



THE CORPORATION OF THE TOWNSHIP OF HORTON
PROTECTIVE SERVICES COMMITTEE

July 6th, 2023
5:00 p.m.

1. Call to Order
2. Declaration of Pecuniary Interest
3. Minutes from Previous Meeting
 - i. May 18, 2023
4. Fire Chiefs Report and Update
5. Staff/Committee Members Concerns
6. New Business
7. Next Meeting Date
 - i. September 21st, 2023 – 5:00 p.m.
8. Adjournment

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RETURN TO AGENDA

THE CORPORATION OF THE TOWNSHIP OF HORTON

Protective Services Committee Meeting

May 18, 2023

5:00 p.m.

There was a Meeting of the Protective Services Committee held on Thursday May 18th, 2023, in the Horton Council Chambers. Present was Chair Daina Proctor, Mayor David Bennett, Councillor Glen Campbell and Public Advisory Member Spencer Hopping. Staff present was Fire Chief Allan Cole, Deputy Fire Chief Mike Fortier, and CAO/Clerk Hope Dillabough – Recording Secretary.

1. CALL TO ORDER

Chair Proctor called the meeting to order at 5:03 p.m.

2. DECLARATION OF PECUNIARY INTEREST

There was no declaration of pecuniary interest expressed by Members of the Committee.

3. MINUTES FROM PREVIOUS MEETING

i) March 16th, 2023

Moved by Councillor Campbell

Seconded by Spencer Hopping

THAT the Protective Services Committee accept the Minutes of March 16th, 2023.

Carried

4. FIRE CHIEF'S REPORT AND UPDATE

Fire Chief Allan Cole presented the report.

He detailed the callouts for since March 13th – 15 calls. He attended a Chief's meeting in April to discuss the Radio Dispatch system upgrade. Horton firefighters attended a Mobile Live Fire Training Unit (MLFTU) provided by the OFM. Training signed off on 11 firefighters. Confidence booster for all who attended training. The Community Risk Assessment (CRA) was accepted by Council at the May 16th Council Meeting.

New Business items – RFQ for replacement vehicle and Dispatching hardware replacement in the CCAC Centre in Renfrew.

Public Advisory Member Spencer Hopping discussed his review on the proposal from Bearcom. This proposal is simply replacing what's existing now in the CCAC Centre. Improvement for dispatchers, quicker dispatch etc. Thinks it's a good proposal at this time. Equipment is scalable to whatever the County decides to do in the future and felt it was a good investment. He noted that the County needs to focus on maintenance of this new system. Fire Chief Cole agreed as the replacement of hardware and software inside the building, including back up is desperately needed.

Chair Proctor questioned if four consoles were enough, worried not enough space with all 17 municipalities. Public Advisory Member Hopping confirmed there is more than enough space with the consoles for all municipalities. Fire Chief recommends with the agreement in principle and let the County of Renfrew know, in addition to our preferred payment option.

Chair Proctor questioned of the 43% of private roads in the municipality, do we have stats on population on private roads, residential and seasonal etc. Level of risk awareness. Staff discussed communication to the public – newsletter info with graphics. Tax newsletter. Staff to discuss info on how to further communicate – website and facebook. Winter maintenance also needs to be addressed. (Private Roads).

RETURN TO AGENDA

Chair Proctor discussed Strategic Planning Sessions – considered fire protection communications to the public during their town halls for awareness re: private roads, fire levels of service etc..

RFQ for truck – Committee discussed the specs within the RFQ

Moved by Councillor Campbell

Seconded by Spencer Hopping

THAT the Protective Services Committee recommend to Council that RFQ 2023-01 be issued and advertised for the purpose of replacing Truck 9837.

Carried

5. STAFF/COMMITTEE MEMBERS CONCERNS

Deputy Fire Chief Fortier commented that the Fire Department has made very good progress in training in the first half of the year.

6. NEW BUSINESS

7. NEXT MEETING DATE

The next meeting will be held July 6th, 2023 at 5:00 p.m.

8. ADJOURNMENT

Chair Proctor declared the meeting adjourned at 6:05 p.m.

CHAIR Daina Proctor

CAO/Clerk Hope Dillabough



Township of Horton COUNCIL / COMMITTEE REPORT

| | | |
|--|---------------------------|----------------------------|
| Title: Monthly Fire Report | Date: | July 6, 2023 |
| | Council/Committee: | Fire Committee |
| | Author: | J. Allan Cole – Fire Chief |
| | Department: | Fire |

CALL OUTS/RESPONSES:

Call-Outs/Responses May 17, 2023 to July 04, 2023

Total this period – Eleven

- Vehicle Fire – Lawn Tractor (x1)
- Vehicle Fire – Personal Vehicle (x1)
- Mutual Aid Request-Centennial Lake Bush Fire (x1)
- MVC (x2)
- Structure Fire – Shed Struck by Lightning (x1)
- Burning Complaint-Unattended/Oversized Fire (x1)
- Burning Complaint – No Permit/RFZ (x3)
- Smoke/CO Alarm Activation (x1)

MEETINGS:

Chief's Meeting – Pembroke 2023-06-07

OFM Town Hall Zoom Meeting 2023-07-05

TRAINING/WORKSHOPS/:

- Practical Evolutions NFPA 1001 FF1&2 to meet minimum requirements of Ontario Seal
- Action Training (On-line series of training videos and tests) has been renewed for another year.

CORRESPONDENCE:

- minimal

FIRE PREVENTION/INSPECTION:

- Canada Day Fire Prevention Activities “Spring into Summer” were very well received at the Canada Day Breakfast held at the Horton Community Center.

RETURN TO AGENDA

OUTSTANDING ISSUES/OLD BUSINESS:

Fire Department Access on Private Roads within the Municipality (Left on for Reference)

There are 149 registered Roads in the Township that have 911 addresses attached to them (Info based on CACC 911 Reporting Data).

Of the 141 registered Roads, 61, or 43% are deemed to be Private Roads not maintained by the Municipality and of varying roadbed condition.

We have completed the Private Road Condition Assessment on 61 Private Roads in the Township.

Based on our observations there are a sizeable number of 911 addresses located on private roads where we, as a Fire Department, could not provide the same level of service as would be expected of 911 addresses on Municipally Maintained Roads.

The following are some suggested options based on reviews of situations encountered with other municipalities having similar conditions.

- 1- Based on above, evaluate whether the FD has the appropriate equipment to meet the needs of the homeowners of these roads and consider alternate methods of response that may meet the minimum standards (IE: perhaps we would be well served with a Mini-Pumper for this type of work-dependent on number of roads, # of homeowners, # of roads inaccessible by the larger trucks etc.)
- 2- Consider either a) developing a By-Law establishing minimum road standards and enforcing compliance or b) revise the current E&R By-Law to indicate that HFD will do it's best to provide an appropriate level of service but based on road condition we may not be able to.
- 3- Inform all homeowners serviced by Private Roads of the level of Emergency Response they are most likely to get based on the above.

How would you like us to proceed?

NEW BUSINESS

Community Risk Assessment Update.

A Special Closed Council Meeting was held on May 16, 2023, to brief Council on the findings of the report. Council received and accepted the CRA as presented. Please reference attached CTC Resolution 2023-117. Next steps, such as the development of a Community Risk Reduction Strategy are forthcoming.

RFQ for 9837 Vehicle Replacement

The RFQ is currently out for Tender.

Please see attached tender Package for reference.

Renfrew County CACC Fire Dispatching Hardware Replacement

“County Council approved a new console and radio system for the Fire Radio Dispatch be purchased from BearCom in the amount of \$318,710 plus applicable taxes. A cost-sharing agreement between the following 17 user agencies will be finalized at a later date: Towns of Deep River, Laurentian Hills, Petawawa, Renfrew, the Townships of Admaston/Bromley, Bonnechere Valley, Brudenell, Lyndoch and Raglan, Greater Madawaska, Horton, Killaloe, Hagarty and Richards, Laurentian Valley, Madawaska Valley, McNab/Braeside, North Algona Wilberforce, Whitewater Region, the City of Pembroke, and the Algonquins of Pikwakanagan First Nation. The system will be placed in the County of Renfrew Asset Management Plan.”

Costing details still need to be worked out later amongst the sharing departments.

The new system will be compatible with all existing radio paging systems used by the individual fire departments in the County.

MNRF RFZ (Restricted Fire Zone) and Horton By-Laws 2016-23 and 2014-35

On June 01, 2023, the MNRF imposed a RFZ (Restricted Fire Zone) for much of the province. This was a broad stroke approach to limit the spread of wildfires due to extremely dry temperatures.

On June 01 the MNRF asked Municipal Fire Chief's to suspend ALL BURNING PERMITS until the RFZ has been lifted.

As of 12:01am June 1st, 2023, a portion of the fire region has fallen under a Ministry of Natural Resources and Forestry, Restricted Fire Zone (RFZ). This is instituted by the Ministry of Natural Resources and Forestry under the Forest Fires Prevention Act. You are receiving this email for your assistance in passing word to your effected populations to ensure awareness within the general public. **I ask that at this time your municipalities Fire Chief be informed of this RFZ. All burning permits within your municipality must be suspended until the RFZ has been lifted.** You will be contacted again, when the RFZ is lifted. I have attached Posters and Pamphlets which maybe displayed at this time. Attached, is the map that shows the boundaries of this Current RFZ implementation. If you have any questions, please reach out and I will direct your questions through the proper channels.

To comply with this directive from the MNRF Horton Fire Department referred to By-Law 2016-23 Section 4.0 and By-Law 2014-35 Section 12.1 and imposed a Total Burn Ban within the Municipality.

There has been pushback from local Commercial Campground Operators indicating they are exempt from Municipal By-Laws in this case.

There have also been 3 burning complaints followed up on in regards to this ban with 2 charges under By-Law 2026-23 pending and one complaint resolved by other means. Previous to the June 01 RFZ a Charge was successfully laid in regards to an oversized bonfire being lit during a Fire Ban.

Mutual Aid Request – Centennial Lake Bush Fire

Horton sent 4 firefighters and one Apparatus (9837) under the request of Mutual Aid by Greater Madawaska Fire Department for one full day. This was a rotating Mutual Aid Request with many departments participating on different days. Greater Madawaska requested that we invoice for this call as they will be presenting a combined invoice to MNRF for the work. (This was at MNRF request). We have invoiced accordingly.

Home for Youth at Risk 776 Bruce St.

A request for a meeting with the owner group of Transitions Rehabilitation + Healthcare was presented to the Horton Fire Chief and Chief Building Official to discuss plans moving forward with a recently purchased property (776 Bruce St. formerly Sweet Hydroponics). To date a meeting has not been set up. This is an evolving project, and more info will provided as available.

Prepared by: J. Allan Cole, Fire Chief
Reviewed by: Hope Dillabough, CAO/Clerk



Township of Horton
2253 Johnston Rd. Renfrew, ON K7V 3Z8
(o) 613-432-6272
(f) 613-432-7298
reception@hortontownship.ca

CERTIFIED TRUE COPY

Moved by: CouncilloProctor


Resolution No.: 2023-117

Seconded by: Councillor Humphries

May 16th, 2023

THAT Council accept the Fire Department Community Risk Assessment, as presented.

X CARRIED



Hope Dillabough, CAO/Clerk



THE CORPORATION OF THE TOWNSHIP OF HORTON
FIRE DEPARTMENT

REQUEST FOR PROPOSAL
Provision of New, Current Model Year, $\frac{3}{4}$ Ton 4x4
Pickup

RFP – FIRE 01-2023

Issue Date: June 19th, 2023
Submission Deadline: August 1st, 2023

REQUEST FOR PROPOSAL
Fire 01-2023
Provision of New, Current Model Year, ¾ Ton 4x4 Pickup

1.0 INTRODUCTION

The Corporation of the Township of Horton invites proposals from interested parties in the provision of a new, current model year, ¾ Ton 4x4 Pickup. Demo Units may be considered if they meet the minimum specifications. The Proposal must meet all the requirements outlined in this document. Should none of the Proposals be accepted, a re-issuance of the Requests for Proposal (RFP) may be possible.

For more information on this RFP, please contact:

Mike Fortier, Deputy Fire Chief

Phone: 613-432-6271

Email: mfortier@hortontownship.ca

1.1 Background

Horton Township offers a unique blend of country living with nearby urban centres. Our Township borders the Town of Renfrew and is only 45 minutes away from Ottawa, Ontario - Canada's Capital. Residents enjoy the tranquility and privacy that rural properties provide and have access to the modern-day conveniences such as shopping, hospitals, theatres, schools, churches and restaurants. According to the 2016 census, the permanent population is just under 2900 with 1385 permanent dwellings, 1173 of which are inhabited by usual residents.

The Township's primary role is to provide municipal services to taxpayers. The Township's mission is to sustain and enhance the long-term quality of life for residents of the Township of Horton by providing essential municipal services, infrastructure, and direction for development; supporting the community's identity, rural lifestyle and economic sustainability; and anticipating change and building capacity to cope with new demands on services.

Similar to most municipalities, Horton Township is confronted with an increasing demand for quality services and improved infrastructure in the face of limited growth in the municipal tax base, increased regulatory requirements with no offsetting revenue, and decreasing funding opportunities from provincial and federal government, presenting limitations on the Township's ability to respond. Council's goal is to keep the tax requirement on residents and businesses to a minimum while maximizing its services.

2.0 PROJECT OVERVIEW

2.1 Purpose of the RFP

The Township of Horton is seeking proposals from interested parties in the provision of a new, current model year, ¾ Ton 4x4 Pickup. Demo Units may be considered if they meet the minimum specifications.

2.2 General Information

The specifications in this document are minimum requirements. Please include the details and costs of any options within the proposal.

Proposals shall include:

- Details of the OEM warranty and accessories warranty as well as any optional extended warranty and the associated costs;
- Freight and delivery, taxes, licensing, and any other associated fees;
- Expected delivery date;
- Delivery directly to the Township of Horton Fire Department located at 2253 Johnston Road, Renfrew, Ontario
- Any equivalents to the minimum specification shall be approved by the Fire Chief.

2.3 Specifications

2.3.1 Minimum Chassis Equipment

The specifications are as follows:

- New current model year (Demo units MAY be considered if meeting minimum specifications).
- Standard (2) two door cab with an eight-foot box.
- Minimum 4000kg GVWR.
- Red exterior paint.
- Gasoline V8 engine (minimum).
- Automatic transmission.
- Four-wheel drive.
- Minimum 17" LT series all terrain tires.
- Equipped with a trailering package, including a factory installed trailer brake control.
- Back up alarm.
- Ontario Annual Safety Inspection Certificate and Sticker.
- Ontario Minimum Safety equipment (Roadside kit, fire extinguisher, First Aid Kit)

2.3.2 Minimum Interior Equipment

The specifications are as follows:

- Power windows and door locks.
- Power adjustable mirrors.
- Backup Camera
- Cruise control.
- Air conditioning.
- AM/FM radio with hands free Blue Tooth.
- Cloth **40-20-40 split** front seat, grey or black in colour, (center seat section may need to be removed for emergency equipment installation).
- Heavy duty vinyl flooring.
- Weather Tech (or approved equivalent) custom fitted floor mats.

2.3.3 Minimum Accessory Equipment Installed Before Delivery

The specifications are as follows:

- All accessory equipment shall be installed without affecting the OEM warranty.
- A.R.E. ToolMaster V Series (or approved equivalent) box cap/canopy with side access tool compartments, colour matched to the truck body colour. LED strip light mounted to underside of cap, switched by switch panel inside cap tailgate CargoGlide 2200XL - 2200 lb Capacity (or approved equivalent) full length/extend bed slide out tray for equipment access.
- Supply and install new red LED emergency lighting system (Federal Signal Pathfinder Siren and Light Controller with Federal Signal Allegiant 53 inch (or approved equivalent) light bar with forward facing white work lights, alley lights, rear facing Amber Directional traffic lights. (light bar control programming, colour and mounting location to be approved by the Fire Chief).
- Install department provided radio antenna.
- (8) eight Red Federal Signal Micro Plus strobe lamps, 2 on the grill, 2 high mount flashers on the rear of cap and 4 mounted on the sides of truck body controlled by the Pathfinder Control.
- 100-watt siren speaker mounted behind front grill, controlled by Pathfinder Control
- Four-inch-wide reflective white vinyl striping installed midline on the full length of the vehicle, (2) two reflective Horton Fire Department door decals installed on the cab doors (sample provided by the department), Amber/Red reflective Chevrons installed on the box tail gate, (2) white reflective unit number decals installed on the front doors. (Striping and decal package shall be approved by the Fire Chief before installation)
- LineX (or approved equivalent) spray on bed liner
- Krown (or approved equivalent) rust proofing

2.3.4 Options to General Specifications

If providing options, please specify the option and extra amount:

- a) Extra cab
- b) Crew cab
- c) Diesel engine
- d) 12000 Lb winch with Synthetic cable and fairlead mounted in front bumper.

2.4 Schedule

The following schedule is proposed for the selection of the successful Proponent for this project:

| <u>Date</u> | <u>Activity</u> |
|-----------------------------------|---------------------------------------|
| June 19 th , 2023 | Request for Proposal Issued |
| August 1 st , 2023 | Closing Date for Proposal Submissions |
| July 21 st , 2023 | Last Day for Inquiries |
| September 19 th , 2023 | Anticipated Award of Proposal |

3.0 INSTRUCTIONS TO PROPONENTS

3.1 Invitation

The Corporation of the Township of Horton is seeking proposals from interested parties.

Parties are to provide a hand delivered paper copy and/or electronic copy of their proposal, clearly identified as to the contents and addressed to:

Mike Fortier, Deputy Fire Chief
 Township of Horton
 2253 Johnston Road, Renfrew, ON K7V 3Z8
mfortier@hortontownship.ca

Proposals must be received no later than 3:00 p.m. local time on August 1st, 2023.

Proposals received after this deadline will not be considered.

3.2 Charges for Documents

All documents of the Township, including background information, will be provided at no cost.

3.3 Costs Incurred by Proponents

All expenses incurred in the preparation and submission of proposals shall be borne by the Proponent. No payment will be made for any proposals received, or for any other effort required of or made by the Proponent prior to the commencement of work defined by the proposal approved by the Township.

3.4 Acceptance of Terms and Award of Contract

All those who submit a proposal represent that they have read, completely understand, and accept the terms and conditions of the Request for Proposal (RFP) in full. The Township reserves the right to accept any proposal, in whole or in part that they deem most fully meets the selection criteria, or not accept any or all proposals, without liability on the part of the issuer and without stating reasons.

The Township shall not be held responsible for any cost incurred by any Proponent associated with preparing and submitting a proposal for this project, should the proposal be rejected, or the process cancelled. Proposals which are incomplete, conditional, obscure, or which contain unrelated additions not called for, erasures, alternations, and irregularities of any kind may be rejected.

The selection and award of any recommended proposal is subject to approval by the Township of Horton's Council.

3.5 Taxes

The quoted prices in Canadian Funds shall include all HST as applicable. Taxes should be shown on as separate line items in the quoted prices.

3.6 Clarification

Inquiries must be received by email no later than July 21st, 2023. Should any proponent find discrepancies in, or omissions from the specifications, or should a proponent be in doubt as to their meeting, they must notify the staff contact indicated in Section 1 in order to obtain clarification. If necessary, a written addendum will be sent to all proponents.

3.7 Terms of Payment

The successful proponent shall be reimbursed upon successful delivery of the Vehicle including the acceptance by the Fire Chief as to meeting the RFP requirements.

3.8 Proposal Validity

Proposals shall remain valid and open for acceptance by the Township for a period of thirty (30) calendar days following the deadline for receipt of proposals.

3.9 Ownership of Documentation and Freedom of Information

The information submitted in response to this RFP will be treated in accordance with the relevant provision of the *Municipal Freedom of Information and Protection of Privacy Act*. The information collected will be used solely for the purposes stated in the RFP. The Proponent does, by the submission of a proposal, accept that the information contained in it will be treated in accordance with the process set out in the RFP.

4.0 PROPONENT'S QUALIFICATIONS

The proposals shall be judged based on meeting all of the requirements outlined in this document. The Township reserves the right to amend the criteria above without notice. In the evaluation process, all responses received by the deadline will be reviewed.

4.1 Proponent Overview

Proponents are required to provide an overview of their organization and evidence that their company can complete the RFP requirements as set forth in this RFP citing recent work of similar scope, services or goods to the public sector, and any other relevant information.

Please include:

- Full legal firm name;
- Year firm was established;
- Number of people currently employed;

4.2 References

Proponents are required to provide a minimum of three (3) references, which involved work undertaken with similar scope and content in providing the types of services proposed in this RFP. At a minimum, please provide:

- The Company name;
- The location where the services were provided;
- Contact person(s);
- Contact Telephone Number;
- Dates of Services.

5.0 EVALUATION CRITERIA

5.1 Criteria

Specific selection criteria shall be used in evaluating the proposals received. All proposals received from Proponents will be reviewed and rated by the Township of Horton's Fire Chief and Deputy Fire Chief and the CAO/Clerk. The objective of the evaluation is to identify Proposals which satisfy the requirements described in this RFP, that meet the Scope and Specification requirements of the

Horton Fire Department, and that provide the best overall value.

Steps in the evaluation of this proposal are as follows:

- a) Review for compliance with mandatory requirements
- b) Review of evaluation criteria points
- c) Reference Checks

Evaluation Criteria Weighting Factors

| Evaluation Criteria | Weighting Factor |
|---|------------------|
| <u>Clarity and Completeness of Proposal</u> Completeness of Proposal as required by all Sections and addenda (if applicable) | 5% |
| <u>Specifications</u> Compliance with all requirements of technical specifications listed within this Proposal. The Fire Department may do an evaluation of suitability of the proposed apparatus based on response. | 70% |
| <u>Warranty and Service</u> Extent and terms of Warranty and post delivery service | 10% |
| <u>Suitability of Bidders</u> Acceptability of the Bidder’s production, delivery, acceptance testing, and training. | 10% |
| <u>Service and Support</u> Refers to location, operation hours and availability | 5% |
| TOTAL | 100% |

6.0 MUNICIPAL RIGHTS AND OPTIONS

The municipality, at its sole discretion, reserves the following rights:

- Supplement, add to, delete from or change this RFP document;
- Determine which respondent, if any, should be selected for negotiations;
- Reject any or all proposals or information received pursuant to this RFP;
- Conduct investigations with respect to the qualifications and experience of each respondent;
- Take any action affecting the RFP or the services subject to this RFP that would be in the best interests of the municipality;
- Request additional data or information after the submission date, if such data or information is considered pertinent to aid the review and selection process;
- Waive any informalities or irregularities in the submissions or to re-advertise;
- That the lowest, or any bid, will not necessarily be accepted; and
- Cancel this RFP with or without the substitution of another RFP.



Aviation, Forest Fire and
Emergency Services

Services d'urgence, d'aviation et de
lutte contre les feux de forêt

Fireworks and the Forest Fires Prevention Act

The Forest Fires Prevention Act addresses fireworks in Section 30. This section states, “No person who discharges a firearm, a flare, fireworks or explosives in or within 300 metres of a forest area shall leave any residue from the discharge unextinguished.”

Therefore, any person who set off fireworks is responsible if any hot residue results in a fire. Also, there may be municipal by-laws regarding the use of fireworks.

While there are no additional restrictions during a Restricted Fire Zone, we hope that people will consider that:

- During periods of hot dry weather, sparks and embers can start forest fires
- All forest fires are investigated to determine the cause
- A person can be charged under the Forest Fires Prevention Act and may be held responsible for the cost of putting a forest fire out.



Photo: StarSoftGX – Fotolia.com

Suggested measures to promote safe use of fireworks (voluntary):

- Attend an organized fireworks venue instead of setting off your own
- Choose a fire safe area to ignite fireworks that is free of flammable materials
- Always supply adult supervision
- Launch fireworks over an area free of flammable material, i.e., gravel, body of water
- Have fire suppression equipment on hand
- When completed, check the area for any hot residue and ensure it is put out.

To report a wildfire in northern Ontario, call 310-FIRE (3473).

South of the French and Mattawa rivers call 911

For more tips on preventing wildfires, visit:
ontario.ca/fireprevention.

RETURN TO AGENDA



Campgrounds & Restricted Fire Zones!



A Restricted Fire Zone (RFZ) is a specific geographic area where the use of open fires, like campfires or debris burning, is restricted. It is a temporary measure put in place by the Minister of Natural Resources

and Forestry when the fire danger is extreme to prevent human caused fires.

Under the Outdoor Fires Regulation (O. Reg 207/96 s. 8.7), a campground is defined as offering camping facilities to the public on a temporary basis. These operators may allow their guests to continue enjoying campfires during an RFZ period provided certain conditions are met as per the Outdoor Fires Regulation made under the Forest Fires Prevention Act:

1. The fire is contained in,
 - a. an above ground fire grate or fireplace that is designed to burn wood safely and that cannot be moved to an unsafe location, or
 - b. a pit in the ground that has fireproof walls and is designed to burn wood safely.
2. The fire is at least three metres from any forest area, and the area within the three metre radius is completely free of flammable material.
3. The space immediately above the fire installation is at least three metres from any overhanging vegetation.
4. The owner or operator of the campground expressly permits the fire to be set during a time when the campground is in a restricted fire zone. O. Reg. 230/00, s. 4; O. Reg. 64/10, s. 3.
5. The campground allows camping only in cabins and designated campsites, and all are

accessible by motor vehicle as defined in the Highway Traffic Act;

6. The campground does not allow campfires between 10am and 7pm;
7. The campground clearly posts the hours campfires will be allowed;
8. The campground has printed information on safe campfires and provides it to all of its guests;
9. The campground has adequate equipment to control and extinguish a fire, that can be taken to any campsite or cabin within 10 minutes;
10. The campground has on site at all times, staff who are instructed in the location and use of the fire suppression equipment described above; and
11. The campground has reliable two-way telecommunications equipment to allow it to obtain assistance if a fire escapes control. (O.Reg. 230/00, s.4; O Reg. 64/10, s.4)

Campgrounds may allow the use of portable charcoal equipment during an RFZ (O. Reg. 207/96 s.8.2 (3) 3). The installation must be designed to use and will use commercially produced charcoal as fuel, and the owner or operator of the campground permits a charcoal installation to be used during a time with the campground is in a RFZ.



To report a wildfire in northern Ontario, call 310-FIRE (3473).
South of the French and Mattawa rivers call, **911**

For more information, visit:
ontario.ca/forestfire.

RETURN TO AGENDA



Aviation, Forest Fire and
Emergency Services

Services d'urgence, d'aviation et de
lutte contre les feux de forêt

What You Should Know About Restricted Fire Zones



**It's important! And it's
the law!**

A Restricted Fire Zone is a
specific geographic area where
the use of open fires, like

campfires or debris burning, is restricted.

It is a temporary measure put in place by the Minister of Natural Resources and Forestry when the fire danger is extreme to prevent human caused fires. A Restricted Fire Zone order may last from a few days to weeks depending on conditions. The restrictions are lifted as soon as conditions allow.

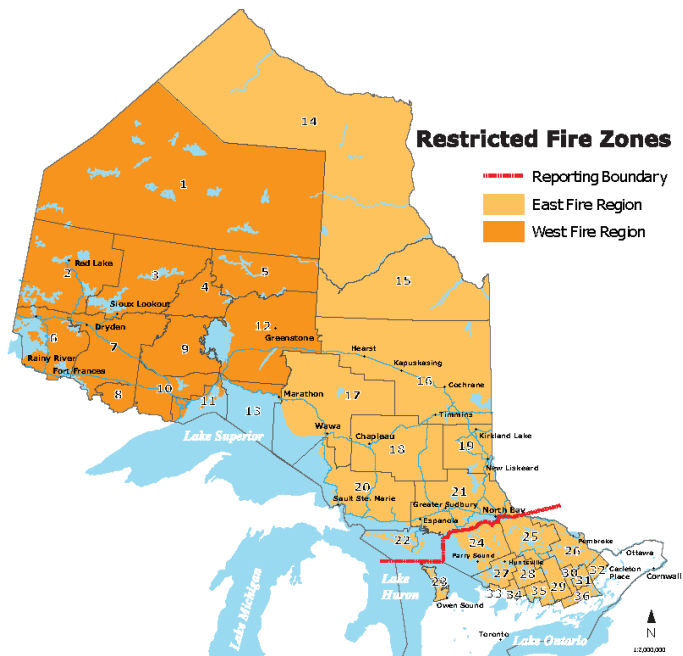
When a Restricted Fire Zone is declared, it is illegal to set a fire within the affected area. Failure to comply could result in a fine of up to \$25,000 and three months in jail, as well as the financial responsibility for any costs incurred in fighting a forest fire caused by the illegal act.

You can still go camping, hiking, fishing, and have fun outdoors, but if you need heat for cooking and warmth, you'll have to use a portable gas or propane stove.

Portable charcoal equipment (e.g., BBQs, Hibachis, etc.) are illegal for use during a Restricted Fire Zone except close to a dwelling that you legally own or occupy or in an organized campground.

Commercial campground operators may allow their guests to continue enjoying campfires during a Restricted Fire Zone period provided certain conditions are met.

For more information, visit:
ontario.ca/forestfire.



How will I know if I'm in a Restricted Fire Zone?

The Ministry of Natural Resources and Forestry posts highly visible green and red Restricted Fire Zone signs along roadways. Restricted Fire Zone posters are posted at popular camping spots, and in sport lodges, gas stations, and stores.

Advisories are issued to radio, television, print media and the internet, indicating the specific areas affected using the Zone numbers on the Restricted Fire Zone map.

For more information on **Restricted Fire Zones** please call your local Ministry of Natural Resources and Forestry office.

For areas below the --- line on the map call your local Municipal Fire Department.

**To report a wildfire in northern Ontario, call
310-FIRE (3473).**

South of the French and Mattawa rivers call 911

RETURN TO AGENDA

**CORPORATION OF THE TOWNSHIP OF HORTON
BY-LAW NO. 2016-23**

**BEING A BY-LAW FOR ESTABLISHING REQUIRMENTS FOR OPEN AIR BURNING IN
THE TOWNSHIP OF HORTON**

WHEREAS the Fire Code, (Ontario Regulation 213/07) Division B, Part 2, Section 2.4.4, Article 2.4.4.4 provides that open air burning shall not be permitted unless approved by the Fire Chief, or designate, or unless such burning consists of a small, confined fire, supervised at all times, and used to cook food on a grill or a barbeque;

AND WHEREAS the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended, provides:

In section 7.1(1)(a) that a council of a municipality may pass by-laws regulating fire prevention, including the prevention of spreading of fires;

In section 7.1(1)(b) that a council of a municipality may pass by-laws regulating the setting of Open Air Fires, including establishing the times during which Open Air Fires may be set;

In section 7.1(3) that a by-law passed under section 7.1 may deal with different areas of the municipality differently;

In section 7.1(4) that a municipality may appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether by-laws enacted in accordance with this section are being complied with;

AND WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides:

In section 10 (2) that a municipality may pass by-laws respecting: 5. Economic, social and environmental well-being of the municipality; 6. Health safety and well-being of persons; 8. Protection of persons and property; 10. Structures, including fences and signs;

In section 391 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;

In section 446 (1) 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;

In section 446 (2) for the purposes of subsection (1), the municipality may enter upon land at any reasonable time;

In section 446 (3) 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;

AND WHEREAS the Forest Fires Prevention Act, R.S.O. 1990 Chapter F.24, as amended and Ontario Regulation 207/96 Outdoor Fires provides:

In section 10 that the period from the 1st day of April to the 31st day of October in each year shall be a fire season;

In section 18.(1) that if an officer finds on any lands, building, structure or equipment a condition or activity that, in his or her opinion, may cause danger to life or property from fire, the officer may make an order requiring the owner or person in control of the land, building, structure or equipment, the person who caused the condition, or any person engaged in or responsible for the activity to take such action, within the time specific by the order, as the officer considers necessary to eliminate or reduce the danger;

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In section 18.(2) that if the person against whom an order is made under subsection (1) does not comply with the order, the officer, with such assistants as he or she requires, may take such action as the officer considers necessary to eliminate or reduce the danger;

In section 18. (3) that the cost and expenses of any action taken by an officer and his or her assistants under subsection (23) are payable by the person against whom the order was made to the Minister of Finance, on the date specified in the request for payment, and are recoverable as a debt due the Crown in right of Ontario by any remedy or procedure available to the Crown by law.

NOW THEREFORE, the Council of the Township of Horton enacts as follows:

1.0 DEFINITIONS

In this by-law,

"Approved Pit" means an area of ground that has been completely cleared of combustible material and lined with a minimum thickness of 15 cm (6 inches) of sand or mineral soil that will extend a minimum of 30 cm (12 inches) beyond the limit of the fuel used for a Campfire.

"Authorized Agent" means any person authorized by the Fire Chief or the Council of the Township to carry out those duties.

"By-law Enforcement Officer" means a person appointed by Council of the Township as a by-law enforcement officer for the Township.

"Burn Barrel" means any container regardless of size or construction, covered with a screen having a mesh size of not more than 5 mm in which a fire can be set or maintained for the burning of materials.

"Campfire" means a contained fire, having a maximum fuel volume of .6 metres x .6 metres x .6 metres (2 feet x 2 feet x 2 feet), that is set or contained in an approved pit or outdoor fireplace or brazier and is used solely for the purposes of cooking food, providing warmth or recreational enjoyment.

"Fire Season" means the period from the 1st day of April to 31st day of October in each year shall be a Fire Season.

"Household Waste" means any Solid waste, composed of garbage and rubbish, which normally originates in a private home or apartment house.

"Incinerator" Means any enclosed chamber constructed for the purpose of burning materials but not an outdoor furnace.

"Investigator" Means the Fire Chief, Deputy Fire Chief, Fire Captains or By-Law Enforcement Officer of the Township.

"Open Air Fire/Bonfire" means a fire set in the open air for the purpose of burning brush or other approved combustible material, and includes fires in incinerators and pits, but does not include Campfires, barbeques or braziers.

"Outdoor furnace" means, but is not limited to, any enclosed device, appliance, equipment apparatus or structure that is designed, intended and/or used to provide heat and/or hot water to any associated structure, that operates by burning wood or any other fuel, including, but not limited to, paper pellets and agricultural products, is not located within the structure to be heated, and includes, but is not limited to, devices referred to as wood furnaces, outdoor boilers and outdoor stoves covered with a screen having a mesh size of not more than 5mm.

"Permit" means a permit issued by the Fire Chief, or Deputy Fire Chief signifying permission to set or maintain or allow being set or maintained an Open Air Fire and establishing the conditions under which the permission is granted.

"Person" includes an association, firm partnership, or corporation.

“Prohibited Materials” Shall mean any materials such as but not limited to household waste, petroleum products, plastics, rubber, painted lumber, tires, furniture, carpeting, styrofoam or any other item that could cause noxious or toxic smoke or fumes.

"Township" means the Corporation of the Township of HORTON

2.0 GENERAL REGULATIONS

2.1 No Person shall at any time:

- (a) Set, maintain or allow being set or maintain any Open Air Fire/Bonfire during the Fire Season.
- (b) Set, maintain or allow being set or maintained any Open Air Fire/Bonfire that is not a Campfire maintained within an Approved Pit without first obtaining a Permit from the Fire Chief or Deputy Fire Chief.
- (c) Burn any Prohibited Materials such as but not limited to Household Waste, petroleum products, plastics, rubber, painted lumber, tires, furniture, carpeting, styrofoam or any other item that could cause noxious or toxic smoke or fumes.
- (d) Burn any materials where the smoke from such fire impedes visibility on any public thoroughfare, or has a negative impact on neighbouring person's or properties.
- (e) Set, maintain or cause to be set or maintained any Open Air Fire/Bonfire:
 - (i) That is not a Campfire at any time within the geographical confines of the Residential One (R-1), Limited Service Residential (LSR) and Mobile Home Park (MHP) zones as described in the current approved Township of Horton Comprehensive Zoning By-law, except at a location approved by the Fire Chief or a firefighter designated by the Fire Chief. These zones are described generally as any built up residential area including water front areas in the Township of Horton.
 - (ii) That is oversize having a maximum fuel volume greater than 2 metres in diameter and 1 meter high except at a location approved by the Fire Chief or a firefighter designated by the Fire Chief.
 - (iii) Within 10 metres (app. 30 feet) of a building or wooded area.
 - (iv) Within 5 metres (app. 15 feet) of any other flammable material.
- (f) Without special permission issued by the Fire Chief, burn any restricted material such as but not limited to:
 - (i) A building or structure of any kind.
 - (ii) Any hay, straw or standing material.
 - (iii) Any green brush or wood.

2.2 No person shall at any time burn grass or leaf litter.

2.3 No person shall at any time use or allow being used a Burn Barrel, Incinerator or any similar device to burn any materials.

- (a) Further to 2.3 above, a Burn Barrel, Incinerator or similar device may be permitted in the Rural zone provided the barrel, incinerator or similar device meets a minimum setback of 100 metres (328 feet) from the property lot line and this use is only permitted between the dates of November 1 to March 31.

Open Air Burning By-law 2016-23

2.4 Outdoor Furnaces

- (a) No person shall at any time burn or allow to be burned any household waste or prohibited materials in any Outdoor Furnace.
- (b) Dry non-glossy paper, cardboard and natural vegetation may be used to start a fire in an Outdoor Furnace only.

2.5 The application for a fire Permit is made available on the Township of Horton's website or at the Municipal Office. An investigation of the premises and material to be burnt will be carried by the Fire Department prior to the issuance of the fire Permit. A fire Permit will be issued within 10 calendar days of application.

3.0 SAFETY

3.1 No person shall at any time set, maintain or allow to be set or maintained an Open Air Fire/Bonfire:

- (a) Unless a person over the age of 18 is in attendance and shall supervise all Open Air Fires/Bonfires until they are fully extinguished.
- (b) Unless equipment and other resources capable of controlling and extinguishing an Open Air Fire/Bonfire are available and maintained at the site until the fire is fully extinguished.
- (c) Except a Campfire in an Approved Pit, no earlier than two (2) hours before sunset and extinguished no later than two (2) hours after sunrise.
- (d) In the presence of any wind or wind gusts in excess of 11 Km/h or any other adverse burning conditions. i.e. dry weather

3.2 Every person setting or maintaining a Campfire shall ensure that such campfire is set or maintained in an Approved Pit and totally extinguished before leaving.

4.0 FIRE BANS

4.1 The Fire Chief may, at any time, and in the exercise of his or her sole discretion, issue a fire ban, effective for a specified period of time, prohibiting the setting of any and all Open Air Fires/Bonfires within any area of the Township based on MNR Guidelines, MNR indices rating or local conditions.

4.2 No person shall at any time while a level one (1) (yellow rating) fire ban is in effect set, maintain or allow any Open Air Fire/Bonfire other than a Campfire.

4.3 No person shall at any time while a level two (2) (red rating) fire ban is in effect:

- (a) Set, maintain or allow any Open Air Fire/Bonfire.
- (b) Set maintain or allow any Open Air Fire/Bonfire including but not limited to Campfires, outdoor fireplaces or other outdoor appliances that burn any fuel producing an open flame.
- (c) Enclosed barbeques fueled by propane or briquettes are exempt from section 4.3 (b) of this by-law

4.4 The Fire Chief will assess the need for a total or partial fire ban on a daily basis and will downgrade or cancel the fire ban as soon as possible based on MNR indices rating and local conditions.

4.5 Revocation of Permits

- (a) Notwithstanding any other provision of this by-law, the Fire Chief or Deputy Fire Chief may revoke any or all Permits, or refuse to issue Permits where one or more of the following conditions exist in respect of, or in proximity to, the proposed Open Air Fire/Bonfire Site:

- (i) A lack of precipitation that, in the opinion of the Fire Chief or Deputy Fire Chief, increases the risk of the spread of fire;
- (ii) Winds that, in the opinion of the Fire Chief or Deputy Fire Chief, increase the risk of the spread of fire;
- (iii) The issuance, by the Fire Chief, Fire Marshall, or other fire officials in the exercise of their statutory powers, of a fire ban or prohibition against any and all Open Air Fires; or
- (iv) Any other condition that in the opinion of the Fire Chief or Deputy Fire Chief will increase the risk of the spread of fire.

5.0 ADMINISTRATION AND ENFORCEMENT

This by-law shall be administered and enforced by the Fire Chief, Deputy Fire Chief, Fire Captains and By-law Enforcement Officer.

6.0 INSPECTION POWERS

- 6.1 An Investigator may at any time inspect any Open Air Fire/Bonfire to ensure that the provisions of this by-law have been and are being complied with and the person who has the care and control of such fire shall provide the Investigator with free and unobstructed access to the Open Air Fire.
- 6.2 Upon inspection under section 5 above, the Investigator:
- a) Is entitled to request and have produced any relevant Permits issued in respect of the Open Air Fire/Bonfire that is being inspected; and;
 - b) May, where there are reasonable and probable grounds that any offence under this by-law has been committed, request any person believed to have committed such offence to provide suitable identification and information, and
 - c) May, where there are reasonable and probable grounds that any offence under this by-law has been committed, order the person or persons to immediately extinguish the fire.

7.0 REMEDIAL ACTION - COSTS

- 7.1 Should the Township, through the Fire Department, or its authorized agent extinguish, demolish or repair property or, take any or all measures to terminate the danger of unauthorized activity, the Township shall recover all of the expenses incurred in respect thereof by any or all of the methods provided for in Section 446 of the Municipal Act, 2001 in addition to any other fees or charges prescribed. The person or persons responsible for setting, maintaining, or permitting to be set or maintained an Open Air Fire/Bonfire shall be liable to the Township by way of a fee or charge, in accordance with Schedule "B" to this by-law, on account of those costs and expenses incurred by the Township in:
- a. Investigating and responding to a complaint made to the Township or the Fire Department by any person acting reasonably and in good faith of a possible contravention of section 2 of this by-law.
 - b. The dispatching of Fire Department vehicles and fire-fighting personnel for the purpose of extinguishing the Open Air Fire/Bonfire.
 - c. Investigating any complaint from any person acting reasonably and in good faith, which complaint results from setting and/or maintenance of an Open Air Fire/Bonfire and, in the opinion of the Fire Chief or the Fire Chief's designate smoke or emissions from such Open Air Fire are contrary to the guidelines that are detailed in section 3 of this by-law.

- 7.2 All fees and charges payable under this by-law are due and owing to the Township within thirty (30) days of the date of an invoice rendered to the person liable to pay them.
- 7.3 All overdue accounts shall accrue interest at the rate of 1.25% per month (15% per annum), calculated monthly, from the due date until paid in full.
- 7.4 All fees and charges payable under this by-law constitute a debt of the person liable for payment of them to the Township and, in the case of owners of a property being responsible for payment of the fees and charges, the Township shall add the amount owing to the tax roll for the owner(s) real property and collect them in like manner as municipal taxes.
- 7.5 If a person who sets or maintains an Open Air Fire/Bonfire in contravention of this by-law is not the owner of the property but occupies or is using the property with the owners consent, the owner and the person conducting the Open Air Fire/Bonfire shall be jointly and severally liable to pay any fees and charges imposed by this by-law.

8.0 PENALTY PROVISIONS

Every person who contravenes or causes or permits the contravention of any provision of this by-law is guilty of an offence and upon conviction is liable to a fine, pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended as laid out in Schedule "A" to this by-Law.

9.0 SEVERABILITY

A decision of a competent court that one or more provisions of this by-Law are invalid in whole or in part does not affect the validity, effectiveness or enforce ability of the other provisions or part of provisions of this by-Law.

10.0 BY-LAW NO. 2007-51 is hereby repealed effective May 5th, 2016.

11.0 BY-LAW COMING INTO EFFECT

This by-law shall come into force thirty (30) days after the passing of this by-law, at which time By-law No. 2007-51 shall not longer be in effect.

Read a first and second time this 05th day of April 2016.

Read a third time and passed this 05th day of April 2016.

MAYOR

CAO/Clerk

TOWNSHIP OF HORTON
Part 1 Provincial Offences Act
By-Law No. 2016-23 Open Air Burning
Schedule "A"
Schedule of Fines

| Item | Column 1 Short Form Wording | Column 2 Provision creating or defining offence | Column 3 Set fine |
|------|---|--|----------------------|
| 1 | Set, Maintain or allow an Open Air Fire during Fire Season | 2.1 (a) | \$450.00 |
| 2 | Set, Maintain or allow an Open Air Fire without a Permit | 2.1 (b) | \$450.00 |
| 3 | Burn Prohibited Materials | 2.1 (c) | \$250.00 |
| 4 | Impede visibility public thoroughfare | 2.1 (d) | \$250.00 |
| 5 | Set or maintain Open Air Fire R1 Zone | 2.1 (e) (i) | \$250.00 |
| 6 | Set or maintain Open Air Fire MHP Zone | 2.1 (e) (i) | \$250.00 |
| 7 | Set or maintain Open Air Fire LSR Zone | 2.1 (e) (i) | \$250.00 |
| 8 | Set or maintain an oversize Open Air Fire | 2.1 (e) (ii) | \$250.00 |
| 9 | Set or maintain an Open Air Fire within 10 meters of a building or wooded area | 2.1 (e)(iii) | \$250.00 |
| 10 | Set or maintain an Open Air Fire within 5 meters of flammable material | 2.1 (e)(iv) | \$250.00 |
| 11 | Burn restricted materials, no special permission | 2.1 (f) | \$450.00 |
| 12 | Burn grass or leaf litter | 2.2 | \$250.00 |
| 13 | Burn Household Waste or Prohibited Materials in a Burn Barrel or Incinerator | 2.3 | \$250.00 |
| 14 | Burn materials in a Burn Barrel or Incinerator in Fire Season | 2.3 (a) | \$250.00 |
| 15 | Burn Household Waste or Prohibited Materials in an Outdoor Furnace | 2.4 (a) | \$450.00 |
| 16 | Set or maintain Open Air Fire underage supervision | 3.1 (a) | \$250.00 |
| 17 | Set or maintain Open Air Fire no fire control measures on site | 3.1 (b) | \$250.00 |
| 18 | Set or maintain Open Air Fire non approved times | 3.1 (c) | \$250.00 |
| 19 | Set or maintain Open Air Fire adverse burning conditions | 3.1 (d) | \$250.00 |
| 20 | Campfire not set or maintained in an Approved Pit | 3.2 | \$250.00 |
| 21 | Set or maintain an Open Air Fire during a level 1 (yellow rating) fire ban | 4.2 | \$450.00 |
| 22 | Set or maintain an Open Air Fire during a level 2 (red rating) fire ban | 4.3 (a) | \$450.00 |
| 23 | Set, maintain or allow any Campfires during a level 2 (red rating) fire ban | 4.3 (b) | \$450.00 |
| 24 | Set, maintain or allow any fire in any Burn Barrel or Incinerator during a level 2 (red rating) fire ban. | 4.3 (b) | \$450.00 |

NOTE: The general penalty provisions for the offences listed above is section 8 of By-Law 2016-23, a certified copy of which is on file.

SCHEDULE "B" TO BY-LAW NO. 2016-23

Schedule of Fees

1. Fees to respond to and investigate a complaint in regards to a possible violation under Section 2.0 about Open Air Fire/Bonfire
 - a. Fee of \$75.00 per response payable by the permit holder or person setting, maintaining or allowing such fire to be lit if the complaint is substantiated
 - b. Fee of \$75.00 per response payable by the complainant if the complaint is not substantiated
 - (i) Fee may be waived at the discretion of the investigator if in their opinion the complaint was reasonable and made in good faith but investigation showed no violation under any section of this by-law had occurred.
2. Cost Recovery Fees:
 - a. Dispatch of Fire-fighters - (to be calculated at \$25 per hour for a minimum of 2 hours per fire fighter responding to the scene and calculated on one half hour increments thereafter).
 - b. Dispatch of Fire Response vehicles actively involved in fighting the fire. - First hour (or part thereof) \$450.00 per vehicle, each additional half hour \$225.00 per vehicle.
 - c. Actual costs incurred by the Township for additional firefighting support from other outside agencies.
 - d. Actual costs incurred by the Township to replace or repair damaged equipment.
 - e. A 15% Administration charge shall be added to the Cost Recovery Fees calculated in clauses 2 a., 2 b., 2 c. and 2 d. set out above.

SCHEDULE "C" TO BY-LAW NO. 2016-23

Open Air Burning Permit

- (a) A person over the age of 18 is in attendance and shall supervise all Open Air Fires until they are fully extinguished.
- (b) Equipment and other resources capable of controlling and quickly extinguishing Open Air Fires shall be available and maintained at the site of the fire at all times. Equipment and other resources shall include as a minimum:
- Fire extinguisher (Optional for approved camp fire)
 - Shovels
 - Water hose/source of water
 - Sufficient personnel on site to manage the size of fire set.
- (c) Hours of all fires set outdoors shall be no earlier than two (2) hours before sunset and extinguished no later than two (2) hours after sunrise, or earlier except a campfire in an approved pit.
- (d) No Open Air Fires be set in the presence of any wind or wind gusts in excess of 11 Km/h or any other adverse burning conditions.

THE CORPORATION OF THE TOWNSHIP OF HORTON

BY-LAW NO. 2014-35

BEING A BY-LAW TO PROHIBIT AND REGULATE
THE SALE, STORAGE, DISPLAY AND DISCHARGE
OF FIREWORKS, AND TO REPEAL BY-LAW NO. 84-29

WHEREAS section 121 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, permits a municipality to pass by-laws prohibiting and regulating the sale and the setting off of fireworks;

AND WHEREAS section 121 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, states that a municipality may require that a permit be obtained for the sale and setting off of fireworks, and that conditions may be prescribed by the municipality for obtaining, continuing to hold and renewing said permit;

AND WHEREAS the Council of The Corporation of the Township of Horton is desirous of enacting a by-law to prohibit and regulate the sale and discharge of fireworks, and to repeal By-law No. 84-29, as amended;

NOW THEREFORE, THE COUNCIL FOR THE CORPORATION OF THE TOWNSHIP OF HORTON ENACTS AS FOLLOWS:

1. DEFINITIONS

1.1 In this By-law:

- (a) “Act” shall mean the *Explosives Act*, R.S.O 1985, c. E-17, as amended, and all Regulations thereto;
- (b) “Chief Fire Official” shall mean the Township’s Chief Fire Official, or his or her designate;
- (c) “Council” shall mean the Council of The Corporation of the Township of Horton;
- (d) “discharge” when used in relation to *fireworks*, includes firing, igniting, exploding and setting off such articles;
- (e) “duty of care” - everyone who has an explosive substance in his or her possession or under his or her care and control is under a legal duty to use reasonable care to prevent bodily harm and death to persons or damage to property by that explosive device;
- (f) “*exhibition fireworks*” shall mean high hazard fireworks used for public fireworks displays, also referred to as display fireworks, formerly Canadian Class 7.2.2;
- (g) “*family fireworks*” shall mean low hazard fireworks generally used for recreation, also referred to as consumer fireworks, formerly Canadian Class 7.2.1;
- (h) “*firecracker*” shall mean a pyrotechnic device that explodes instantaneously when ignited and does not produce any visible effect after the explosion, but does not include caps for toy guns;
- (i) “*Fire Service*” shall mean the Township’s Fire Service;
- (j) “*fireworks*” shall include *Exhibition Fireworks, Family Fireworks and Special Occasion Fireworks*;
- (k) “*Fireworks Supervisor*” shall mean a person certified by Natural Resources Canada to conduct a *fireworks* display and who is responsible for

RETURN TO AGENDA

ensuring all *fireworks* are properly installed and that all appropriate safety measures have been taken;

- (l) “*mobile vending structure*” means a temporary mobile retail outlet, and includes detached storage units, tractor trailer units, roadside stands or temporary structures, tents or air-supported structures or other conveyance in or from which *family fireworks* are displayed, sold or offered for sale;
- (m) “*mobile vendor*” means any person, organization or company that sells, displays or offers *family fireworks* for sale in or from a temporary mobile retail outlet;
- (n) “*Noise By-law*” shall mean the *Township’s* Noise By-law, as amended from time to time;
- (o) “*theatrical fireworks*”, also referred to as pyrotechnics, formerly Class 7.2.5, includes any authorized explosive that is made, manufactured, or used to produce a special pyrotechnic theatrical effect in conjunction with an indoor or outdoor performance or in front of a live audience;
- (p) “*Township*” shall mean The Corporation of the Township of Horton;
- (q) “*Special Occasion Permit*” means permission to discharge *family fireworks* on days other than Victoria Day, Canada Day, Labour Day and New Year’s Eve;
- (r) “*Zoning By-law*” shall mean the Township’s Zoning By-law, as amended from time to time.

2. APPLICATION OF BY-LAW

- 2.1 This By-law applies to all lands and premises within the *Township*.
- 2.2 This By-law does not apply to the following low hazard fireworks having a practical use: highway safety flares, fuse and other small distress signals classed as Class 7, Division 3, Subdivision 4 of the *Act*.
- 2.3 This By-law does not apply to the storage of explosives or explosive materials and/or detonation, and/or explosions:
 - (a) created at quarries or construction sites for the purposes of creating aggregate stone, construction materials or the removal or repositioning of said materials;
 - (b) made by the Ontario Provincial Police, the Royal Canadian Mounted Police, the Canadian Military or any other public law enforcement agency.

3. SALE OF FAMILY FIREWORKS

- 3.1 *Family Fireworks* may be sold, offered for sale, caused or permitted to be sold or otherwise distributed throughout the year.
- 3.2 No person shall sell, offer for sale, cause or permit to be sold, or otherwise distribute *family fireworks*:
 - (i) unless the person has obtained a permit to sell *family fireworks*;
 - (ii) to a person who is under eighteen (18) years of age, and the vendor shall use reasonable care to ensure that said *fireworks* are not accessible to a minor.
- 3.3 No person shall sell, offer for sale, cause or permit to be sold, or otherwise distribute any firecracker or pyrotechnic devices.

3.4 The sale or display of Fireworks or Firecrackers from a Mobile Vendor is prohibited within the Township.

4. PERMIT TO SELL FAMILY FIREWORKS

4.1 The *Chief Fire Official* shall administer the processing and issuance of permits for the sale of *family fireworks*.

4.2 Every person who wishes to sell *family fireworks* in the *Township* shall:

- (i) submit an application to the *Chief Fire Official* for a permit to sell *family fireworks* on such prescribed application form as may be issued by the *Chief Fire Official*;
- (ii) pay the appropriate, non-refundable, fee as set out in the *Township's* User Fee By-law, as amended from time to time;
- (iii) provide a floor plan of the premises where *family fireworks* are to be sold, showing where *family fireworks* will be stored and displayed for sale;
- (iv) provide proof of building permit, if required;
- (v) provide a list of the *family fireworks* to be offered for sale. Only *family fireworks* included on the most recent list of authorized explosives as published by the Explosives Branch of Natural Resources (Canada), or its successor, shall be offered for sale;
- (vi) submit any other documentation or information required by the *Chief Fire Official*.

4.3 The *Chief Fire Official* shall inspect the premises where *family fireworks* are proposed to be sold, offered for sale, caused or permitted to be sold or otherwise distributed.

4.4 Upon receipt of a completed *family fireworks* sales permit application, and other documentation or information required under the By-law, all of which must be to the satisfaction of the *Chief Fire Official*, the *Chief Fire Official* may issue a *family fireworks* sales permit, subject to any conditions deemed necessary by the *Chief Fire Official*.

4.5 The *family fireworks* sales permit shall be displayed in a conspicuous location in the premises where *family fireworks* are to be sold under this By-law.

4.6 The Fireworks Sale Permit holder will abide by the Requirements for Display and Storage, under Sections 5 and 6 of this by-law.

5. REQUIREMENTS FOR DISPLAY OF FAMILY FIREWORKS BY VENDORS

5.1 All vendors of *family fireworks* shall:

- (i) keep *family fireworks* away from flammable goods and keep them in a way that they are not exposed to the sun or direct heat;
- (ii) only display *family fireworks* that contain mock samples and that do not contain explosive compound;
- (iii) only display *family fireworks* in lots, bins or bundles that weigh less than 25 kg.

5.2 A "NO SMOKING" sign must be posted in the display area.

5.3 *Family fireworks* on display must be attended by an employee or kept within an enclosed, non-combustible display unit, locked and accessible only to employees.

5.4 Every *family fireworks* vendor shall ensure that all *family fireworks* not on display are stored pursuant to section 6 of this By-law.

6. REQUIREMENTS FOR STORAGE OF FAMILY FIREWORKS

6.1 For *family fireworks* that remain unsold at the expiration of the selling periods set out in Section 9.1 of this by-law, vendors shall immediately store said *family fireworks* in a cool, dry place, remote from flammable material and inaccessible to the public.

6.2 A building may house up to 1,000 kg gross weight of *family fireworks* provided that it is detached from a dwelling and that the building, or a dedicated portion of it, is:

- (i) closed to public access;
- (ii) well constructed detached building or container that meets the requirements of the Fire Chief, and;
- (iii) used exclusively for *family fireworks* storage.

6.3 Persons who store *fireworks* shall use reasonable care to ensure that those *fireworks* are not accessible to *children*.

7. PERMIT TO DISCHARGE FAMILY FIREWORKS

7.1 No person shall *discharge family fireworks* unless the person has obtained a Fireworks Permit to *discharge family fireworks* from the CAO/Clerk or an authorized staff member in the form set out in Schedule "A" attached to this By-law.

7.2 A Fire Works Permit to *discharge family fireworks* shall not be issued to a person under the age of eighteen (18) years.

7.3 Every person who wishes to *discharge family fireworks* in the *Township* shall:

- (i) submit an application for a Fire Works Permit (Sec. 7.1) to *discharge family fireworks* to the CAO/Clerk, on the prescribed application form as set out in Schedule "A" attached to this By-law, may be issued by the Township of Horton. Said application form shall include:
 - (a) the name, address and telephone number of the applicant and the sponsoring organization, if applicable;
 - (b) the date and time of the proposed *discharge* of *family fireworks* and, in the event of inclement weather, an alternate date and time for the *discharge*;
 - (c) a description of the site on the property where the *discharge* of *family fireworks* is proposed;
 - (d) a list of the type and kind of *family fireworks* to be *discharged*;
 - (e) proof of the written authorization of the lawful owner of the property that *family fireworks* may be *discharged* on his or her property, if applicable;
 - (f) proof of a current homeowner's property liability insurance policy being in effect, amount of coverage and expiry date of policy;

- (g) a statement as to the amount of fireworks to be stored on the residential property before and after the discharge event. Storage of family fireworks on a residential property shall not exceed 10 kg at any one time.
 - (h) The application for Fire Works Permit may be submitted to the Municipal Office through the Township's website. All the information required in Sections 7.2 (i) (a) through (g) shall be scanned and submitted as attachments with the application.
 - (i) The Chief Administrative Officer/Municipal Clerk for the Township of Horton or an authorized staff member is authorized to deny the Issuance of a Special Occasion Permit if there has been a Family Fire Works Permit or Special Occasion Fireworks Permit issued for the Applicant's property within the previous four (4) weeks, OR issued for properties within 120 metres (400 feet) of the applicant's property within the previous two (2) weeks.
- (ii) pay the applicable, non-refundable fee for a permit to *discharge family fireworks*, pursuant to the *Township's User Fee By-law*, as amended from time to time;

8. DISCHARGE OF FAMILY FIREWORKS

- 8.1 No person shall *discharge family fireworks except on* Victoria Day, Canada Day, Labour Day and New Year's Eve from dusk through to 12:30 a.m. on New Year's Day for which a Fire Works Permit has been issued by the CAO/Clerk or authorized staff member, and only then on that day.
- 8.2 No person shall *discharge family fireworks* on days other than the days set out in Section 8.1 of this By-law, except if they have received a Special Occasion Fireworks Permit, which can provide for up to five (5) additional days per year.
- 8.3 Notwithstanding section 8.1 and 8.2 of this By-law, if weather conditions such as rain, fog, smog or wind on the date specified on the *family fireworks discharge* permit does not allow the *discharge of family fireworks*, the *family fireworks* may be *discharged* on the alternate date specified on the application.
- 8.4 No person shall discharge *family fireworks*:
- (i) Except between the hours of dusk and 10:00 p.m. of the same day with the exception of New Year's Day when Fire Works may be discharged between dusk on New Year's Eve and 12:30 am. New Year's morning (**Noise By-law No. 2013-56**);
 - (ii) in any place or manner as to create a danger or nuisance to any person or property or to cause a disturbance of the peace or to do or cause or allow any unsafe act or omission at the time and place of the *discharging* of any *family fireworks*;
 - (iii) in a building or automobile.
- 8.5 Every person who *discharges family fireworks* shall be mindful of their *duty of care* to individuals and property, and shall provide the following for set-up:
- (i) an open area away from buildings, vehicles, overhead obstructions, and dry brush/grass;
 - (ii) a minimum area clear of fire hazards 30m by 30m for aerial *family fireworks* such as roman candles, and a minimum area clear of fire hazards 20m by 20m for fountains and other ground based *family fireworks*. **A river or lake can be used for the minimum area clear of**

fire hazards set out above in this section, provided the fireworks are set off from land and aimed over the water;

- (iii) fully operational fire extinguishing equipment (minimum of 20BC or 30BC pound extinguisher, 20 or 30 pound pressurized water unit or a fully charged garden hose of sufficient length to cover entire 30m x 30m area or 20m x 20m area as specified in Section 9.4 (ii) above) ready and accessible at all times when *family fireworks* are being *discharged* and for a reasonable period thereafter, at the *family fireworks discharge* site;
 - (iv) a hard, flat and level surface for ground based *family fireworks* to ensure stability of the item;
 - (v) a means to bury aerial *family fireworks* to half their length in the ground or in a large pail or box filled with earth or sand;
 - (vi) a means to keep all spectators at least 20m away.
- 8.6 Every person who *discharges family fireworks* shall:
- (i) read the instructions, cautions and warnings on each *family fireworks* item;
 - (ii) light only one (1) *family firework* at a time;
 - (iii) wear proper eye protection and wear proper clothing;
 - (iv) keep children away from *family fireworks*;
 - (v) use care when handling and firing *family fireworks*;
 - (vi) clean up the area after the display.
- 8.7 Every person or organization that conducts a *family fireworks* display shall ensure that all *family fireworks* that failed to fire or were not *discharged* are immediately disposed of in a safe manner, having regard to the particular type of *fireworks* involved.
- 8.8 Fireworks shall be stored in a building that is separate from the residential home/cottage on the property subject to the following conditions:
- (i) the fireworks are kept in a dry place away from any source of heat and any substance that could cause ignition; and
 - (ii) the fireworks are kept inaccessible to everyone under the 18 years of age.
 - (iii) a sign that there are fireworks stored in this building is placed on the outside of the building in a manner readily visible by firefighters as they attend an emergency scene on the subject property. A similar sign shall be placed on the outside of the actual storage container containing the stored fireworks.

9. PERMIT FOR DISCHARGE OF EXHIBITION FIREWORKS

9.1 No person shall *discharge exhibition fireworks* unless the person has obtained permission to *discharge exhibition fireworks* from the *Chief Fire Official*;

10. DISCHARGE OF EXHIBITION FIREWORKS (Commercial Display)

10.1 No person shall fire or set off any *exhibition fireworks* within the *Township* without first successfully completing a Fireworks Supervisor's course and holding a valid Fireworks Supervisor Card.

10.2 The *Fireworks Supervisor* shall be present in person at all times during which the *fireworks* are being set up, *discharged* and cleaned up after the conclusion of the display or other *discharge* of those *fireworks*.

10.3 No person shall discharge *exhibition fireworks*:

- (i)) Except between the hours of dusk and 10:00 p.m. of the same day with the exception of New Year's Day when Fire Works may be discharged between dusk on New Year's Eve and 12:30 am. New Year's morning (Noise By-law No. 2013-56);
- (ii) in any place or manner as to create a danger or nuisance to any person or property or to do or cause or allow any unsafe act or omission at the time and place of the *discharging* of any *exhibition fireworks*;

10.4 No person shall use any *exhibition fireworks* in a display, other than those authorized pursuant to the *Act*, the Display Fireworks Manual, and all other applicable law.

10.5 Every person who *discharges exhibition fireworks* shall:

- (i) have fully operational fire extinguishers available at the *discharge* location that conforms to the requirements of the Display Fireworks Manual;
- (ii) keep all persons at a safe distance from the firing zone as outlined in the Display Fireworks Manual;
- (iii) immediately after the *exhibition fireworks* have been *discharged*, inspect the site and remove all unsafe or partly used *exhibition fireworks* and debris from the site and return the site to the condition it was in before the *discharge* of the *exhibition fireworks*;

11. THEATRICAL FIREWORKS (PYROTECHNICS)

11.1 The use of *theatrical fireworks* (pyrotechnic special effects) is prohibited within the *Township* unless properly licenced.

12. REVOCATION OF PERMITS

12.1 All permits granted by the CAO/Clerk or an authorized staff member may be revoked whenever, in the Municipal Law Enforcement Officer's opinion, the holder of such permit is in non-compliance with this By-law's conditions or requirements, or the Municipal Law Enforcement Officer has concerns for public safety. **In addition all Family Fireworks permits and Special Occasion Permits that are still active will be revoked in the event of a fire ban declared by the Township of Horton's Fire Chief.**

13. PROHIBITION

13.1 No person shall store for sale, display, sell or *discharge fireworks* within the *Township* in any manner contrary to the Criminal Code, R.S.O., 1985, C-46, as amended, the *Act*, the Fire Protection and Prevention Act, 1997 or any other applicable laws. If any provision of this By-law conflicts with the *Act*, the more stringent requirements will prevail.

13.2 No person shall *discharge any fireworks* on *Township* owned lands, including public streets and roadways, at any time, without the written permission of the CAO/Clerk or an authorized staff member. Said permission may be denied by the CAO/Clerk or an authorized staff member in his or her complete discretion and which permission may be subject to terms and conditions, including but not limited to, the provision of insurance on such terms and in such amount as set out in section 14 of this by-law.

14. INSURANCE REQUIREMENTS

14.1 The applicant for a permit to hold a *fireworks display* on *Township* property shall provide and maintain Commercial General Liability insurance subject to limits or not less than Five Million Dollars (\$5,000,000.00) inclusive per occurrence for bodily injury, death and damage to property including loss of use thereof. Such insurance shall be in the name of the applicant and shall name the *Township* as an additional insured thereunder. Such insurance shall include coverage for displays of *fireworks*. Such insurance policy shall contain an endorsement to provide the *Township* within thirty (30) calendar days prior written notice of cancellation or of a material change that would diminish coverage, and a Certificate of Insurance evidencing such insurance coverage shall be provided to the *Township* prior to the issuance of a permit to hold a *fireworks display*.

15. INDEMNIFICATION

15.1 The applicant/or property owner for a permit as required under this By-law shall indemnify and save harmless the *Township* from any and all claims, demands, causes of action, loss, costs or damages that the *Township* may suffer, incur or be liable for resulting from the performance of the applicant as set out in this By-law, whether with or without negligence on the part of the applicant, the applicants family and friends, the applicant's employees, directors, contractors and agents.

16. SEVERABILITY

16.1 If a court or any tribunal of competent jurisdiction declares any section or part of this By-law invalid, the remainder of this By-law shall continue in force unless the court or tribunal makes an order to the contrary.

17. SHORT TITLE

17.1 This by-law shall be known as the *Fireworks By-law*.

18. PENALTY

18.1 Any person who violates any provisions of this By-law is, upon conviction, guilty of an offence and shall be liable to a fine, subject to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, and be subjected to any other penalties permitted by law for each offence. Each day such violation continues, shall constitute a separate offence and shall be punishable as such.

18.2 In the event the Fire Service responds to a *fireworks* incident being conducted without a permit, or in violation of the conditions of the permit, the full costs of extinguishment, including labour costs and equipment costs as determined by the *Chief Fire Official*, may be charged to the property owner and/or permit holder.

19. ENFORCEMENT

19.1 This By-law shall be enforced by the Fire Service, Municipal Law Enforcement Officers, Assistants to the Fire Marshall, or such other persons as *Council* may designate.

19.2 No person shall hinder or obstruct, or attempt to hinder or obstruct, those individuals charged with the enforcement of this By-law under section 21.1 from carrying out their duties under this By-law.

By-law 2014-35
Fireworks By-law

20. REPEAL OF BY-LAWS

20.1 By-law No. 84-29 is hereby repealed.

21. EFFECT

21.1 This By-law shall come into force and effect on the day it is passed.

READ a FIRST and SECOND time this 3rd day of June, 2014.

READ a THIRD time and Passed this 3rd day of June, 2014.

MAYOR

CAO/Clerk



SCHEDULE "A"

APPLICATION FOR THE DISPLAY OF FAMILY FIREWORKS

(PURSUANT TO BY-LAW 2014-35 - SECTION 7.1)

APPLICANT INFORMATION

FIRST NAME LAST NAME

ADDRESS UNIT NO.

CITY PROVINCE POSTAL CODE

TELEPHONE NO. DATE OF BIRTH

PROPOSED LOCATION FOR FIREWORKS DISPLAY

NAME OF PROPERTY OWNER TELEPHONE NO.

SELECT EVENT FOR FIREWORKS

VICTORIA DAY LABOUR DAY CANADA DAY NEW YEAR'S EVE/DAY

SPECIAL OCCASION DATE

APPROXIMATE TIME OF EVENT

ALTERNATE DATE IF ABOVE DATE IS CANCELLED DUE WEATHER

WEIGHT OF FIREWORKS STORED AFTER THE EVENT SHALL NOT EXCEED **10 KG** AT ANY ONE TIME

Note that all permits issued will become null and void if there is a Fire Ban declared by the Horton Township Fire Chief.

ATTACHMENTS

- PERMIT FEE (IF REQUIRED)
- APPROVAL LETTER FROM THE OWNER OF THE PROPERTY WHERE FIREWORKS WILL BE DISPLAYED
- LOCATION SKETCH OF THE PROPOSED LOCATION FOR THE FIREWORKS DISPLAY
- DESCRIPTION OF THE FIREWORKS TO BE DISCHARGED, THE DISCHARGE TECHNIQUES TO BE USED, AND THE MANNER AND MEANS OF RESTRAINING UNAUTHORIZED PERSONS FROM BEING TOO NEAR THE DISCHARGE LOCATION
- PROOF OF CURRENT HOMEOWNERS PROPERTY LIABILITY INSURANCE POLICY, AMOUNT OF COVERAGE AND EXPIRY DATE
- APPLICATION MUST BE SUBMITTED 7 DAYS PRIOR TO THE EVENT.

DECLARATION

I HEREBY CERTIFY THAT THE INFORMATION PROVIDED IN THIS APPLICATION IS TRUE, CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT I HAVE READ AND ACCEPT THE REQUIREMENTS SET OUT IN BY-LAW 2014-35.

SIGNATURE OF APPLICANT _____

DATE _____

RETURN TO AGENDA



APPLICATION FOR THE DISPLAY OF FAMILY FIREWORKS

(PURSUANT TO BY-LAW 2014-35 - SECTION 7.1)

OFFICE USE ONLY

RECEIPT NO. PERMIT NO. DATE APPROVED

ADDITIONAL COMMENTS

APPROVAL OF CAO/CLERK OR DESIGNATE

SIGNATURE DATE

PLEASE NOTE:

PROPERTY OWNERS ARE ENCOURAGED TO CONTACT THEIR INSURANCE PROVIDER TO PURCHASE A 3RD PARTY LIABILITY COVERAGE RYDER.

SCHEDULE "B"**TOWNSHIP OF HORTON**
PART 1 Provincial Offences Act
By-law Number 2014-35
The "Fireworks" By-law

| ITEM* | COLUMN 1 Short Form Wording | COLUMN 2 Provision creating or defining offence | COLUMN 3 Set Fine |
|--------------|--|--|------------------------------|
| 1 | Sell/ Offer for Sale/ Permit to be sold/ Distribute Fireworks without a permit | Section 3.2 (i) | \$250. |
| 2 | Sell/ Offer for Sale/ Permit to be sold/ Distribute Fireworks to a person under the age of 18 years | Section 3.2 (ii) | \$250. |
| 3 | Sell/ Offer for Sale/ Permit to be sold/ Distribute firecracker / pyrotechnic device | Section 3.3 | \$250. |
| 4 | Sell/ Offer for Sale/ Permit to be sold/ Display firecracker / pyrotechnic device from Mobile Vendor | Section 3.4 | \$250. |
| 5 | Discharge Family Fireworks When Prohibited | Section 8.1. | \$500. |
| 6 | Discharge Special Occasion Fireworks without a Fire Works Permit | Section 8.2 | 500 |
| 7 | Discharge Family Fireworks - Prohibited Time | Section 8.4 (i). | \$500. |
| 8 | Discharge Family Fireworks - Create a Danger / Nuisance or Unsafe Act | Section 8.4 (ii). | \$500. |
| 9 | Discharge Family Fireworks – In a Building / Motor Vehicle | Section 8.4 (iii). | \$500. |
| 10 | Discharge Exhibition Fireworks – Without Permission | Section 9.1. | \$500. |
| 11 | Discharge Exhibition Fireworks – No Valid Fireworks Supervisor Card | Section 10.1 | \$500. |
| 12 | Fireworks Supervisor Not Present | Section 10.2 | \$500. |
| 13 | Discharge Exhibition Fireworks – Prohibited Time | Section 10.3 (i) | \$500. |

| | | | |
|----|---|-------------------|--------|
| 14 | Discharge Exhibition Fireworks – Create a Danger / Nuisance or Unsafe Act | Section 10.3 (ii) | \$500. |
| 15 | Use Prohibited Pyrotechnic | Section 11.1 | \$500. |

* Note: The general penalty provision for the offences listed above is Section 61 of the Provincial Offences Act, R.S.O. 1990, c.P. 33.