

LICENCE

Chapter 868 OPEN AIR BURNING - PERMIT

CHAPTER INDEX

Article 1 INTERPRETATION

- 868.1.1 Chief Fire Official - defined
- 868.1.2 Council - defined
- 868.1.3 Dangerous condition - defined
- 868.1.4 Equipment and resources - defined
- 868.1.5 Enclosed fire - defined
- 868.1.6 Fire - defined
- 868.1.7 Fire Department - defined
- 868.1.8 Municipality - defined
- 868.1.9 Ontario Fire Code - defined
- 868.1.10 Permit - defined
- 868.1.11 Person - defined

Article 2 GENERAL PROVISIONS

- 868.2.1 Fire - setting - burning - permit required
- 868.2.2 Fire prohibited - in contravention of Code - Act
- 868.2.3 Fire prohibited - on highway - public property
- 868.2.4 Fire prohibited - in park - without written permission
- 868.2.5 Fire prohibited - commercial - industrial property
- 868.2.6 Location - restriction - setback distances

OPEN AIR BURNING - PERMIT

- 868.2.7 Size - consumption - limit - restriction
- 868.2.8 Daylight burning - only
- 868.2.9 Firefighting equipment - resources - available at all times
- 868.2.10 Flammable liquids - accelerants - prohibited
- 868.2.11 Permit holder - adult - present at fire - at all times
- 868.2.12 Fire prohibited - construction site
- 868.2.13 Burning - leaves - garden waste
- 868.2.14 Burning - rain - fog - prohibited
- 868.2.15 Fire - other than approved - prohibited
- 868.2.16 Fire - possible cause - damage - nuisance
- 868.2.17 Fire extinguished - before leaving scene
- 868.2.18 Fire - for cooking purposes permitted - conditions

Article 3 ISSUANCE OF PERMIT

- 868.3.1 Site inspection - prior to permit issue
- 868.3.2 Applicant - false information - prohibited
- 868.3.3 Permit - kept on site - produced upon request
- 868.3.4 Liability - costs - person setting fire
- 868.3.5 Permit - refused - revoked - suspended - at any time

Article 4 ADMINISTRATION

- 868.4.1 Authority - Chief Fire Official - designate
- 868.4.2 Severability
- 868.4.3 Fire permit request form - Schedule 'A'

Article 5 ENFORCEMENT

- 868.5.1 Fine - for contravention

**Article 6
REPEAL**

868.6.1 By-law - previous

SCHEDULE

Schedule 'A' - Fire Department Fire Permit Request

**Article 1
INTERPRETATION**

868.1.1 Chief Fire Official - defined

“Chief Fire Official” means the Fire Chief of the Town of Richmond Hill, or a member or members of the fire department designated by the Fire Chief.

868.1.2 Council - defined

“Council” means the Council of The Corporation of the Town of Richmond Hill.

868.1.3 Dangerous condition - defined

“dangerous condition” means:

- (a) a lack of precipitation which in the opinion of the Chief Fire Official increases the risk of the spread of fire;
- (b) winds which in the opinion of the Chief Fire Official increases the risk of the spread of fire; or
- (c) any other condition declared by the Chief Fire Official to be a dangerous condition, from time to time which increases the risk of the spread of fire or contributes to other hazardous activities.

868.1.4 Equipment and resources - defined

“equipment and resources” means sufficient personnel and equipment such as rakes, shovels, backhoes, bulldozers, front-end loaders, or water on-site required to control a fire.

868.1.5 Enclosed fire - defined

“enclosed fire” means a fire set in a container constructed for incineration purposes according to the specifications of the Ontario Fire Code.

868.1.6 Fire - defined

“fire” means any fire set in the open air by any person within the boundaries of the municipality, but does not include an enclosed fire.

868.1.7 Fire Department - defined

“Fire Department” means the Fire Department of the Municipality.

868.1.8 Municipality - defined

“Municipality” means The Corporation of the Town of Richmond Hill.

868.1.9 Ontario Fire Code - defined

“Ontario Fire Code” means O. Reg. 388/97 made under the *Fire Protection and Prevention Act, 1997*, c. 4, as amended.

868.1.10 Permit - defined

“permit” means the permit issued by the Chief Fire Official signifying permission to set a fire and establishing the conditions under which the permit is granted.

868.1.11 Person - defined

“person” means any individual, association, firm, partnership, corporation, agent or trustee and their heirs, executors, or other legal representatives of a person.

Article 2

GENERAL PROVISIONS

868.2.1 Fire - setting - burning - permit required

No person shall set a fire or allow a fire to burn without first having obtained a permit from the Chief Fire Official.

868.2.2 Fire prohibited - in contravention of Code - Act

Notwithstanding any provisions herein, no person shall set or maintain a fire in contravention of the Ontario Fire Code, the *Environmental Protection Act* or any other statutory requirements of the Province of Ontario or the Government of Canada.

868.2.3 Fire prohibited - on highway - public property

Notwithstanding any provisions herein, no person shall set or maintain a fire on any highway, or other public property within the Municipality.

868.2.4 Fire prohibited - in park - without written permission

Notwithstanding any provisions herein, no person shall set or maintain a fire in any park owned or operated by the Municipality without the written permission of the Municipality.

868.2.5 Fire prohibited - commercial - industrial property

Notwithstanding any provisions herein, no person shall set or maintain a fire on any commercially or industrially zoned property within the municipality, unless prescribed as per Section 868.2.16.

868.2.6 Location - restriction - setback distances

Notwithstanding any provisions herein, no person shall set or maintain a fire at a distance less than 15 metres (50 feet) from any building, structure, overhang from a structure, hedge, fence, vehicular roadway of any kind or nature, or overhead wiring:

- (a) or any combustible materials that could be ignited by sparks or heat radiating from said fire;
- (b) or at a distance of less than 15 metres (50 feet) from any property line.

868.2.7 Size - consumption - limit - restriction

Notwithstanding any provisions herein, no person shall set or maintain a fire where the consumption of material will exceed the limit of one cubic metre (35 cubic feet) at one time or as directed by the Chief Fire Official.

868.2.8 Daylight burning - only

Notwithstanding any provisions herein, no person shall set or maintain a fire and shall ensure that all permitted fires be ignited and extinguished between sunrise and sunset of the same day. Only one fire permitted at one time.

868.2.9 Firefighting equipment - resources - available at all times

Notwithstanding any provisions herein, no person shall set or maintain a fire unless the firefighting equipment and resources designated on the permit are available at the fire site at all times during the fire.

868.2.10 Flammable liquids - accelerants - prohibited

Notwithstanding any provisions herein, no person shall set or maintain a fire with the aid of flammable or combustible liquids or accelerants of any kind.

868.2.11 Permit holder - adult - present at fire - at all times

Notwithstanding any provisions herein, no person shall set or maintain a fire unless the adult person to whom the permit has been issued or such other adult person as may be designated in the permit is in attendance at the fire in a responsible and supervisory capacity at all times until such fire has been completely extinguished.

868.2.12 Fire prohibited - construction site

Notwithstanding any provisions herein, no person shall set or maintain a fire on any site, or in the vicinity of any site, where construction or related activities are carried on.

868.2.13 Burning - leaves - garden waste

Notwithstanding any provisions herein, no person shall set or maintain a fire unless the material to be burned is limited to leaves, raked grass, wood or wood by-products.

868.2.14 Burning - rain - fog - prohibited

Notwithstanding any provisions herein, no person shall set or maintain a fire when weather conditions consist of rain or fog.

868.2.15 Fire - other than approved - prohibited

Notwithstanding any provisions herein, no person shall set or maintain a fire unless otherwise approved by the Chief Fire Official.

868.2.16 Fire - possible cause - damage - nuisance

No open air fire shall be set or continued so as to cause or increase the likelihood of any or all of the following:

- (a) smoke or fire damage to property;
- (b) a decrease in visibility on any highway or roadway;
- (c) odour or smoke to such an extent or degree so as to cause discomfort to persons, hazards to health, or loss of enjoyment of normal use of property in the immediate area;
- (d) a spread of fire through grass or brush area or beyond its unintended limits.

868.2.17 Fire extinguished - before leaving scene

All persons approved to conduct open air burning shall ensure that all fires are extinguished before leaving the scene and notify the Richmond Hill Fire Department of same.

868.2.18 Fire - for cooking purposes permitted - conditions

Open air fires may be set without having obtained a permit when such burning consists of a small, confined fire, supervised at all times and used to cook food on a grill or a barbecue (as permitted by section 2.6.3.4., Ontario Fire Code, Ontario Regulation 388/97). Such a fire shall comply with the provisions of this Chapter with the grill size not exceeding 60.96 cm x 91.44 cm (24" x 36") or as approved by the Chief Fire Official.

Article 3 ISSUANCE OF PERMIT

868.3.1 Site inspection - prior to permit issue

A permit for a fire may not be issued until an inspection of the burn site has been made by the Chief Fire Official (minimum three business days notice required).

868.3.2 Applicant - false information - prohibited

In applying for a permit, no person shall supply false or misleading information.

868.3.3 Permit - kept on site - produced upon request

If approved, the permit shall be kept on site with the supervisor of the permit and if asked by the Fire Department the permit shall be made available for review.

868.3.4 Liability - costs - person setting fire

All persons setting an open fire in the Municipality may be liable for any costs incurred by the Municipality for providing Fire Department personnel, equipment or apparatus necessary to extinguish said fire.

868.3.5 Permit - refused - revoked - suspended - at any time

A fire permit may be refused, revoked or suspended at any time by the Chief Fire Official or his or her designate.

Article 4 ADMINISTRATION

868.4.1 Authority - Chief Fire Official - designate

This Chapter shall be administered and enforced by the Chief Fire Official or his or her designates.

868.4.2 Severability

If any court of competent jurisdiction finds that any of the provisions of this Chapter are *ultra vires* of the jurisdiction of the Council to pass or is invalid for any reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of this Chapter.

868.4.3 Fire permit request form - Schedule 'A'

Schedule 'A' hereby forms part of this Chapter.

Article 5 ENFORCEMENT

868.5.1 Fine - for contravention

Any person who contravenes any provision of this Chapter shall be:

- (a) subject to an automatic revocation of the fire permit and shall be liable to pay any invoice issued by the Fire Department for services rendered pursuant to Chapter 684 of the Town of Richmond Municipal Code; and
- (b) guilty of an offence under the *Fire Protection and Prevention Act, 1997*, and if convicted is liable to a fine of not more than \$50,000 or imprisonment for a term of not more than one year, or both.

Article 6
REPEAL

868.6.1 By-law - previous

By-law 61-73 is hereby repealed. By-law 51-05, 11 July, 2005.

OPEN AIR BURNING - PERMIT

SCHEDULE

Schedule 'A' - Fire Department Fire Permit Request

Schedule 'A' to this Chapter, being a copy of the Town of Richmond Hill Fire Department Fire Permit Request Form may be viewed upon request in the office of the Clerk during normal office hours.