

By-Law No. 51 - 05

A By-law to Prescribe Conditions and Times for Permitting Open Air Burning

Whereas the Fire Protection and Prevention Act, R.S.O. 1997, c.4 authorizes the Council of a municipality to regulate fire prevention, including the prevention of the spreading of fires and to regulate the setting of open air fires, including establishing conditions and the times during which open air fires may be set;

And whereas it is deemed advisable to exercise the authority conferred by the Act within the municipality;

And whereas Council at its meeting of July 11, 2005 adopted the recommendation of the Committee of the Whole at its meeting of July 4, 2005 in SRFD.05.10.

Now therefore the council of the Corporation of the Town of Richmond Hill enacts as follows:

1. Definitions

In this By-law:

- 1.1 “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.
- 1.2 “Council” means the Council of the Corporation of the Town of Richmond Hill.
- 1.3 “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.
- 1.4 “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.
- 1.5 “Enclosed Fire” means a fire set in a container constructed for incineration purposes according to the specifications of the Ontario Fire Code.
- 1.6 “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.
- 1.7 “Fire Department” means the Fire Department of the Municipality.
- 1.8 “Municipality” means the Corporation of the Town of Richmond Hill.
- 1.9 “Ontario Fire Code” means O.Reg.388/97 made under the Fire Protection and Prevention Act, S.O. 1997, c.4, as amended.
- 1.10 “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.
- 1.11 “Person” means any individual, association, firm, partnership, corporation, agent or trustee and their heirs, executors, or other legal representatives of a Person.

2. General Provisions

- 2.1 No Person shall set a fire or allow a fire to burn without first having obtained a permit from the Chief Fire Official.
- 2.2 Notwithstanding any provisions herein, no person shall set or maintain a fire:
- (a) 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;
 - (b) on any highway, or other public property within the Municipality;
 - (c) in any park owned or operated by the Municipality without the written permission of the Municipality;
 - (d) on any Commercially or Industrially Zoned property within the Municipality; unless prescribed as per article 2.3;
 - (e) at a distance less than 15 metres from any building, structure, overhang from a structure, hedge, fence, vehicular roadway of any kind or nature, or overhead wiring;
 - i. or any combustible materials that could be ignited by sparks or heat radiating from said fire;
 - ii. or at a distance of less than 15 metres from any property line;
 - (f) where the consumption of material will exceed the limit of 1 cubic metre at one time or as directed by the Chief Fire Official;
 - (g) ensure that all fires be ignited and extinguished between sunrise and sunset of the same day. Only (1) one fire permitted at one time;
 - (h) unless the firefighting equipment and resources designated on the permit are available at the fire site at all times during the fire;
 - (i) with the aid of flammable or combustible liquids or accelerants of any kind;
 - (j) 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;
 - (k) on any site, or in the vicinity of any site, where construction or related activities are carried on;
 - (l) unless the material to be burned is limited to leaves, raked grass, wood or wood by-products;
 - (m) when weather conditions consist of rain or fog;
 - (n) unless otherwise approved by the Chief Fire Official.
- 2.3 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 intended limits.
- 2.4 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.
- 2.5 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 By-law with the grill size not exceeding 60.96 cm x 91.44 cm (24" x 36") or as approved by the Chief Fire Official.

3. Issuance of Permit

- 3.1. 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 3 business day(s) notice required).
- 3.2. In applying for a permit, no person shall supply false or misleading information.
- 3.3. 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.
- 3.4. 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.
- 3.5. A fire permit may be refused, revoked or suspended at any time by the Chief Fire Official or his designate.

4. Administration and Enforcement

- 4.1. This By-law shall be administered and enforced by the Chief Fire Official or his designates.
- 4.2. If any Court of competent jurisdiction finds that any of the provisions of this By-law is 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 By-law.
- 4.3. Schedule "A" attached hereto, hereby forms part of this By-law.

5. Offences

- 5.1. Any person who contravenes any provision of this By-law 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 Municipal Code;
 - (b) guilty of an offence under the *Fire Protection and Prevention Act, S.O. 1997, c.4*, 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.

6. Repeal

- 6.1. By-law Number 61-73 is hereby repealed.

Read a first and second time this 11 th day of July, 2005.

Read a third time and passed this 11th day of July, 2005.

Mayor

Town Clerks