

The Corporation of the Municipality of Meaford

By-law Number 047 – 2014

Being a by-law to regulate the setting and maintaining of open air fires

Whereas, section 5(3) of The Municipal Act, 2001, S.O. 2001, C.25, as amended, (the “Municipal Act, 2001”) provides that powers of every Council are to be exercised by by-law unless specifically authorized to do otherwise; and

Whereas, section 7.1 of the Fire Protection and Prevention Act, 1997, S.O. 1997, C.4, as amended, (the “FPPA”) provides that a Municipality may pass a by-law prescribing for the Municipality the times during which fires may be set in open air and the precautions to be observed by persons setting fires; and

Whereas, the Council of the Corporation of the Municipality of Meaford deems it expedient and necessary to pass such a by-law with the setting and maintaining of open air fires including times for public safety.

The Council of The Corporation of the Municipality of Meaford enacts as follows:

1. Definitions

- 1.1 “Approved Installation” shall mean a structure of non-combustible material to limit the spread of fire, including, but not limited to, a barbecue, a steel barrel or wheel rim;
- 1.2 “Agricultural Lands” means as defined in the Municipality of Meaford Zoning By-law 60-2009, as amended;
- 1.3 “Agricultural Waste” shall mean but is not limited to any animal fecal deposits, manure or animal carcasses;
- 1.4 “Barbecue” shall mean, but is not limited to, a portable appliance or grill intended for cooking food above an open air fire;

- 1.5 "Campfire" shall mean a small contained fire in an 'approved installation' in a trailer park, campground or tourist camp, which is supervised at all times and which is used to cook food, or to provide warmth;
- 1.6 "Clean Wood" means any wood not treated or covered with any foreign material such as petroleum products and any other flammable or toxic material which will cause excessive smoke or fumes;
- 1.7 "Controllable Fire" means a fire that may be extinguished using on-site resources;
- 1.8 "Chief Fire Official" means assistant to the Fire Marshal who is the Municipal Fire Chief or a member or members of the Fire Department appointed by the Municipal Fire Chief under Article 1.1.1.2. of Division C or a person appointed by the Fire Marshal under Article 1.1.1.1. of Division C. of the Ontario Fire Code 213/07, as amended;
- 1.9 "Combustible Waste" shall mean but is not limited to used vehicle bodies, tires, oil, grease, paint, cloth, rags, plastics and plastic products, shingles, kitchen waste, food, scraps, plastic products, shingles, painted wood or other building materials or other material which contents include the aforementioned;
- 1.10 "Extinguish" means to put out or quench a fire completely, such that no smoke, hot or glowing embers remain;
- 1.11 "Highway" means and includes a common and public highway, street, roadway, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by the general public;
- 1.12 "Municipality" shall mean the Corporation of the Municipality of Meaford;
- 1.13 "Nuisance" means excessive smoke, smell, airborne sparks or embers that are likely to disturb others;
- 1.14 "Officer" means a Chief Fire Official or their designate, Municipal Law Enforcement Officer, and Police Officer;

- 1.15 "Outdoor Solid Fuel Burning Appliance" shall mean an appliance, portable or fixed in place, constructed of non-combustible material that contains a chamber located within the firebox of the appliance used to contain a combustion flames, a stack to control the flow of air or combustion gases from the appliance, a spark arrestor located at the end of the stack to control disbursement of sparks, and is enclosed on all sides;
- 1.16 "Open Air" includes any open place, yard, field, lot or construction area which is not enclosed by a building or structure;
- 1.17 "Owner" includes any person, firm or corporation having control over any portion of the building or property under consideration and includes the persons in the building or property;
- 1.18 "Permit" shall mean a permit as issued by the Meaford and District Fire Department and/or Intertownship Fire Department;
- 1.19 "Person" means an individual, business, a partnership, or a corporation;
- 1.20 "Yard Waste" shall include but is not limited to leaves, brush, grass and vegetation clippings, wood chips, peat moss and other material which contents include the aforementioned.

2. Fire requiring permits

- 2.1 Except as provided in this by-law, no person shall set, maintain or cause to be set or maintained, a fire in open air in excess over one (1) cubic meter in size without a permit;
- 2.2 A fire in open area shall be on property that is in excess of 0.4 hectares (one (1) acre) of land;
- 2.3 In the absence of a fire permit being obtained, the owner of property on which a fire has been set or permitted to burn in the open air shall be deemed to have permitted the fire to burn and assumes all responsibility and liability;
- 2.4 The permit is valid for the corresponding year in which the permit was issued and expires on December 31 of that year;

- 2.5 The application and approval for a permit to burn shall be completed on the form provided by the Meaford and District Fire Department;
- 2.6 Where a permit is issued pursuant to this by-law, the person to whom the permit has been issued, and the person responsible for the supervision of the fire, shall:
 - 2.6.1 ensure that the responding Fire Department is notified and informed, prior to setting a fire, of the approximate time the fire will be set and extinguished and the name of the person who will be supervising such fire;
 - 2.6.2 ensure that no damage is done to any property or injury caused to any person while setting a fire or permitting a fire to burn, and shall otherwise jointly and severally be responsible for any damage or injury to persons or property as a result of setting, maintaining or causing to be set or maintained a fire to burn;
 - 2.6.3 ensure that the fire is kept a safe distance and, in any event, at least fifty (50) meters, from any dwelling, structure, property line, tree hedge, fence roadway, overhead wire or other combustible material;
 - 2.6.4 ensure that the fire is kept a safe distance and, in any event, at least five (5) meters of any combustible yard waste;
 - 2.6.5 keep the height of the fire no more than one (1) meter in height;
 - 2.6.6 not burn between sunset of one day and sunrise of the next day, unless expressly authorized by the Chief Fire Official through the permit process;
 - 2.6.7 ensure that the fire is attended at all times by a responsible person at least 18 years of age and shall ensure that such person attends to such fire until the fire is completely extinguished;
 - 2.6.8 ensure that the fire is completely extinguished before leaving the burn site;
 - 2.6.9 ensure that sufficient equipment and resources are available at the burn site to properly control the fire and for ensuring that the fire is completely extinguished as may be required by the Meaford and District Fire Department or the Intertownship Fire Department or otherwise at the end of the burn;

- 2.6.10 extinguish fire if rain or fog develop and is present, and wind speeds are higher than normal and/or the wind direction causes the smoke to create a discomfort to persons residing in the immediate area of the permit property holder; and
- 2.6.11 extinguish fire upon request of a member of the Meaford and District Fire Department or the Intertownship Fire Department.

3. Exemptions

- 3.1 The provisions of this by-law shall not apply, to:
 - 3.1.1 a fire wholly contained within a barbecue used for the preparation of food for human consumption;
 - 3.1.2 an outdoor solid fuel burning appliance;
 - 3.1.3 a campfire unless designated by the Chief Fire Official during a fire ban;
 - 3.1.4 the Chief Fire Official under their supervision may permit to set an open air burn for the purpose of training or testing fire equipment or through special authorization under the Open Air Burning Permit application; and
 - 3.1.5 the Chief Fire Official may permit through the Open Air Burning Permit Application the Municipality or to any of its officials, employees, contractors or agents or any other Persons for whom it is liable at law who are carrying out any operations of the Municipality, operating, maintaining or installing municipally-owned infrastructure and/or facilities.

4. Offences

- 4.1 No person shall set, maintain or cause to be set or maintained more than one (1) controllable fire in open air per property under one(1) cubic meter in size;
- 4.2 No person shall set, maintain or cause to be set or maintained, fire in open air:
 - 4.2.1 in excess of one (1) cubic meter in size without the approval of the Chief Fire Official or their designate, by means of a fire permit;

- 4.2.2 to burn without permit not being in an “approved installation”;
- 4.2.3 to burn between sunset of one day and sunrise of the next day, unless expressly authorized by the Chief Fire Official through the permit process;
- 4.2.4 during a fire ban declared by the Chief Fire Official or their designate;
- 4.2.5 unless such burn is attended at all times by a responsible person at least 18 years of age and shall ensure that such person attends to such fire until the fire is completely extinguished;
- 4.2.6 to burn so as to cause danger to any person or structure;
- 4.2.7 to burn so as to decrease the visibility on any highway so as to cause, or potentially cause an accident;
- 4.2.8 to burn so as to cause danger to any person or structure;
- 4.2.9 to burn on any highway, park, walkway, public land, or upon any vacant or other land owned by the Municipality, without first having obtained permission to do so from the property owner;
- 4.2.10 to create an odour by the setting of a fire, or the burning of a fire, which causes discomfort to any person in the immediate or residing area;
- 4.2.11 to burn without first having confirmed that the materials to be burned meet the requirements of the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended;
- 4.2.12 to burn any combustible waste, other than clean wood;
- 4.2.13 to burn any yard waste;
- 4.2.14 to burn within an unsafe distance, but, in any event, not less than three (3) meters of any combustible yard waste;
- 4.2.15 to burn any agricultural waste;
- 4.2.16 to burn on land which the person setting such fire, causing or permitting such fire, is not the registered owner, without the written permission of the registered owner;
- 4.2.17 fail to immediately extinguish such fire upon the request of a member of the Meaford and District Fire Department or Intertownship Fire Department.

5. Power of Entry and Inspection

- 5.1 An Officer may, at any time, enter onto land to determine whether this by-law is being complied with;
- 5.2 Every owner shall permit the Officer to inspect any land for the purposes of determining compliance with this by-law;
- 5.3 Notwithstanding any provision of this by-law, an Officer shall not enter or remain in any room or place actually being used as a dwelling unless:
 - 5.3.1 the consent of the occupier is obtained, the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of a warrant issued under the Provincial Offences Act, R.S.O 1990, as amended;
 - 5.3.2 a warrant issued under the Provincial Offences Act, R.S.O. 1990, as amended is obtained.

6. Obstruction

- 6.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this by-law.
- 6.2 Any person who has been alleged to have contravened any of the provisions of this by-law, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of his duties.

7. Fees

- 7.1 Upon the Meaford and District Fire Department and/or Intertownship Fire Department attending to extinguish an open air fire that is not in accordance with any section of this by-law, the owner may be responsible for any damage to property or injury to person occasioned by said fires and to pay fees with costs including but not limiting to personnel, equipment and apparatus necessary and called in to extinguish said fire as set out in the Fees and Charges By-law, as amended.

8. Penalty

8.1 Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c,P. 33, as amended.

9. Administration and Enforcement

9.1 An Officer is hereby vested with the authority of enforcing the provision of this by-law.

9.2 A permit issued under this by-law may be revoked by the Chief Fire Official, or an Officer, if the owner fails to comply with the requirements of the permit and/or any other provision of this by-law.

9.3 "Shall" is mandatory and not directory, words in the singular include the plural, words in the plural include the singular, words in the present tense include future or past tense.

10. Permits

10.1 Open Air Burning Permit Application is maintained and registered by the Meaford and District Fire Department

11. Repeal

11.1 All by-laws and/or resolutions that are inconsistent with the provisions of this By-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this By-law, including By-law 34-2007.

12. Validity

12.1 In the event of any conflict between any provisions of this by-law and any other by-law hereto are passed; the provisions of this by-law shall prevail.

13. Enactment

13.1 This by-law shall be known as the Open Air Burning By-law.

13.2 This by-law shall come into force and take effect upon being passed by Council and approved by the Senior Regional Justice with the approval of Short Form Wording.

Read a first, second and third time and finally passed this 26th day of May, 2014.

Francis Richardson, Mayor

Robert H. A. Tremblay, Clerk



Meaford and District Fire Department Inter-Township Fire Department Open Air Burning Permit – 1 acre needed

Meaford Municipal Office
21 Trowbridge St. West Meaford, ON N4L 1A1
Phone: 519-538-2121 Fax: 519-538-6730

www.meaford.ca

As authorized under the Ontario Fire Code 2.6.3.4
In accordance with Municipality of Meaford By-law XX-2014, as amended

In case of Emergency call 9-1-1

Applicant: Please Print

Name:

Address:

Telephone Number (person must be reachable during burn):

Burn Location - **check box**

Urban Meaford St Vincent Sydenham (For Sydenham fax to ITFD at 519-376-6537)

Burn Site Address/Fire Number:

(If difference from above :)

Approximate Size of Pile:

Material(s) to be Burned:

Type of means of extinguishment available:

Applicant was given copy of applicable By-law

Yes No

Permit Valid till December 31st of the year it was issued (permit to be renewed yearly)

After permit granted by Chief Fire Official

You must contact your responding Fire Department **each time prior to setting of fire**
MFD (519) 538-2121 or ITFD (519) 376-9933 (Depends what district)

Call at least one (1) hour before igniting fire and when fire has been extinguished.

Every person who applies for and receives, and/or signs for an Open Air Burn Fire Permit acknowledges and understands the rules specified in this by-law, assumes all responsibility and liability and all fees associated as specified in this by-law and all applicable legislation for any damages occurring from the fire for which this permit is issued.

Date

Time

Signature of applicant