

The Corporation of the City of North Bay

By-Law No. 2022-17

**Being a By-Law to Amend By-Law No. 2015-115,
(By-Law to Regulate the Setting of Fires
and to Set out Precautions to be Taken with
Open Air Fires and Gas Fired Outdoor Appliances)**

Whereas section 9 of the *Municipal Act, 2001*, SO 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under that Act or any other Act;

And Whereas section 7.1(1) of the *Fire Protection and Prevention Act, 1997*, SO 1997, c.4 provided that a council of a municipality may pass by-laws regulating fire prevention, including the prevention of the spreading of fires, and regulating the setting of open air fires, including establishing the time during which open air fires may be set;

And Where the City is situated within the East Fire Region as defined and prescribed by the *Forest Fires Prevention Act, R.S.O. 1990, c.F.24* and O.Reg. 207/96 made pursuant to the *Forest Fires Prevention Act*, and must therefore comply with this Act and Regulation;

And Whereas section 10(1) of the *Municipal Act, 2001*, provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And Whereas section 10(2) of the *Municipal Act, 2001*, provides that a single-tier municipality may pass by-laws respecting: in paragraph 5, social and environmental well-being of the municipality; in paragraph 6, health, safety and well-being of persons; in paragraph 7, services and things that the municipality considers necessary or desirable for the public; and in paragraph 8, protection of persons and property;

And Whereas section 8(1) of the *Municipal Act, 2001*, provides that the powers of a municipality under the *Municipal Act, 2001* shall be interpreted broadly so as to confer broad authority on a municipality to enable it to govern its affairs as it considers appropriate and to enhance its ability to respond to municipal issues;

And Whereas section 391(1) of the *Municipal Act, 2001*, provides that a municipality may pass by-laws imposing fees or charges on persons for services or activities provided or done by or on behalf of it;

And Whereas the City deems it necessary to regulate the setting of fires and to set out precautions to be taken with open air fires, barbecues and gas fired outdoor appliances;

And Whereas Council passed Resolution No. 2022-41 on the 8th day of February, 2022 to authorize the amendments to the by-law.

Now Therefore the Council of the Corporation of the City of North Bay hereby enacts as follows:

1. That the title of the By-Law be changed as follows:

Being a By-Law to Regulate the Setting of Fires and to Set out Precautions to be Taken with Open Air Fires and Gas Fired Outdoor Appliances.

2. Section 1.3 – Definitions be amended to delete the definition of “Gas Fired Outdoor Appliance” and insert in lieu thereof:

“**Gas Fired Outdoor Appliance**” means a portable or fixed appliance designed for use outdoors and which is fueled by natural gas or propane including, but not limited to, a heater, smoker, fireplace or fire pit.

3. That paragraph 3.3.(1) of Part 3 – General Conditions and Prohibitions be deleted and the following inserted in lieu thereof:

3.3 Hours of Burning

- (1) Where a fire is permitted under this By-Law, it shall only be permitted between the hours of 6:00 p.m. and 12:00 a.m. No person shall set, maintain, or cause or permit to be set or maintained, an open air fire outside of these hours.

4. That Part 9 - Barbecues be deleted and the following inserted in lieu thereof:

9. Conditional Exemption

- (1) Without limiting the generality of Part 8, the provisions of this By-Law do not apply to the use of a barbecue, whether gas fired or designed or intended to use charcoal, briquettes or other fuel.

5. This By-Law comes into force and effect upon being passed.

Read a First Time in open Council this 22nd day of February, 2022.

Read a Second Time in open Council this 22nd day of February, 2022.

Read a Third Time in open Council and passed this this 22nd day of February, 2022.

Mayor Allan McDonald

City Clerk Karen McIsaac