

**A BY-LAW TO PROVIDE FOR THE CONTROL OF OPEN AIR BURNING
WITHIN THE TOWNSHIP OF FRONT OF YONGE**

WHEREAS Section 11 (2) of the Municipal Act, 2001, c.25 authorizes the Council of a municipality to pass by-laws respecting protection of persons and property;

AND WHEREAS Section 446 of the Municipal Act 2001, c.25 permits the municipality to enforce by-laws and recover the expense incurred in doing it by action or the same may be recovered in like manner as municipal taxes.

AND WHEREAS Section 391(1) of the Municipal Act, S.O. 2001, c.25 authorizes Council to pass by-laws for the imposition and collection of fees or charges for services or activities provided by the municipality;

NOW THEREFORE the Council of the Corporation of the Township of Front of Yonge enacts as follows:

1. DEFINITIONS

For the purpose of this by-law:

- a) ‘Adverse Effect’ means one or more of,
 - i) Impairment of the quality of the natural environment for any use that can be made of it,
 - ii) Injury or damage to property or to plant or animal life,
 - iii) Harm or material discomfort to any person,
 - iv) An adverse effect on the health of any person,
 - v) Impairment of the safety of any person,
 - vi) Rendering any property or plant or animal life unfit for human use,
 - vii) Loss of enjoyment of normal use of property, and
 - viii) Interference with the normal conduct of business;
- b) ‘Approved Brush Pile Fire’ shall mean an Open Air Fire, having a maximum fuel size of 3 metres x 3 metres x 1.8 metres in height (10 feet x 10 feet x 6 feet), that is set and maintained for the sole purpose of burning piled wood, brush or leaves. Any exceptions must be agreed to by the Fire Chief/designate prior to burning.
- c) ‘Approved Incinerator Fire’ shall mean a fire set in a container designed for incineration purposes and constructed completely of non-combustible material that is placed atop not less than 4cm. (2 inches) of sand or mineral soil extending not less than 30 cm (12 inches) beyond its perimeter, and having a maximum volume of 202 litres and an outlet or exhaust opening covered by a screen having a mesh of not more than 7 mm (1/4 inch).
- d) ‘Approved Pit’ shall mean an area of ground that has been completely cleared of combustible material and lined with a minimum thickness of 15 cm (6 inches) of sand or mineral soil that will extend a minimum of 30 cm (12 inches) beyond the limit of the fuel used for a camping fire.
- e) ‘Dangerous Condition’ means:
 - i) a lack of precipitation which, in the opinion of the Fire Chief or his/her designate, increases the risk of the spread of fire; or
 - ii) Winds which in the opinion of the Fire Chief or his/her designate increases the risk of spread of fire; or
 - iii) The issuance, by the Fire Chief, Fire Marshall, or other fire officials in the exercise of their statutory powers, of a fire ban or prohibition against any and all “Open Air Fires”; or
 - iv) Any other condition declared by the Fire Chief or his/her designate to be a

dangerous condition from time to time, which increases the risk of the spread of fire;

- f) 'Household Waste' for the purposes of this by-law means combustible material such as plastics, polythene terephthalate (PET), paint, oils, solvents, rubber, insulation, batteries, acids, polystyrenes (styrofoam), pressure treated or painted lumber, tires, upholstered furniture, synthetic fabrics, diapers, hazardous waste, food waste and other materials as defined in the Environmental Protection Act and all other similar and like materials but shall not include untreated wood and wood fibre products such as unlaminated paper and cardboard and boxboard, brush and leaves;
- g) 'Fire Burning Time' means burning during daylight hours (dawn until dusk).
- h) 'Open Air Burn(ing)' shall mean the ignition and incineration by fire of combustibles for the purpose of burning grass, clean wood and other combustible materials and includes fires in barrels, drums, incinerators and pits, a cooking fire, campfire or that related to barbeque cooking and heating appliances;
- i) 'Permit' shall mean a permit issued by the Township office or Township selected agencies, the Fire Chief or his/her designates, signifying permission to set or maintain or allow to be set or maintained an "Open Air Burn" and establishing the conditions under which the permission is granted. In the form attached as Schedule "A" hereof;
- j) 'Campfire' shall mean an "Open Air Burn", having a maximum fuel volume of .6 metres x .6 metres x .6 metres height. (2 feet x 2 feet x 2 feet), that is set and maintained solely for the purpose of cooking food, providing warmth or recreational enjoyment and where;
 - i) The site of the fire is bare rock or other non-combustible material.
 - ii) The fire is at least 2 metres (6 feet) from any flammable material.
 - iii) The space above the fire is at least 3 metres (9.9 feet) in height and 1 metre (3.3 feet) in diameter.
 - iv) It is supervised by a competent adult.
- k) 'Competent adult' means someone 18 years of age or older, and not under the influence of alcohol or drugs.
- l) 'Campfire Fuels' includes untreated, unpainted wood only. It does not include leaves, plywood, particle board, shingles, etc.).
- m) 'Cooking Fire' shall mean a fire used for cooking food and contained within an approved containment area or approved outdoor fireplace;
- n) 'Prohibited Materials' includes "household Waste", rubber or rubber products, plastic or plastic products, and waste petroleum products and any material or materials which are prohibited by the Environmental Protection Act, R.S.O. 1990, Chapter E.19, as amended.

2. GENERAL PROVISIONS

2.1 No "Person" being the owner or tenant in possession of lands within the "Municipality" shall conduct "Open Air Burning" on such lands unless a "Permit" has been issued in respect of such "Open Air Burning".

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) Containing "Prohibited Materials";

- c) In any park owned or operated by the “Municipality” without the written permission of the “Municipality”;
- d) At a distance less than fifteen (15) metres (49.5 feet) from any building, structure, hedge, fence, vehicular roadway of any kind or nature, or overhead wiring or any property line;
- e) Unless the “Person” to whom the “Permit” has been 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;
- f) Burn any allowed material without obtaining and having on their person a valid “Open Air Burn Permit”.
- g) When a “Burn Ban” has been declared and put in place by the “Fire Chief” or his/her designate;
- h) Open air burning for the purpose of this policy shall include all outdoor burning (whether enclosed, confined or contained by any means).
- i) Open air burning shall not be permitted unless approved by the Front of Yonge Fire Department. This excludes fires set in a barbeque for the sole purpose of cooking food.
- j) Approval of open air burning shall be given by ‘Permit for Open Air Burning’ from the Front of Yonge Fire Department or designate.
- k) Such permits may be obtained from the Fire Chief or his designate, or at the Municipal Offices during regular office hours.
- l) Approved open air burning must be conducted within the terms of the permit.
- m) Permits shall be issued to registered owners, the spouse of the registered owner, or persons authorized in writing by the registered owner.
- n) The policy to allow open air burning is valid only within the geographical confines of the Township of Front of Yonge.
- o) No person shall conduct open air burning within the confines of the Hamlet of Mallorytown, as per Schedule “A” of the Township’s Official Plan; except campfires not more than three (3) feet in diameter, used to cook food, for warmth or fellowship may be authorized by permit.
- p) No person shall conduct open air burning unless means to extinguish the fire are made available before lighting the fire (e.g. water, dirt, shovel, rake).

2.3 No “Open Air Burning” shall be commenced or maintained when the wind is in such a direction or intensity to cause any or all of the following:

- a) The possible spread of the fire beyond the approved burn site;
- b) A decrease in the visibility on any highway or roadway;
- c) Any odour to such an extent or degree so as to cause discomfort to the persons in the immediate areas; and/or
- d) Excessive smoke or any other “Adverse Effect”;
- e) Any “Dangerous Condition”;

- 2.4 No "Open Air Burning" shall be commenced or maintained when rain or fog is present or weather conditions prevent the ready dispersion of smoke.
- 2.5 No "Permit" shall be required for domestic barbeques or permanent outdoor fireplaces used for the purpose of cooking of food on a grill and extinguished immediately upon completion of it's use to cook.
- 2.6 No "Person" shall set fire to, ignite, or otherwise burn any materials in a "Approved Brush Fire Pile" or windrow with a combined size of greater than 3.3 metres x 3.3 metres x 1.8 metres (10' wide x 10' long x 6' high) without written approval of the "Fire Chief" or his/her designate.
- 2.7 No "Person" shall cause to be burned more than one pile, or fire in a container at any one time, without the written approval of the "Fire Chief" or his/her designate.
- 2.8 No "Person" shall burn any grass, hay, straw or standing material where such "Open Air Burn" has a leading edge greater than 15 metres (49.5 feet) and where sufficient persons and other resources are not available to contain the said fire to a leading edge of 15 metres (49.5 feet).

3. ISSUANCE OF PERMIT

- 3.1 The issuance of a "Permit" may require the prior inspection of the proposed burn site by the "Fire Chief" or his/her designate.
- 3.2 In applying for a "Permit", no "Person" shall furnish false or misleading information.
- 3.3 "Permit(s)" may be obtained from the "Township" of Front of Yonge Fire Department or designate.
- 3.4 It is the responsibility of the person who is burning to have immediately available to them the "Permit" which they were issued for inspection by the "Fire Chief" or his/her designate.
- 3.5 In any prosecution under a provision of this by-law that requires a "Permit", the onus is on the "Person" charged to prove that the "Person" had a "Permit" at the time the offense is alleged to have been committed.

4. FIRE SEASON

- 4.1 No hay, straw or standing material may be burned, unless approved by the "Fire Chief" or his/her designate.
- 4.2 The time indicated for no burning does not apply to a "Camp Fire" or "Cooking Fire" as defined, if a "Burn Ban" is not in place and all precautions have been taken as defined and outlined.

5. LEVELS OF FIRE BAN

- 5.1 Level One (1) Ban, shall mean a "Fire Ban", which restricts "Open Air Burning", but does not include "Campfires" or "Cooking Fires" as defined in this by-law.
- 5.2 Total Burn Ban, shall mean absolutely no "Open Air Burning" including "Campfires" or "Cooking Fires" or charcoal barbecues, but does not include the use of propane or naphtha gas cooking equipment which is equipped with a shutoff mechanism.

- 5.3 When the "Fire Chief" or his/her designate orders a "Fire Ban" be put in place, they will notify the Clerk who will then notify Council and the press.

6. ADMINISTRATION AND ENFORCEMENT

- 6.1 This by-law shall be administered and enforced by the "Fire Chief" or his/her designate of the "Township" of Front of Yonge.
- 6.2 The "Fire Chief" or his/her designate may, at any time, and in the exercise of his or her sole discretion, issue a "Fire Ban", effective for a specified period of time, prohibiting the setting of any and all "Open Air Fires" within any area of the "Township".
- 6.3 Notwithstanding section 2 of this by-law, the "Fire Chief" or his/her designate may revoke any or all "Permits", or refuse to issue "Permits" where, in the opinion of the "Fire Chief" or his/her designate, that the ability to control the fire is hampered by the existence of a "Dangerous Condition", which exists on or in the proximity of the proposed "Open Air Burning" site.
- 6.4 Any "Person" who fails to comply with the provisions of this By-law, or who fails to properly supervise and maintain a fire, or who fails to extinguish a fire once notification to do so has been given to him by the "Fire Chief" or his/her designate shall, in addition to any penalty provided for herein, be liable to the "Municipality" for all expenses incurred for the purposes of controlling and extinguishing of any fire so set or left to burn and such expenses may be recovered by court action or in like manner as municipal taxes. The expenses for which the "Person" may be liable cover the cost of sufficient personnel and equipment required to control a fire, as set out within Schedule "A" hereof. Such expenses shall be equally chargeable in the event that a deliberately set fire burns out of control, such that the services of Front of Yonge Fire Department are necessary.
- 6.5 Any costs chargeable to any "Person" pursuant to section 6.4 hereof shall be invoiced to the "Person" and paid to the "Township" within sixty (60) days of the date of such invoice, failing which the costs may be deemed to be municipal taxes and added by the Treasurer of the "Municipality" to the collector's roll and collected in the same manner and with the same priority as municipal taxes.

7. OFFENCES

- 7.1 In addition to any other penalty prescribed by this by-law, any "Person" who contravenes any provision of this by-law is guilty of an offence and is liable to a fine or penalty for each offence established pursuant to the Provincial Offences Act and included within Schedule "C" forming part of this by-law.
- 7.2 If, for any reason, it is felt that a fine for an offence should not be laid, it must be decided upon by the Chief Fire Prevention Officer.

8. SCHEDULES AND SEVERABILITY

- 8.1 Schedules "A" and "B" attached to this by-law shall also be read with and form part of this by-law.
- 8.2 The provisions of this by-law are severable. If any provision, section or word is held to be invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, sections or words.
- 8.3 This by-law may be cited as the "Open Air Burning By-Law".

- 8.4 This By-Law will come into force and effect upon receipt of approval from the Ontario Court of Justice for the Set Fines as set out in Schedule “C” attached hereto.
- 8.5 The Council of The Corporation of the Township of Front of Yonge hereby repeals By-Law #16-08.

READ a first and second time this 19th day of June, 2017.

READ a third and final time this 19th day of June, 2017.

Mayor, Roger Haley

Clerk, Elaine A. Covey

FRONT OF YONGE TOWNSHIP

SCHEDULE “B” TO BY-LAW #11-15

An “Approved Incinerator Fire”:

1. Shall be constructed of non-combustible materials such as stone, brick, ceramic, metal, a steel barrel or wood burning stove.
2. Shall have a wire mesh or expanded sheet metal screen with a maximum mesh size of 7 mm (1/4 inch) covering any openings of the container.
3. Shall be placed on base mineral soil, bare rock, concrete or non-combustible material of at least 4cm. (2 inches) thickness, extending a minimum of 30 cm. (12 inches) beyond the perimeter.
4. Shall be a minimum of 15 metres (49.5 feet) from any structure, building, road, property line, fence line, hedge or other combustible material.
5. All other conditions outlined in the by-law of which this schedule forms a part shall also be applicable.

THE CORPORATION OF THE TOWNSHIP OF FRONT OF YONGE

SCHEDULE “C” TO BY-LAW #11-15

**BEING A BY-LAW TO PROVIDE FOR THE CONTROL OF OPEN AIR BURNING
WITHIN THE TOWNSHIP OF FRONT OF YONGE**

Item	COLUMN Short Form Wording	COLUMN 2 Offence Creating Provision	COLUMN 3 Set Fines
1	Burn prohibited material(s)	2.2 (b)	\$200.00
2	Burn material(s) in a Municipal Park	2.2 (c)	\$100.00
3	Burn material(s) without an activated permit for an Open Air Burn	2.1	\$100.00
4	Set out a “Campfire” or “Cooking Fire” that does not meet the defined description	2.2 (o)	\$100.00
5	Burn material(s) with a size greater than 3.3 metres x 3.3 metres x 1.8 metres (10' wide x 10' long x 6' high)	2.6	\$200.00
6	Burn more than one pile at the same time	2.7	\$100.00
7	Burn in more than one container at the same time	2.7	\$100.00
8	Burn material(s) closer than 15 metres (49.5 feet) from combustible material(s) - hedge, fence, building, roadway, overhead wiring	2.2 (d)	\$100.00
9	Permit holder failed to supervise an open fire	2.2 (e)	\$150.00
10	Burn material(s) which produce excessive smoke or adverse effects	2.3 (d)	\$100.00
11	Burn material when wind may cause fire to spread	2.3 (a)	\$100.00
12	Burn material when wind may cause decreased visibility on a Highway/Roadway	2.3 (b)	\$100.00
13	Burn material when weather conditions prevent dispersion of smoke	2.4	\$100.00
14	Fail to have a competent adult supervise a campfire	2.2 (o)	\$150.00
15	Set or maintain an open-air fire or campfire when a burn ban is in place	2.2 (g)	\$500.00
16	Burn contrary to terms of permit	2.2 (l)	\$100.00
17	Burning without safety equipment	2.2 (p)	\$100.00