

## OFFICE CONSOLIDATION

*This is a consolidation of the Town's Open Fire By-law No. 96-59 as amended by By-law No. 2006-09 prepared for reference and information purposes only. The following consolidation is an electronic reproduction made available for information only. It is not an official version of the by-law. The Town of Caledon does not warrant the accuracy of this electronic version. Official versions of all by-laws can be obtained from the Town Clerk by calling (905) 584-2272. If there are any discrepancies between this consolidation and By-laws 96-59 and 2006-09, the By-laws shall prevail.*

### THE CORPORATION OF THE TOWN OF CALEDON

#### BY-LAW NO. 96-59

Being a by-law to regulate open fires  
and to repeal By-law 75-112

WHEREAS section 210 paragraph 35 of the **Municipal Act** (R.S.O. 1990, Chap. M.45), as amended, provides that the council of the local municipality may pass by-laws during which fires may be set in the open air and the precautions to be observed by persons setting out fires.

NOW THEREFORE the Council of The Corporation of the Town of Caledon ENACTS AS FOLLOWS.

#### DEFINITIONS

1. "chief fire official" means the Fire Chief of the Town of Caledon or a member or members of the Fire Service designated by the Fire Chief

"open air" means any open place, yard, field or construction area which is not enclosed by a building or structure

"person" includes any individual, association, firm, partnership, corporation, agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law

"public property" includes the property owned or occupied by the corporation of a metropolitan, regional or district municipality, a county, city, town, village, township or improvement district and including a local board thereof, a board, a commission, a conservation authority, the Province of Ontario, the Dominion of Canada, including any agency thereof

#### PERMIT

2. No person shall set an open fire, or allow an open fire to burn, or maintain an open fire without the prior issuance of a permit therefor by the chief fire official.
3. The permit for an open air burn permit shall be in a form as determined by the Chief Fire Official. *[Amended - By-law 2006-09]*
4. Notwithstanding the provisions of section 2, a permit is not required where the open air burning consists of a small, confined fire, supervised at all times, and used to cook food on a grill or barbecue, or to provide personal warmth.

## CONDITIONS OF PERMIT

5. Every person to whom a permit to set an open fire has been issued by the chief fire official shall
  - (1) only burn wood or by-products of wood or leaves,
  - (2) not burn any materials, including building materials, in contravention of the provisions of the **Environmental Protection Act** as amended,
  - (3) shall burn only during the following hours:
    - (a) during the spring and summer, from 8:00 a.m. to 8:00 p.m., and
    - (b) during the winter and fall, from 8:00 a.m. to 5:00 p.m.
  - (4) shall ensure that the means of extinguishing the fire as specified in the permit are available at the site of the fire at all times during the fire,
  - (5) shall fully extinguish the fire before leaving the burning site,
  - (6) shall not commence to burn, or continue to burn, when
    - (a) the wind is blowing with such intensity or in such a direction so as to cause
      - (i) a decrease in visibility on any highway,
      - (ii) a possible spread of fire through a grass or brush area,
      - (iii) the possible spread of fire to neighbouring buildings or properties, or
      - (iv) any odour to such an extent or degree so as to cause discomfort to the persons residing in the immediate area,
    - (b) the lack of precipitation within the boundaries of the Town of Caledon for a period prior to the date of the application for a permit increases the risk of the spread of fire.
  - (7) burn only when the person to whom the permit was 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,
  - (8) set a fire, and maintain the fire at least 25 meters from any building,
  - (9) burn only while the permit is in effect, [*Amended - By-law 2006-09*]
  - (10) not burn on any day or days other than the day or days for which the permit is issued, and [*Amended - By-law 2006-09*]
  - (11) ensure that there is a space clear and free of combustible material around the perimeter of at least 9 meters.

## **ISSUANCE OF PERMIT**

6. Notwithstanding, and in addition to the regulations contained in section 5, the chief fire official may
  - (1) issue a permit subject to the condition that the fire is supervised by the chief fire official at the sole cost of the permittee, [*Amended - By-law 2006-09*]
  - (2) issue a permit subject to a condition restricting the size of the burn material, and
  - (3) issue a permit subject to any conditions which may reduce or contain the risk of the spread of fire.

## **REFUSAL**

7. The chief fire official may refuse to issue a permit where the applicant will not comply with the provisions of this by-law.

## **REVOCAION OF PERMIT**

8. The chief fire official may revoke any permit issued pursuant to this by-law
  - (1) if it was issued on mistaken, false or incorrect information,
  - (2) if it was issued in error,
  - (3) if the permittee fails to comply with any of the conditions upon which the permit was issued,
  - (4) if the permittee fails to comply with the provisions of this by-law,
  - (5) if the permittee fails to comply with any law applicable to the disposal of wastes materials, or
  - (6) if the chief fire official is of the opinion that the open fire or the continued burning of the open fire will result in an increased risk or danger to neighbouring properties or persons.
9. Where the chief fire official revokes a permit, no person shall commence to burn an open fire or to continue to burn an open fire and if an open fire has been commenced, every person shall immediately extinguish such open fire.

## **EXPIRY OF PERMIT**

10. A permit issued by the chief fire official shall expire on 31 December of the calendar year in which it was issued. [*Amended - By-law 2006-09*]

## **PROHIBITION**

11. Notwithstanding any provisions of this by-law, no person shall set or maintain

- (1) an open air fire on any highway, park or public property,
- (2) an uncontained open air fire, including but not limited to a grass fire,
- (3) an open air fire in those Settlement Areas as shown in the Town Official Plan which are serviced by the Regional Municipality of Peel Herhof Composting System or similar programme of waste management, and
- (4) an open fire when the chief fire official has ordered that he not set, or that he extinguish the fire. *[Amended - By-law 2006-09]*

## **BUILDINGS AND STRUCTURES**

12. Notwithstanding any provisions of this By-law, no person shall set or maintain an open fire for the purpose of demolishing a building or structure, except in accordance with a permit issued by the chief building official pursuant to the **Building Code Act** and in accordance with the provisions of this by-law.

## **COSTS**

13. Any person who
  - (1) burns an open fire or permits an open fire to burn contrary to the provisions of this by-law, or
  - (2) fails to extinguish an open fire once notification to do so has been given to him by the chief fire officialshall, in addition to any penalty provided for herein, be liable to the Town for any expenses incurred for the purpose of controlling and extinguishing the open fire so set or permitted to burn as set out in the Municipal Fees By-law and such expenses may be recovered by action or in like manner as taxes. *[Amended - By-law 2006-09]*

## **PENALTY**

14. Any person who contravenes any provisions of this by-law is guilty of an offence.

## **REPEAL**

15. By-law 75-112 be and the same is hereby repealed.

16. This By-law shall be known as the "Open Air Burning By-law." *[Amended - By-law 2006-09]*

READ A FIRST, SECOND AND THIRD TIME

AND FINALLY PASSED IN OPEN COUNCIL

THIS 3RD DAY OF FEBRUARY, 1997.

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Mayor Seglins

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Gary Boyce - Acting Clerk