



The Corporation of the Town of New Tecumseth

By-law 2006-097 (Consolidated – as amended)

OPEN AIR BURNING BY-LAW

A by-law for prescribing the times during which fires may be set in the open air and the precautions to be observed by persons setting fires.

Consolidation		
Amendment No. 1	By-law No. 2008-022	February 11, 2008

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**THE CORPORATION OF THE TOWN OF
NEW TECUMSETH
BYLAW**

Number 2006 – 097

"OPEN AIR BURNING BY-LAW"

A by-law for prescribing the times during which fires may be set in the open air
and the precautions to be observed by persons setting fires

WHEREAS the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4* provides that a council of a municipality may pass by-laws regulating the setting of open air fires, including establishing the times during which open air fires may be set;

AND WHEREAS the Fire Code (Ontario Regulation 388/97), Article 2.6.3.4 provides that open air burning shall not be permitted unless *approved* or unless such burning consists of a small confined fire supervised at all times and used to cook food on a grill or a barbecue;

NOW THEREFORE the Council of the Corporation of the Town of New Tecumseth enacts as follows:

1. That the provisions of this by-law shall apply to all lands within the limits of the Town of New Tecumseth and to the setting of fires in the open air on any such lands.
2. That no person shall set a fire or permit a fire to burn without first having obtained the necessary fire permit, such permit being issued by the Clerk or his/her designate.
3. That a fire wholly contained within a permanent or portable barbecue that is used for the preparation of food for human consumption shall not be deemed to be a fire for the purposes of this by-law, providing a fire used for the preparation of food is fuelled by natural gas, propane or charcoal.

OPEN AIR BURN PERMITS - GENERAL

4. That any person who has been issued a fire permit pursuant to Section 2 above shall:
 - a) burn only dry materials.
 - b) keep the fire at least 150 metres from any dwelling and/or 30 metres from any other structure.
 - c) attend the fire at all times until it is completely extinguished;
 - d) have sufficient equipment and resources available at the burning site to extinguish the fire in the event that the fire gets out of control or is causing an adverse effect.
 - e) size of any fire shall be limited to four (4) square metres unless specifically approved.

OUTDOOR WOOD BURNING APPLIANCES

5. That any person who has been issued a one time permit after the inspection of an outdoor wood burning appliance shall:
 - a) burn clean dry wood only
 - b) keep the fire at least 7.5 metres from any structure and property line.
 - c) fire must be kept no larger than .5 metres by .5 metres in diameter with flames no higher than one (1) metre.

- d) have sufficient equipment and resources available at the burning site to extinguish the fire in the event that the fire gets out of control or is causing an adverse effect.
- e) attend the fire at all times until completely extinguished
- f) outdoor wood burning appliances must include spark arrestor and enclosed fire area, and shall not be located under any tree, wires or other overhead obstruction

OUTDOOR APPLIANCES (Fuelled by Natural Gas or Propane)

6. NATURAL GAS

- a) Natural gas fuelled appliances shall be installed by a certified technician
- b) these appliances shall be ULC or CSA certified
- c) these appliances shall be operated according to manufacturers instructions

PROPANE

- d) propane fuelled appliances shall be installed and operated according to manufacturers instructions.
 - e) these appliances shall be ULC or CSA certified
7. That any person who has been issued a fire permit pursuant to Section 4 and Section 5 above shall not:
- a) set a fire in any street, lane or other public property;
 - b) set a fire when the wind is in such a direction or intensity so as to create a decrease in the visibility on any highway, any odour so as to cause discomfort to persons residing in the area;
 - c) set a fire when rain or fog is present, because smoke cannot disperse properly and may become concentrated in one particular area.
 - d) burn industrial waste, agricultural waste, domestic waste, petroleum products, plastics, rubber, painted lumber, mixed demolition debris or anything else that will cause excessive smoke or fumes.
 - e) set a fire or burn any material between sunset and sunrise.

SMOG ALERTS

8. All Open Air burning shall be restricted on days when smog alerts are issued.

OPEN AIR BURN BAN

9. That no person shall be issued a burn permit during burn ban, nor shall any person ignite a fire during this period unless authorized by the Fire Chief.
- a) the Fire Chief may declare an Open Air Burning Ban at any time when in the opinion of the Fire Chief it is in the best interest of public safety.
 - b) notwithstanding 9(a) the Fire chief when satisfied of the need may authorize an Open Air Burn during the time period when a ban has been imposed.
 - c) an extension of time may be granted on request to individuals who have obtained an open air burn permit but have not been able to burn due to a ban.

10. That for the purpose of this by-law, the following definitions shall apply:
 - a) "Industrial Waste" shall be deemed to include used automobile and truck bodies, tires, oil, grease, paint, cloth, rags, plastics or other materials whose contents include any of the aforementioned.
 - b) "Agricultural Waste" shall be deemed to be animal faecal deposits or manure and animal carcasses.
 - c) "Domestic Waste" shall be deemed to include kitchen waste, food scraps, cloths, rags, clothing, plastics and any other materials whose contents include any of the aforementioned.
11. That the fee for the issuance of an open air burn permit as set out in the Fees and Charges By-law and the length of the permit shall be limited to thirty (30) days.
12. That the fee for the issuance of a one-time Fire permit for the inspection of outdoor wood burning appliances is set out in the Fees and Charges By-law.
13. The Fire Chief or his designate retains the right to revoke any and all Open Air Burning Permits at any time.
14. That any persons setting any open fire in the Town shall:
 - a) be responsible for any damage to property or injury to persons occasioned by the said fire.
 - b) be responsible for contacting fire administration to schedule the inspection of all outdoor wood burning appliances prior to use.
 - c) be liable for and will forthwith on demand pay all costs incurred by the Fire Department including use of personnel, equipment and apparatus necessary to extinguish any fires set or burning contrary to this by-law.
15. That no person shall set a fire in any outdoor wood burning appliances without first having requested the necessary inspection and obtained the one time permit.
16. That in the event any person fails to pay the costs referred to in paragraph 14(c) hereof forthwith on demand, the amount in default may be recovered by the Town in like manner as municipal taxes in accordance with the *Municipal Act*, Section 427.
17. That every person who contravenes any provisions of this by-law is guilty of an offence and shall upon conviction thereof forfeit and pay a penalty of not more than \$5,000 exclusive of costs and every such fine is recoverable under the *Provincial Offences Act*.
18. By-law 2005-165 is hereby repealed.
19. This by-law shall come into force and take effect from and after the date of passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 17TH DAY OF JULY, 2006.

MAYOR

Office Consolidation

CLERK