

THE CORPORATION OF THE TOWN OF INNISFIL

BY-LAW NO. 045-06

FIRE BURNING BY-LAW

A By-law of The Corporation of the Town of Innisfil to repeal By-law 106-91 and to prescribe conditions and precautions to be observed to prevent the spread of fire.

WHEREAS The Municipal Act, S.O. 2001 no longer contains the authority for regulating the setting of open air fires. Such authority has been transferred to the Fire Protection and Prevention Act.

AND WHEREAS it is deemed advisable to exercise the authority conferred by the said Act within the municipality;

AND WHEREAS A council of a municipality may pass by-laws according to *Sec 7.1 (1) of the Fire Protection and Prevention Act 1997*:

- a) regulating fire prevention, including the prevention of the spreading of fires; and
- b) regulating the setting of open air fires, including establishing the times during which open air fires may be set;

NOW THEREFORE, the Corporation of the Town of Innisfil enacts the following:

- 1) In the By-Law:
 - i) “Council” means the council of the Corporation of the Town of Innisfil.
 - ii) “Dangerous Condition” means:
 - (1) a lack of precipitation within the geographic boundaries of the Town of Innisfil for a period prior to the application which, in the opinion of the Fire Chief, or designate increases the risk of the spread of fire.
 - (2) winds within the geographic boundaries of the Town of Innisfil for a period prior to the application which, in the opinion of the Fire Chief, or designate increases the risk of the spread of fire.
 - (3) any other condition declared by the Fire Chief or designates to be a dangerous condition, from time to time.
 - iii) “Building” means any structure whether temporary or permanent, used or erected for the shelter, accommodation or enclosure of persons, animals, produce or equipment.

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- iv) “Enclosed Fire” means a fire set within the confines of any building, or contained within any container constructed for incineration purposes according to the specifications of the Ontario Fire Code, and fires built in fireplaces or metal or brick barbecues, for cooking purposes.
 - v) “Equipment and resources” means the sufficient personnel and equipment such as rakes shovels, backhoes, bulldozers, front-end loaders, water on-site to control a fire.
 - vi) “Fire” means any fire set by any person within the boundaries of the Town.
 - vii) “Fire and Rescue Service” means the Fire Service of the Town.
 - viii) “Fire Chief” means the Fire Chief or designate of the Town as appointed by Council or his duly authorized representative.
 - ix) “Person” means 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.
 - x) “Permit” means the documents purchased and issued by the Fire Chief, or designate signifying permission to set a Fire.
 - xi) “Restricted Burn Area” shall have the meaning ascribed thereto in Schedule “A” hereto.
 - xii) “Structure” means anything constructed or erected the use of which requires location on the ground, or which is attached to something having location on the ground but does not include a fence.
 - xiii) “Town” means the Corporation of the Town of Innisfil.
 - xiv) “Site inspection” means a site visit by the Fire Chief or designate providing documented approval before the burn permit is issued. The site inspection is required annually if there are no changes to the type, size and location of the fires as requested via the burn permits;
- 2) By-Law 106-91 is hereby repealed.
- 3) Rights and Responsibility of the Fire Chief
- i) The fire chief may exercise all the powers assigned to him or her under The Fire Protection and Prevention Act 1997 within the territorial limits of the municipality and within any other area in which the municipality has agreed to provide fire protection services, subject to any conditions specified in the agreement;

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- ii) The fire chief may delegate his or her powers or duties under sections 14, 19 and 20 and such other powers and duties as may be prescribed to any firefighter or class of firefighters, subject to such limitations, restrictions or conditions as may be prescribed or set out in the delegation. *The Fire Protection and Prevention Act 1997, c. 4, s. 6.*
 - iii) The Fire Chief, or designate may revoke any or all Permits issued for Fires or refuse the issue of any such Permits and authorize the extinguishment of any fire in violation of this By-Law or where, in the Fire Chief's opinion, the ability to control the Fire is hampered by a Dangerous Condition;
 - iv) The Fire Chief, or designate may impose a Town wide burning ban when conditions have been dry for a period of time;
 - v) The owner or owners and tenant or tenants in possession of property upon which a Fire burns and for which no Permit has been obtained, or for which said Permit was obtained upon the supplying of false information to the Fire Chief and any person who fails to comply with the provisions of this By-law or who fails to extinguish a Fire once notification to do so has been given to him by the Fire Chief shall, in addition to any penalty provided for herein, be liable to the Town for all expenses reasonably incurred for the purpose of controlling and extinguishing of any Fire so set or left to burn and such expenses may be recovered by Court Action or in a like manner as taxes;
- 4) No person shall set or maintain an Outdoor Open –Air Fire:
- i) In contravention of the Ontario Fire Code, the Environmental Protection Act or The Fire Protection and Prevention Act.
 - ii) On any public road or other public property;
 - iii) When rain or fog are present;
 - iv) When wind speeds are high or wind directions are changing irregularly;
 - v) For any property less than 5 acres in size, a wood burning fire on or at the ground measuring more than 1m (3') diameter and more than 1m (3') high is not permitted.
 - vi) The burning of tires, shingles, fiberglass, plastics, paint products or any non-wood based substances are never permitted.

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- 5) No Outdoor Fire shall be maintained when the wind is in such a direction or intensity to cause any or all of the following:
- i) The possible spread of the Fire to neighboring building(s) or properties;
 - ii) A decrease in the visibility on any highway or roadway;
 - iii) Any odour to such an extent or degree so as to cause discomfort to the persons residing in the immediate area;
- 6) Setting or maintaining an outdoor fire is permitted WITHOUT a Fire Permit under the following conditions:
- i) A propane, electric, natural gas, charcoal or naphtha fuel barbecue/cooking stove is used according with manufacturers' approved standards;
 - ii) An outdoor propane, natural gas, clean burning fuel or composite 'fire log' fuel is burned in a manufactured fire burning apparatus such as a metal fire-place, fire burning table, chiminea etc., according with manufacturers' approved standards;
 - iii) A manufactured fire burning apparatus such as a metal/non combustible fire-place/barbecue, fire burning table, chiminea etc., is burning wood outdoors, 2.1m (7') clearances must be maintained from any combustible surface and a minimum of 5m (17') from any front, side or rear lot-line;
 - iv) For other than Commercial or Industrial zoned property, a small wood burning fire for the purpose of cooking or heat on or at the ground measuring no more than 0.5 m (20") diameter and 0.5m (20") high is permitted at a distance of not less than 15m (50') from any building or combustible structure at a distance of not less than 5m (17') from any property line;
 - v) For other than Commercial or Industrial zoned property 5 acres (2 ha) or greater, A wood burning fire on or at the ground measuring no more than 1m (3') diameter and 1m (3') high is permitted at a distance of not less than 20m (66') from any building or combustible structure and at a distance of not less than 5m (17') from any property line;
 - vi) A means of extinguishing the Fire is available at the fire site at all times during the Fire;

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- 7) Setting or maintaining an outdoor fire is permitted WITH a Fire Permit under the following conditions:
- i) For Commercial or Industrial zoned property of any size within the Town, a wood burning fire on or at the ground will require a mandatory site inspection by the Fire Chief or designate before the permit is issued. The Fire Chief or designate will have discretion on allowable clearances which will depend on ambient conditions and the size of fire. Some commercial or industrial properties may not be eligible for a burn permit due to their proximity to businesses utilizing combustible products;
 - ii) For other than Commercial or Industrial zoned property less than 5 acres (2 ha), a wood burning fire on or at the ground measuring between 0.5m (20") & 1m (3') diameter and between 0.5m (20") & 1m (3') high is permitted at a distance of not less than 20m (66') from any building or combustible structure and at a distance of not less than 5m (17') from any property line will require a mandatory site inspection by the Fire Chief or designate before the permit is issued;
 - iii) For Agricultural zoned property 5 acres (2 ha) or greater, a wood burning fire on or at the ground measuring between 1m–3m (3'-10') diameter and between 1m–3m (3'-10') high is permitted at a distance of not less than 61m (200') from any building or combustible structure and at a distance of not less than 61m (200') from any property line;
 - iv) For Agricultural zoned property 5 acres (2 ha) or greater, a wood burning fire on or at the ground measuring more than 3m (10') diameter and more than 3m (10') high will require a mandatory site inspection by the Fire Chief or designate before the permit is issued;
 - v) For other than Commercial or Industrial or Agricultural zoned property 5 acres (2 ha) or greater, a wood burning fire on or at the ground measuring more than 1m (3') diameter and 1m (3') high will require a mandatory site inspection by the Fire Chief or designate before the permit is issued;
 - vi) For Fires in the designated Restricted Burn Area shown on Schedule "A" attached a wood burning fire on or at the ground measuring more than 1m (3') diameter and 1m (3') high will require a permit to be issued by the Fire Chief, or designate will require a mandatory site inspection by the Fire Chief or designate before the permit is issued;
 - vii) All persons burning pursuant to a Permit must comply with all Provincial Acts and Regulations as they pertain to burning;
 - viii) A means of extinguishing the Fire is available at the fire site at all times during the Fire;

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- ix) The person to whom the Permit has been issued or such other persons 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) Simplified Chart

	Clean Fuel Appliance (propane) (Nat Gas)	Wood Fuel Appliance (wood) (Paper)	Open Air Fire 0.5m Dia. 0.5m High	Open Air Fire .5m-1m Dia. .5m-1m High	Open Air Fire 1m-3m Dia. 1m-3m High	Open Air Fire > 3m Dia. > 3m High	Setbacks	Permit Required
< 5 Acres (2 ha) Zoning Other than Commercial, Industrial	X						1	NO
		X					2	NO
			X				3	NO
				X			4	YES
					X	X		Not Allowed
> 5 Acres (2 ha) Zoning Agricultural	X						1	NO
		X					2	NO
			X				3	NO
				X			4	NO
					X		5	YES
					X	6	YES	
> 5 Acres (2 ha) Zoning Other than Agricultural, Commercial or Industrial	X						1	NO
		X					2	NO
			X				3	NO
				X			4	NO
					X		5	YES
					X	X	6	YES
Zoning Commercial & Industrial	X						1	NO
		X					2	NO
			X	X	X	X	6	YES
Setbacks								
1	According with manufacturers' approved standards							
2	2.1m (7') clearances must be maintained from any combustible surface and a minimum of 5m (17') from any front, side or rear lot-line							
3	A distance of not less than 15m (50') from any building or structure of any kind and at a distance of not less than 5m (17') from any property line							
4	A distance of not less than 20m (66') from any building or structure of any kind and at a distance of not less than 5m (17') from any property line.							
5	A distance of not less than 61m (200') from any building or structure of any kind and at a distance of not less than 61m (200') from any property line.							
6	A mandatory site inspection by the Fire Chief or Designate is required before the permit is issued. Clearances are dependent on the ambient conditions and size of the fire.							

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9) Enforcement and Administration

Any person who contravenes any provision of this By-law is guilty of an offence and subject to a penalty or a charge for emergency services as specified in the Imposition of Fees By-Law. This by-law shall be enforced and administered by:

- 9.1 The Fire Chief or Designate, or
- 9.2 Town of Innisfil Municipal By-Law Enforcement, or
- 9.3 The South Simcoe Police Service

9) Penalties

Any person found to be in contravention of any of the provisions of this by-law is guilty of a offence and upon conviction thereof, is liable to a fine of not more than five thousand dollars (\$5,000) for each offence and every such penalty shall be recoverable under the Provincial Offences Act, as amended.

10) Voluntary Payment

Notwithstanding the provisions of this by-law, the following presentation of a Fire Burning Infraction Notice may:

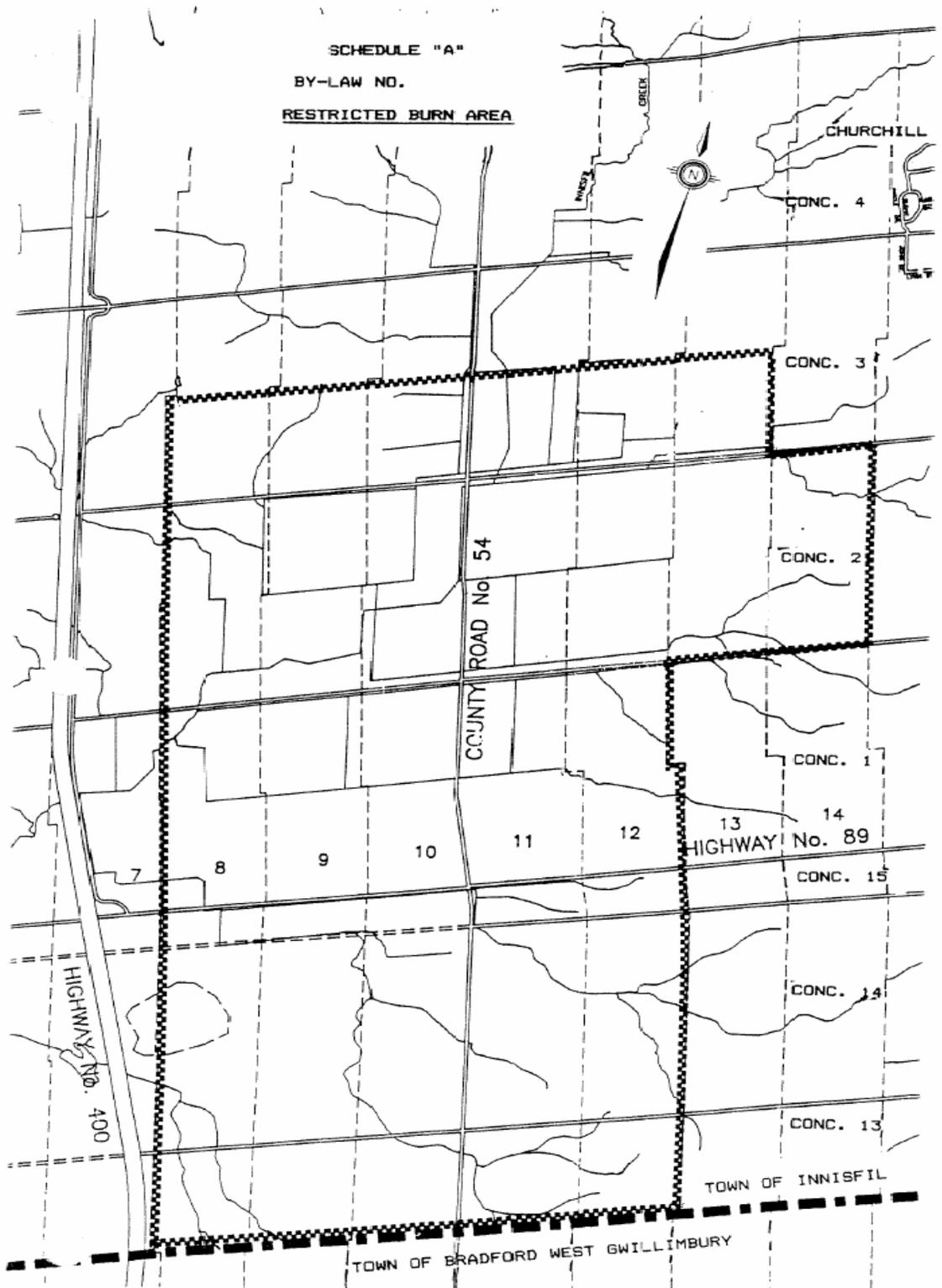
- 11.1 be enforced and administered under Section 9 of this By-law, and
- 11.2 indicate the commission of an offence as set out in Sections 4, 5, 6 and 7 of this by-law.

READ A FIRST AND TAKEN AS READ A SECOND AND THIRD TIME AND FINALLY PASSED THIS 26TH, DAY OF JULY, 2006.

Brian H. Jackson, Mayor

Paul G. Landry, Clerk

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LEGEND



RESTRICTED BURN AREA

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Schedule B

Fire Burning Set Fine Schedule

Reference Number	Offence	Fine	If Paid within 7 Days
B1	Contravention of the provisions of Section 4 of this By-law	\$500	\$350
B2	Contravention of the provisions of Section 5 of this By-law	\$500	\$350
B3	Contravention of the provisions of Section 6 of this By-law	\$500	\$350
B4	Contravention of the provisions of Section 7 of this By-law	\$500	\$350