.12 **Flying Lantern** means a small hot air balloon made of paper, with an opening at the bottom where a small fire is suspended.

- 1.13 **Municipality** means the Corporation of the Municipality of Trent Lakes in the County of Peterborough.
- 1.14 **Officer** means a Police Officer, Chief Fire Official, Fire Inspector, Chief Building Official, Building Inspector, or Municipal Law Enforcement Officer.
- 1.15 **Open-Air Burn or Fire** means any fire for the purpose of burning combustibles, brush, leaves or discarded wood products .
- 1.16 **Owner** means the Person registered on title to the Property on which the Open-Air Fire is located and Ownership has a corresponding meaning.
- 1.17 **Penalty Notice** means a notice given to a Person pursuant to the Administrative Monetary Penalty System By-law.
- 1.18 **Permitted Fire Season** means anytime from the first day of November to the last day of March and between the hours of 6:00 p.m. and 8:00 a.m. from the first day of April to the last day of October each year.
- 1.19 **Permitted Firework Period** means
- a. **New Year's Eve** – between 8:00 p.m. and 1:00 a.m. the following day;
 - b. **Canada Day** – between 8:00 p.m. and 11:00 p.m. on July 1st and the Weekends directly preceding and following it;
 - c. **Civic Holiday** – between 8:00 p.m. and 11:00 p.m. on the statutory holiday and the Weekend directly preceding it; and
 - d. **Labour Day** – between 8:00 p.m. and 11:00 p.m. on the statutory holiday and the Weekend directly preceding it.
- 1.20 **Person** means an individual, corporation, or other legal entity.
- 1.21 **Responsible Person** means a person 18 years of ages or older that is capable of extinguishing a fire.
- 1.22 **Weekend** means the period from Friday evening through Sunday evening.

2.0 General Provisions

- 2.1 A permit or written permission from the Fire Chief is required to have an Open-Air Burn or Fire anywhere in the Municipality. Permits are valid from January 1 to December 31.
- 2.2 Only one permit shall be issued per property.
- 2.3 Notwithstanding Section 2.2, a property zoned Tourist Commercial 1 (TC-1) in the Municipality's Comprehensive Zoning By-law may be permitted more than one (1) controllable Open-Air Burn or Fire as per the conditions set out by the Property Owner and so long as all conditions under this bylaw are met.
- 2.4 Open-Air Burns or Fires shall only be allowed during the Permitted Fire Season.

- 2.5 All Open-Air Burns or Fires shall be supervised by a Responsible Person until it is extinguished.
- 2.6 All Open-Air Burns or Fires shall have firefighting equipment in a serviceable condition such as a hose or pails or water, rakes, shovels, heavy equipment, etc. available to contain the Open-Air Burn or Fire, until it is extinguished.
- 2.7 Any permit may be cancelled or suspended by the Fire Chief if satisfied that the continuation of the permit will have an Adverse Effect.
- 2.8 Fireworks shall only be allowed during the Permitted Firework Period.
- 2.9 All Persons setting an Open-Air Burn or Fire or setting off Fireworks in the Municipality shall:
- a. Be responsible for any damage to property or injury to persons occasioned by the said fire;
 - b. Be liable for costs incurred by the fire department, including but not limited to personnel, equipment and apparatus necessary and called in to extinguish the said fire.
- 2.10 Notwithstanding anything in this By-law, when all or a part of the Municipality is in a Burn Ban, no Open-Air Burns or Fires or Fireworks shall be permitted and all permits shall be considered suspended until the lifting of the Burn Ban. Approved Burning Devices shall be permitted during a Burn Ban.
- 2.11 The Chief Fire Official may, upon receipt of application, approve the setting of any fire subject to the fire site being viewed by the Chief Fire Official of the Municipality of Trent Lakes or their designate. A fee may be charged.

3.0 Prohibitions

- 3.1 No Person shall have an Open-Air Burn or Fire without a permit or written permission from the Fire Chief; with a cancelled or suspended permit or during a Burn Ban.
- 3.2 No Person shall set off any Fireworks outside the Permitted Fireworks Period.
- 3.3 No Owner shall have an Open-Air Burn or Fire in the Municipality without first phoning the Municipality's Burn Hot Line and leaving their name, address, phone number, and the date and time of when they intend to have an Open-Air Burn.
- 3.4 No Person shall leave an Open-Air Burn or Fire unattended or without a Responsible Person present.
- 3.5 No person shall fail to have equipment in a serviceable condition such as a hose or pails or water, rakes, shovels, heavy equipment, etc. available to contain the Open-Air Burn or Fire, until it is extinguished.
- 3.6 No Person shall have an Open-Air Burn or Fire where the material is burned in a single pile that is more than 0.61 metres x 0.61

metres x 0.61 metres (2 feet x 2 feet x 2 feet).

- 3.7 No Person shall have Open-Air Burn or Fire less than 7.62 metres (25 feet) from any flammable materials and 7.62 metres (25 feet) from any property boundary line.
- 3.8 No Person shall have an Open-Air Burn or Fire which contains rubber tires, plastic products, shingles, painted or treated wood or other building materials that are known to create Adverse Effects.
- 3.9 No Person shall set a grass fire.
- 3.10 No Person shall have an Open-Air Burn or Fire that creates an Adverse Effect.
- 3.11 No Person shall burn wood, brush, leaves or any substance in an incinerator unless
 - a. The incinerator is an enclosed device constructed entirely of non-combustible material;
 - b. The incinerator is at least 7.62 metres (25 ft) from any forest or woodland;
 - c. The incinerator is at least 7.62 metres (25 ft) from any flammable materials;
 - d. The outlet of the incinerator is covered by a screen having a mesh size of not more than 5 millimeters.
- 3.12 No Person shall discharge, fire, set off, or cause to be set off a Flying Lantern within the Municipality.
- 3.13 No Person shall set off any Fireworks in, on or onto any building, highway, sidewalk, Municipal park or Municipal property.
- 3.14 No Person shall damage or remove property of the fire department.

4.0 Enforcement

Entry and Inspection

- 4.1 An Officer or their designate(s) may, at any time, enter onto a property, to determine whether this By-law is being complied with.
- 4.2 No Person shall refuse to permit an Officer or their designate(s) to inspect a property for the purposes of determining compliance with this By-law.
- 4.3 An Officer or their designate(s) may enter upon a Property at any reasonable time to direct or require that a matter or action be done and, in default of that matter or action being done, to do such matter or action in accordance with this By-law.
- 4.4 A Person exercising power of entry on behalf of the Municipality under this By-law may be accompanied by any Person under their direction including Law Enforcement Services, other Municipal employees, agents or authorities as deemed necessary.
- 4.5 The Municipality may undertake an inspection pursuant to an

order issued under Section 437 of the Municipal Act, 2001. Where an inspection is conducted, the Officer conducting the inspection may:

- a. Require the production of relevant documents or things for inspection;
- b. Inspect and remove relevant documents or things for the purpose of making copies or extracts;
- c. Require information from any Person concerning a relevant matter including their name, address, phone number and identification; and
- d. Make examinations, take tests, samples or photographs, alone or in conjunction with a Person possessing special or expert knowledge, necessary for the purposes of inspection.

Orders

- 4.6 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an Order requiring the Person who contravened this By-law, the owner or the Person who caused or committed the contravention of this By-law, to discontinue the contravening activity.
- 4.7 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the Person who contravened this By-law or the owner of the property where the contravention occurred, to do work to correct the contravention.
- 4.8 An order made under section 4.7 or section 4.8 shall set out:
 - a. the reasonable particulars of the contravention adequate to identify the contravention and the location of the property on which the contravention occurred;
 - b. the work to be done pursuant to an Order made under section 13.8; and
 - c. the date by which there must be compliance with the Order.
- 4.9 In the event of a default of such work being done, the Officer shall direct the work to be done at the Registrants' expense and the Municipality shall recover the expense in the same manner as municipal taxes.
- 4.10 The Order shall be posted in a conspicuous place on the property.
- 4.11 No Person shall fail to comply with an Order issued by an Officer pursuant to section 13.7 or section 13.8.
- 4.12 An Order under this By-law may require work to be done even though the facts which constitute the contravention of this By-law were present before this By-law came into force.
- 4.13 Where an Officer has placed or caused the placing of a placard or document containing the terms of an Order upon the Property under the authority of any legislation or provisions of this By-law, no Person shall remove such placard except with the consent of

the Officer who issued the Order.

- 4.14 Once an Order has been served in accordance with this By-law, an Order shall remain in effect on a property until the Order has been complied with.

5.0 Penalty, Offences and Fines

Administrative Penalties

- 5.1 The Administrative Monetary Penalty System By-law applies to this By-law.
- 5.2 Instead of laying a charge under the Provincial Offences Act, an Officer who finds that a Person has contravened any provision of this By-law may issue a Penalty Notice under the Administrative Monetary Penalty System By-law to the Person who contravened this By-law.
- 5.3 The Penalty Notice shall be given to the Person to whom it is addressed as soon as is reasonably practicable and shall include the following information:
- a. Particulars of the contravention, including to which Property it applies;
 - b. The amount of the Administrative Penalty; and
 - c. A statement advising that an Administrative Penalty will constitute a debt to the Municipality.
- 5.4 A Person who has been issued a Penalty Notice shall pay the Administrative Penalty within fifteen (15) days from the date the Penalty Notice was issued.
- 5.5 An Administrative Penalty that is deemed to be confirmed may be added to the tax roll of the Property on which the contravention of this By-law occurred.

6.0 Service of Documents

- 6.1 The service of any document, order or decision pursuant to this By-law, including a Penalty Notice, when served in any of the following ways, is deemed effective service:
- a. Immediately, when a copy is delivered by personal service to the Person to whom it is addressed;
 - b. On the fifth (5th) day following the date a copy is sent by registered mail or by regular mail to the Person's last known address;
 - c. Immediately upon the conclusion of a copy by facsimile transmission to the Person's last known facsimile transmission number;
 - d. Immediately upon sending a copy by electronic mail (i.e. email) to the Persons last known electronic email address; or
 - e. By any other method deemed reasonable.

- 6.2 For the purposes of this By-law, a Person's last known address, facsimile number, and electronic mail address includes an address, facsimile number and electronic mail address provided by the Person to the Municipality as may be required by any form, practice or policy under this By-law.
- 6.3 If a notice document that is to be given or delivered to a Person under this By-law is mailed to the Person at the Person's last known address appearing on the records of the Municipality as part of a proceeding under this By-law, or sent electronically to an email address that was provided by the Person, there is an irrebuttable presumption that the notice or document is given or delivered to the Person.
- 6.4 A Person shall keep their contact information for service current by providing any change in address, facsimile, or electronic mail address to the Issuer, immediately.

7.0 Short Title

- 7.1 This by-law may be referred to as the "Open-Air Burn and Fireworks By-law".

8.0 Severability

- 8.1 Should any provision, or any part of a provision of this By-law be declared invalid, or to be of no force and effect by a court of competent jurisdiction, it is the intent of Council that such a provision, or part of a provision, shall be severed from this By-law, and every other provision of the By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

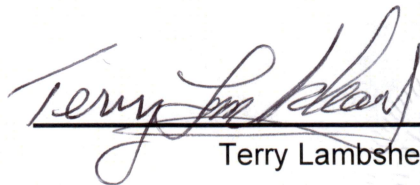
9.0 Repeal

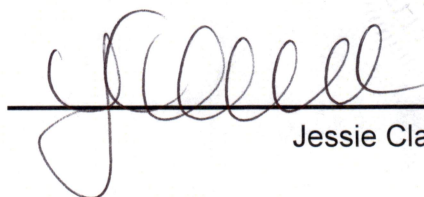
- 9.1 That By-law B2023-053 be repealed.

10.0 Effective Date

- 10.1 That this By-law shall come into force and take effect on the date of its final passing.

Read a first, second and third time and passed this 5th day of May, 2026.


Terry Lamshead, Mayor


Jessie Clark, Clerk