

BY-LAW NUMBER 2007-209

OF

THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE

**BEING A BY-LAW TO REGULATE THE SETTING AND
MAINTAINING OF FIRES IN THE OPEN AIR WITHIN THE
TOWNSHIP OF UXBRIDGE AND TO REPEAL BY-LAW NO. 95-
129, AS AMENDED**

WHEREAS the Fire Protection and Prevention Act, 1997, S.O. 1997, Chap. 4, section 7.1(1)(a) authorizes the Council of a municipality to pass By-laws regulating fire prevention, including the prevention of the spreading of fires, and section 7.1(1)(b) further authorizes the Council of a municipality to pass By-laws regulating the setting of open air fires, including establishing the times during which open air fires may be set;

AND WHEREAS it is deemed advisable to exercise the authority conferred by this Act within the Township;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP
OF UXBRIDGE HEREBY ENACTS THE FOLLOWING BY-LAW:**

SECTION 1 DEFINITIONS

In this By-law:

- (a) **APPLICANT** shall include a person who makes an application for a permit under this by-law and includes an agent authorized to make such an application.
- (b) **APPROVED** shall mean approved by the Chief Fire Official.
- (c) **BURNING PERMIT** shall mean a permit in writing issued by the Chief Fire Official granting permission to burn in the open air and establishing the conditions under which the permission is granted.
- (d) **CHIEF FIRE OFFICIAL** shall include a Fire Official, a Fire Inspector, an assistant to the Fire Marshal, a Chief Fire Official and a person designated by the Chief Fire Official to perform the functions of such a person.
- (e) **COUNCIL** shall mean the Council of The Corporation of the Township of Uxbridge.
- (f) **DANGEROUS CONDITION, includes but is not limited to,**
 - (i) a lack of precipitation within the geographic boundaries of the Township for a period of time prior to a permit being issued or during the period of time in which the permit is active, that, in the opinion of the Chief Fire Official, increases the risk of the spread of fire;
 - (ii) winds within the geographic boundaries of the Township of Uxbridge for a period of time prior to a permit being issued or during the period of time in which the permit is active, that, in the opinion of the Chief Fire Official, increases the risk of the spread of fire;

- (iii) any condition declared by the Chief Fire Official from time to time to be a dangerous condition;
 - (iv) an odour such that the extent or degree may cause discomfort to the persons residing in the immediate area or that is deemed to be in contravention of any of the provisions of the Environmental Protection Act, as may be amended from time to time.
- (g) **ENCLOSED FIRE** shall mean a fire set in a unit constructed for incineration, home heating or heating of agricultural buildings in accordance with the following:
- (i) the unit is approved;
 - (ii) the unit is safely constructed;
 - (iii) the unit is enclosed;
 - (iv) the unit is located in a safe, clear area;
 - (v) the fire compartment is of reasonable size; and
 - (vi) the provisions of Section 3 of the By-law are complied with.
- (h) **EQUIPMENT AND RESOURCES includes, but is not limited to,** sufficient personnel and/or equipment such as rakes, shovels, backhoes, bulldozers, front-end loaders or water on-site required or used for controlling and/or suppressing a fire.
- (i) **FARM** shall mean land devoted to the practice of farming and used primarily for the raising of livestock or the production, storage or processing of agricultural and horticultural produce or foods but does not include land used only as a residential occupancy.
- (j) **FIRE** shall include a fire set by any person within the boundaries of the Township but does not include an enclosed fire.
- (k) **FIRE CODE** shall mean the Regulations of Ontario 213/07 made under The Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as may be amended from time to time.
- (l) **FIRE DEPARTMENT** shall mean the Fire Department of the Township of Uxbridge, Whitchurch Stouffville Fire and Emergency Service and East Gwillimbury Fire Services.
- (m) **PERSON** shall mean any individual, association, firm, partnership, corporation, agent, or trustee and their heirs, or other legal representatives of an individual and includes the owner of land where the fire is set.
- (n) **OPEN AIR BURNING DEVICE** shall mean any commercially manufactured device for the purpose of containing a recreational fire.
- (o) **OWNER** shall mean the registered or beneficial owner of the land where a fire is set and includes the tenant or person in possession of the land and that person=s agent.
- (p) **RECREATIONAL FIRES** shall mean a supervised fire for the enjoyment of the owner of the land upon which the fire is set and which is used to cook food for human consumption, but which does not exceed .75 metres in diameter.

(q) **TOWNSHIP** shall mean The Corporation of the Township of Uxbridge.

SECTION 2 **GENERAL PROVISIONS**

- 2.1 No person shall cause, permit or allow a fire to be set or cause, permit or allow a fire to burn in the open air without having obtained a permit from the Chief Fire Official. Such permits are set out in Schedule "A" and Schedule "B" which are attached hereto and form part of this By-law.
- 2.2 A permit issued under this By-law shall be issued in writing by the Chief Fire Official.
- 2.3 A permit for burning in the open air shall not be issued until the permit Administration Fee has been paid according to Permit Fee Schedule "C", which is attached hereto and forms part of this By-law.
- 2.4 No permit shall be issued to a person under the age of 18 years.
- 2.5 Every person burning in the open air shall comply with all Provincial Statutes and Regulations with respect to the setting of fires, in addition to complying with the conditions that may be included in the open air burning permit.
- 2.6 The Chief Fire Official may impose any conditions that may be considered appropriate for any permit issued for an open air burn.
- 2.7 Every person who burns in the open air shall comply with any and all such conditions that may be imposed by the Chief Fire Official.
- 2.8 The Chief Fire Official has the right to ban open air burning when the Chief Fire Official determines that there is a dangerous condition. A ban on open air burning is final and not subject to review.
- 2.9 The Chief Fire Official has the right to prohibit burning in urban, residential or populated areas of the Township or any part or parts of the Township.
- 2.10 The Chief Fire Official may revoke a permit and/or extinguish an open air burn if, in the opinion of the Chief Fire Official, the fire presents a fire hazard, a smoke hazard which may limit visibility on roads, the weather has deteriorated and has become unfavourable for an open air burn, conditions imposed on the permit are not complied with and/or any of the provisions of this By-law are being contravened.
- 2.11 A permit is deemed to be revoked if the applicant or owner is in contravention of a condition imposed in the permit or if the owner or applicant is in contravention of any provision of this By-law.
- 2.12 Upon notification that a permit issued under this By-law has been revoked by the Chief Fire Official, the applicant or person shall immediately extinguish the fire.
- 2.13 No applicant or owner shall fail to immediately extinguish the fire when requested to do so by the Chief Fire Official.
- 2.14 An applicant who fails to immediately extinguish the fire pursuant to section 2.13 of this By-law shall be held liable for all costs incurred by the Township in its efforts to extinguish the fire.
- 2.15 Fires set within clay, ceramic or metal burning pots shall be deemed to be an open air burn and regulated by this By-law.

2.16 The use of clay, ceramic or metal burning pots shall be prohibited in the urban, residential and populated areas of the Township.

SECTION 3 PRECAUTIONS TO BE OBSERVED FOR SAFE BURNING

- 3.1 Notwithstanding, any provisions herein, no person shall cause, permit or allow a fire to be set or cause, permit or allow a fire to burn in the open air:
- (a) that is in contravention of the Fire Code, the Environmental Protection Act or any other Statutes and Regulations of the Province of Ontario, as may be amended from time to time;
 - (b) on any public road, Township park, or other public property;
 - (c) in the front yard or side yard of any commercial or industrial zoned property within the Township;
 - (d) less than 15 metres distant from any building , structure, hedge, fence, vehicular roadway of any kind or from overhead wiring;
 - (e) less than 15 metres distant from any property lines;
 - (f) in any outdoor fireplace or any other burning appliance unless there is a space clear and free from combustible material around the perimeter of such fire of at least 9 (nine) metres and the fire is approved by the Chief Fire Official;
 - (g) unless the persons, equipment and resources indicated in the permit are present and available at the location of the fire at all times during the open air burning;
 - (h) with the aid of flammable liquid accelerants of any kind;
 - (i) unless the persons to whom the permit is issued, or such other 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;
 - (j) unless the person to whom the permit is issued, or such other person as may be designated in the permit, is in attendance at the fire in a responsible and supervisory capacity is over the age of 18 (eighteen) years;
 - (k) on any construction site where construction activities are carried on, unless approved by the Chief Fire Official. Notwithstanding the foregoing, a permit may be issued in connection with preliminary site-clearing and grading activities for the disposal of existing vegetable matter or vegetation, provided all conditions imposed by the Chief Fire Official are complied with by the applicant or owner;
 - (l) that is greater than 1.5 meters in diameter. Notwithstanding the foregoing, the applicant may apply for an Oversized Fire Permit or a Farm Permit provided all the conditions under which the permit is issued are complied with by the applicant or owner and the open burning site has been approved by the Chief Fire Official;
 - (m) if the consumption of material exceeds the limit of material imposed by the Chief Fire Official;

- (o) after sunset in the afternoon of any day and before sunrise in the forenoon of any day unless otherwise approved by the Chief Fire Official.

SECTION 4 PROVISIONS FOR SETTING AND MAINTAINING FIRES

- 4.1 Prior to setting or maintaining a fire in the open air on any day, the applicant shall contact the Fire Department to confirm that it is safe to do so.
- 4.2 Prior to setting or maintaining an oversized fire in the open air on any day, the applicant shall contact the Fire Department to confirm that it is safe to do so.
- 4.3 Prior to setting or maintaining a fire in the open air for the purpose of disposing of any type of vegetation incidental to farming practices on any day, the applicant shall contact the Fire Department to confirm that it is safe to do so.
- 4.4 Every person who intends to set or maintain a fire in the open air for recreational purposes on private property, or on Township property, provided that prior approval has been given by the Chief Fire Official, shall obtain a permit.
- 4.5 Every person referred to in section 4.4 shall prior to setting or maintaining a recreational fire in the open air on any day, contact the Fire Department to confirm that it is safe to do so.
- 4.6 Every person setting a fire for recreational purposes shall apply annually for an open air burning permit. At the time of making such application, the applicant shall submit to the Chief Fire Official the safety measures to be used to extinguish and/or control the fire for the approval of the chief Fire Official.
- 4.7 Notwithstanding the provisions of section 4, the Chief Fire Official may revoke any permit issued for burning in the open air, or refuse to issue a permit where, in the opinion of the Chief Fire Official, the ability to control a fire is hampered by the existence of a dangerous condition at or near the proposed site and/or if the fire exceeds the size limitation for a recreational fire.

SECTION 5 PROVISIONS FOR RURAL AREAS

- 5.1 No person shall cause, permit or allow a fire to be set or cause, permit or allow a fire to burn in the open air in any rural area of the Township without approval of the Chief Fire Official.
- 5.2 Such open air burning shall not exceed the limitations of size set out in this By-law.
- 5.3 No person shall burn in the open air in a rural area unless such fire is:
 - i) in a unit safely constructed and of non-combustible material;
 - ii) in a unit that is topped with a screen that has openings no larger than 2.5 sq. cm (1 sq. in.);
 - iii) in a fire-safe location clear of all combustibles;
 - iv) in an incinerator with a capacity no larger than 200 litres (45 gallons) unless approved;
 - v) in compliance with Section 3 of this Bylaw.

SECTION 6 PROVISIONS FOR FARMS

- 6.1 The following regulations shall apply to fires set in the open air on farm properties used for farming purposes and incidental to agricultural operations and practices:
- 6.2 In this section, all fires set in the open air shall be:
- i) located and maintained in a manner that does not pose a risk to the occupants or buildings in the vicinity of the fire;
 - ii) approved by the Chief Fire Official, prior to the issuance of a permit for an open air burn at that location;
 - iii) in compliance with the requirements of Section 3 of this Bylaw;
 - iv) conducted between the hours of 8:00 am and 6:00 pm;
 - v) composed of only dry brush or vegetation materials from the farm where the fire is located;
 - vi) attended to, controlled by and supervised at all times by a person over the age of 18 years and shall be completely extinguished before the location is vacated;
 - vii) confined to an area which is at least 45 metres (150 feet) from any building, highway, road or wooded area;
 - viii) controlled at all times in such a way that smoke caused by the open air burn does not affect the visibility of motorists or pedestrians using roads and property within the vicinity of the open burn;
- 6.3 Open air burning is prohibited during any day that is rainy, foggy or declared a smog alert day by the Ministry of Environment of Ontario.

SECTION 7 NOTIFICATION TO EXTINGUISH A FIRE

- 7.1 All persons conducting an open air burn on a farm or in the rural area shall immediately extinguish the fire upon notification by the Chief Fire Official, that in the Chief Fire Official's opinion, the fire presents a fire hazard and/or, the fire affects the visibility of motorists and/or pedestrians using roads in the vicinity of the open burn;

SECTION 8 ORDER TO EXTINGUISH UNAPPROVED FIRES

- | 8.1 Upon notification that an open air burn is not authorized under this By-law, the Chief Fire Official shall order the owner or occupant of the land to immediately extinguish the fire.
- 8.2 No person shall fail to immediately extinguish a fire upon being ordered to do so by the Chief Fire Official.
- 8.3 The Chief Fire Official may take action to extinguish a fire if a person ordered to extinguish the fire fails to do so.
- 8.4 The owner or occupant of land upon which a prohibited fire is located shall be responsible for all costs incurred by the Township in its efforts to extinguish the fire.

SECTION 9 ENFORCEMENT

- 9.1 Every person who fails to comply with any of the provisions of this By-law may be subject to the Fees for Service as set out in Schedule C of this By-law.
- 9.2 In addition to any penalty provided by law, the Township has the right to collect any costs incurred by it and as authorized by this By-law from the owner of the land, and all such costs shall be added to the tax roll and shall be collected in a like manner as municipal taxes.
- 9.3 Any person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as set out in the Provincial Offences Act, as may be amended from time to time.

SECTION 10 REPEAL OF BY-LAW

By-law No. 95-129, as amended, is repealed in its entirety.

SECTION 11 ENACTMENT

This By-Law shall come into force and take effect immediately upon the final passage thereof.

READ A FIRST, SECOND and THIRD TIME and finally passed this 26th day of November, 2007.

BOB SHEPHERD
MAYOR

DEBBIE LEROUX
CLERK

SCHEDULE "A"

No.

THE CORPORATION OF
THE TOWNSHIP OF UXBRIDGE
51 Toronto Street South, P.O. Box 190, Uxbridge, Ontario L9P 1T1
(905) 852-3393

OPEN AIR FIRE PERMIT

Date Issued: _____ Validation Period: _____ to December 31st, _____

Permission Granted To: _____

Name: _____ Phone # _____
Cell Phone # _____

Mailing Address: _____

Location of Fire: _____ Lot _____ Concession _____

Materials to be burned: _____

Shall not exceed 1.5 metres in diameter at any time.
Recreational Fires shall not exceed .75sqm in diameter at anytime.
Two persons (2) shall be in attendance at all times.

TYPE OF PERMIT AND APPLICABLE ADMINISTRATION FEES

- Regular \$25.00
- Family Recreational Farm \$25.00
- Annual Recreational Campsites Exempt

Fire Protection Equipment and resources available shall include sufficient personnel and equipment such as rakes, shovels, backhoes, bulldozers, front-end loaders or water on-site required to control the spread of fire. Subject to the following regulations extracted from this By-law No. 2007-209

Remarks: _____

Signature of Applicant _____ Date _____

Fire Official Signature _____ Date _____

Note: Prior to burning the applicant shall confirm burning is permitted each day of burning by calling:

See reverse for provisions for safe burning. Sections 3.1 to 3.7 inclusive.

White Copy: Applicant
Yellow Copy: Fire Dept.

SCHEDULE "B" No.

THE CORPORATION OF
THE TOWNSHIP OF UXBRIDGE
51 Toronto Street South, P.O. Box 190, Uxbridge, Ontario L9P 1T1
(905) 852-3393

OVERSIZED FIRE PERMIT

Date Issued: _____ Validation Period: _____ December 31, _____

Permission Granted To: _____

Name: _____ Phone # _____
Cell Phone # _____

Mailing Address: _____

Location of Fire: Lot _____ Concession _____

Materials to be burned:

Shall not exceed _____ metres in diameter at any time.

Two persons (2) shall be in attendance at all times.

TYPE OF PERMIT AND APPLICABLE ADMINISTRATION FEES

- Farm \$75.00
- Other \$75.00

With Farm Business Registration Number _____

O.F.A. _____ N.F.A. _____ C.F.A. _____

- \$50.00

All oversized burn sites must be approved by the Chief Fire Official and payment must be remitted by the applicant prior to issuance of an Oversize Permit.

There shall be a loader/back -hoe at the burn site and available for use to extinguish the fire or to prevent the spread of fire. Subject to the following regulations extracted from this Bylaw # _____.

Remarks: _____

Signature of Applicant _____ Date _____

Fire Official Signature _____ Date _____

Note: Prior to burning the applicant shall confirm burning is permitted each day of burning by calling: _____

See reverse for provisions for safe burning. Section 3- 3 to 3.14

White Copy: Applicant
Yellow Copy: Fire Dept.

SCHEDULE "C"

PERMIT FEES

Open Air Burn	\$25.00
Oversized	\$75.00
Farm	
(i) Open Air Burn	\$25.00
(ii) Oversized	\$50.00 *
* Proof of Farm Business Registration required	
Recreational	
(i) Facility (Camp Sites only) Annual	Exempt
(ii) Open Air Burn	\$25.00
(iii) Oversized	\$75.00
Recreational Home/Community Groups	Exempt

FEES FOR SERVICE

- i) \$410.00 per hour per apparatus for the first hour or part thereof
- ii) \$205.00 per half hour per apparatus for each additional half hour or part thereof
- iii) the actual cost of any specialized equipment and/or consumables used e.g. absorbent, etc.
- iv) number of fire apparatus depending on running assignment and severity of incident.