

THE CORPORATION OF THE CITY OF CORNWALL

By-law # 2019-___

A By-law to prohibit open-air burning of solid fuels within the boundaries of the municipality and to repeal By-law # 2014-063.

WHEREAS the Municipal Act, S.O. 2001, c. 25, Part III, Section 130 authorizes the municipality to regulate matters not specifically provided for by this Act or any other Act for the purposes related to the health, safety and well-being of inhabitants of the municipality; and

WHEREAS the *Fire Protection and Prevention Act*, S.O.1997, Chapter 4 Part II, Sections 7.1(1) 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 *Fire Protection and Prevention Act*, S.O.1997, Chapter 4 Part II, Sections 7.1(2) as amended provides that a council of a municipality may pass by-laws, regulating the setting of open fires, including establishing the times during which open-air fires may be set; and

WHEREAS the *Fire Code Ontario Regulation 213/07* made under the *Fire Protection and Prevention Act*, S.O.1997, Div. B Part 2 Sentence 2.4.4.4.(1) as amended states that open-air burning shall not take place unless it has been “approved”, or the open-air burning consists of a small, confined fire that is used to cook food on a grill, barbecue or spit, commensurate with the type and quantity of food being cooked, and supervised at all times.

DEFINITIONS:

“Appliance” means a device to convert fuel into energy, and includes all components, controls, wiring and piping required to be part of the device.

“Approved” means approved by the Chief Fire Official

“Barbecue or Spit” means a style of roasting where meat is skewered on a spit – a long solid rod used to hold food while it is being cooked over a grill.

“Commensurate” means suitable in amount or quality compared to something else matching in degree.

“Chief Fire Official” means the assistant to the Fire Marshal who is the Municipal Fire Chief or a member or members of the fire department appointed by the Municipal Fire Chief under Article 1.1.1.2. of Division C or a person appointed by the Fire Marshal under Article 1.1.1.1. of Division C.

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

“Fire Department” means a group of firefighters authorized to provide fire protection services by a municipality, group of municipalities or by an agreement made under Section 3 of the *Fire Protection and Prevention Act, 1997*.

“Grill” means a device that cooks food by applying heat from below and is fueled with charcoal.

“Open-Air Burning” open-air burning includes bonfires, fire pits, sky lanterns and the use of various types of outdoor fireplaces (also known as a “Chimineá”). Although outdoor fireplaces can be purchased at retail outlets, it does not mean open-air burning is permitted.

“Supervised” to watch a person or activity to make certain that everything is done correctly and safely.

NOW THEREFORE the Council of the Corporation of the City of Cornwall enacts as follows:

No person shall set, maintain, or permit to be set or maintained, solid-fuel open-air burning except as authorized under this By-law.

EXEMPTIONS:

Outdoor fire pits and gas fired bowls fuelled by ethanol, propane or natural gas, are allowed if the appliance is designed and certified for outdoor use, and has been assembled and installed in accordance with the manufacturer’s instructions and the requirements of the **Technical Standards and Safety Act, 2000**.

Farming businesses that have a valid farm business registration number that is issued to the property owner pursuant to the provisions of the *Farm Registration and Farm Organizations Funding Act, 1993, S.O. 1993, c. 21*, as amended.