



Office Consolidation

The Corporation of the Town of Orangeville

Open Air Burning By-law

By-law 2016-110

Amended By:

By-law Number

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2021-092
2022-008
2022-022
2023-060

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The Corporation of the Town of Orangeville

By-law 2016-110

A by-law to prescribe the type of fires, time during which fires may be set, and the precautions to be observed by the person(s) setting fires in the open air; and the requirements and fees for fire permits

Whereas the Council of the Corporation of The Town of Orangeville is empowered under the Fire Protection and Prevention Act 1997, S.O. 1997, c.4, as amended, to pass by-laws regulating fire prevention, including the prevention of spreading of fires;

And whereas Council is empowered under the Fire Protection and Prevention Act, 1997 to pass by-laws regulating the setting of open air fires, including establishing the times during which open air fires may be set;

And whereas Council is empowered under the Municipal Act 2001, S.O. 2001, c. 25., as amended, to pass by-laws to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are, or could become or cause public nuisances;

And whereas the Fire Protection and Prevention Act 1997, and the Ontario Fire Code, O. Reg. 388/97 s.2.6.3.4. provides that open air burning shall not be permitted unless approved.

Now therefore the Municipal Council of The Corporation of the Town of Orangeville enacts as follows:

1. Short Title

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

2. Purpose

This by-law is intended to promote public health, safety and protect the welfare of the inhabitants of the municipality from air pollution, nuisances and fire hazards associated with open air burning.

3. Definitions

For the purpose of this by-law the following definitions shall apply:

- 3.1 "Adverse Effects" includes:
- a) injury or damage to property or to plant or animal life,
 - b) harm or material discomfort to any person,
 - c) an adverse effect on the health of any person,
 - d) impairment of the safety of any person rendering any property or plant or animal life unfit for human use,
 - e) loss of enjoyment or normal use of property,
 - f) interference with the normal conduct of business, and
 - g) excess smoke, odour, dust, airborne sparks and embers.
- 3.2 "Approved" means approved by the Chief Fire Official
- 3.3 "Chief Fire Official" means the local municipal Chief Fire Official as defined in the Ontario Fire Code (O. Reg. 213/07) or designate.
- 3.4 "Clean Dy Wood" means firewood that has been allowed to dry.
(Note: "dry" refers to moisture content less than 20 per cent.)
- 3.5 "Dwelling Unit" means a room or rooms which function as a housekeeping unit used or intended to be used by one or more persons, in which a kitchen, living quarters and sanitary facilities are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway.
- 3.6 "Multiple Dwelling Unit" means a free-standing building which contains four or more dwelling units to which access is provided by a common entrance at street level and common corridors, stairs or elevators.
- 3.7 "Officer" means a municipal by-law enforcement officer, provincial offences officer or police officer or a person designated by the local municipality for the enforcement of open air burning or outdoor fireplace units.
- 3.8 "Open Air Burning" means any fire or burning practice that is conducted outside, but does **not** include:
- a) use of an appliance such as a manufactured or non-manufactured barbeque, fireplace or fire pit fueled by natural gas, propane, charcoal or briquettes;
 - b) operation of welding or similar equipment; or
 - c) burning of materials for fire suppression training, testing of firefighting equipment or law enforcement purposes.
- 3.9 "Outdoor Fireplace Unity" means a CSA or ULC approved manufactured wood-burning appliance, site-built masonry fireplace, chimeneas, clay or metal fireplace and pellet fueled barbeques designed to hold a small fire, not exceeding one (1) metre (3.2 feet) in any direction.

3.10 “Owner” means the person who owns the property on which an outdoor fireplace unit is installed, or the person who owns the property on which open air burning is conducted or the person responsible for conducting the open air burning.

3.11 “Sensitive Receptor” shall include a healthcare facility, senior citizens’ residence, long-term care facility, or other place where smoke may be a greater risk to the health of a group or individual, or to the environment. An individual applicant must provide proper documentation (see 9.6) and renew their application each calendar year.
(By-law 2023-060)

3.12 “Smog Advisory” is a public health warning issued through the media by the Ontario Ministry of the Environment during the periods of deteriorated air quality due to smog (see www.airqualityontario.com).

3.13 “Structure” means a structure occupying an area greater than 10 square metres (107 square feet) consisting of a wall roof and floor or any of them or a structural system serving the function thereof.

3.14 “Town” means The Corporation of the Town of Orangeville.

3.15 “Townhouse” means a building divided vertically or horizontally into three or more separate dwelling units, each of which has an independent entrance either directly or through a common vestibule.

3.16 “Waste” includes garbage, refuse materials, brush, leaves or grass.

3.17 “Woodwaste” means, tree trunks, tree branches, or wood products that do not contain:

- a) chromated copper arsenate, ammoniacal copper arsenate, pentachlorophenol, creosote, pesticides, or paint;
- b) easily removable hardware, fittings and attachments, unless they are predominantly wood or cellulose;
- c) plywood or composite wood products containing varnish or glue;
- d) an upholstered article; and/or
- e) an article to which a rigid surface treatment is affixed or adhered, unless the rigid surface treatment is predominantly wood or cellulose.

4. Administration

This by-law shall be administered by the Chief Fire Official and shall be enforced by the Chief Fire Official and Officer.

5. Applicability

This by-law applied to all outdoor open air burning within the Town and does **not** apply to:

- a) grilling or cooking using charcoal, wood pellets, propane or natural gas in cooking or grilling appliances;
- b) use of propane, acetylene, natural gas, gasoline in a device intended for heating, construction or maintenance activities;
- c) structures that may be burned exclusively for fire suppression training or testing of firefighting equipment;
- d) burning of materials for law enforcement activities as authorized by the municipal authority or other law enforcement authority; or
- e) burning of explosive or dangerous materials by police or other public safety organization, for which there is no other safe means of disposal.

6. General Prohibition of Open Air Burning

- 6.1 Open air burning is prohibited by the *Ontario Fire Code* in the Town unless the burning is specifically exempted in this by-law.
- 6.2 Open air burning is prohibited on a property that contains a multiple dwelling unit or townhouse.
- 6.3 No combustible material shall be set fire to or burned out of doors without permission in writing first being obtained from the Chief Fire Official and then only subject to such terms and conditions as are stated in the permission.
- 6.4 If at any time in the opinion of the Chief Fire Official or Officer, it is necessary that a fire be extinguished, the person responsible for, or in charge of, or on whose property the fire is located shall on notice of the Chief Fire Official or Officer extinguish the fire.
- 6.5 The Chief Fire Official may declare a total ban against outdoor burning when atmospheric conditions or local circumstances make such fires hazardous. The public shall be notified that a fire ban is in effect on the Town website www.orangeville.ca and posters advertising the ban will be posted at the Town offices.
- 6.6 No open air burning shall be undertaken during periods of dry conditions or drought or when a local fire ban has been declared.
- 6.7 No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a body of water unless permitted by the Chief Fire Official.
- 6.8 No person shall allow or permit a fire to spread beyond the outdoor fireplace unit.
- 6.9 No person who conducts open air burning shall create an adverse effect.

7. Prohibition of Open Air Burning of Waste

- 7.1 Open air burning of waste from residential, commercial, construction, agricultural or industrial establishment is prohibited and includes:
- a) construction and demolition waste of material including roofing tiles or shingles,

- b) hazardous substances including but not limited to batteries, household chemicals, pesticides, asbestos, used oil, gasoline, paints, varnishes, and solvents,
- c) furniture and appliances,
- d) tires and rubber materials,
- e) any plastic materials including but not limited to nylon, pvc or abs plastics, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers,
- f) newspaper, cardboard, office paper,
- g) treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservative, and
- h) woodwaste.

7.2 Notwithstanding Section 7.1. h) woodwaste that is clean and dry wood and suitable for burning in the outdoor fireplace unit is allowed.

8. Requirements and Conditions for Permit, Application and Fee

8.1 No person(s) or owner(s) of land shall set a fire or permit the setting of a fire, or having set or permitted the setting of a fire, permit a fire to continue to burn without first having obtained a fire permit from the Chief Fire Official, and in accordance with the provisions of the said permit and this by-law.

8.2 And person is entitled to a fire permit under this by-law who:

- a) completes, the prescribed application form and submits same to the Chief Fire Official, at least forty-eight (48) hours in advance of the setting of an open air fire. The prescribed application form shall be submitted during regular office hours, which are Monday to Friday, 8:30 a.m. to 4:30 p.m. The applicant shall provide in the prescribed application form information indicating that he or she shall comply with the provisions of this by-law;
- b) pays the prescribed fee for the fire permit and site inspection as set out in Schedule "A" attached to and being a part of this by-law; and participates in the educational program at the time of application which may include visual and/or written materials. The service for which the prescribed fee is required includes the administration, and processing of an application for a fire permit and, where applicable, the issuing of the same.

8.3 Where a fire permit has been issued pursuant to this by-law the applicant and the owner of the lands on which the fire is set shall be responsible for any damage or injury to persons or property with respect to the setting of a fire or permitting the fire to burn and they shall ensure that:

- a) unless otherwise approved by the Chief Fire Official, open air burning shall

be within the confines of the outdoor fireplace unit for which it was designed;

- b) only clean dry wood is burned;
- c) the fire is at least:
 - i. 75.0 metres (250 feet) from the property line for a standing sensitive receptor listed in Schedule B;
 - ii. 45.0 metres (150 feet) from the property line for a group or individual who has voluntarily registered as a sensitive receptor, and
 - iii. 3.0 metres (9 feet, 10 inches) from any building, structure, property line, tree, hedge, fence, roadway, overhead wire, other combustible article or obstruction.

8.4 Open air burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age to ensure that the fire is kept under control and until the fire is extinguished and the ashes and other residues are cold.

8.5 The person attending and supervising the fire shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

8.6 Where a fire permit is issued, no person shall start or maintain any open burning or outdoor fireplace unit in the Town except under and in accordance with a fire permit issued by the Chief Fire Official.

8.7 No person shall set a fire or permit a fire to burn:

- a) when the wind is in such a direction or of such intensity so as to reduce the visibility on any roadway or cause danger to any person or structure;
- b) when the Ministry of the Environment issues a “**Smog Alert**” for Southern Ontario;
- c) when rain or fog is present or during periods of dry conditions or drought or when a local fire ban has been declared; or
- d) other than between the hours of 12:00 p.m. and 11:00 p.m. at which time the fire must be fully extinguished prior to the applicant / the owner leaving the burn site; unless otherwise expressly permitted by the Chief Fire Official.

(By-law 2022-022)

9. Sensitive Receptor Registry

9.1 A group or individual who considers their place (includes a dwelling) a sensitive receptor and is not listed as a “Standing Sensitive Receptor” (see Schedule C) must register annually at the Town office.

- 9.2 The prescribed application form (see Schedule C) shall be submitted during regular office hours.
- 9.3 There is no fee associated with the registry.
- 9.4 The Sensitive Receptor Registry shall be maintained by the Chief Fire Official.
- 9.5 Should an Open Air Burning Permit need to be revoked due to the registration of a sensitive receptor, the permit fee will be refunded in full.
- 9.6 An Individual Sensitive Receptor Applicant shall submit a medical note from a doctor stating the applicant has a medical condition that makes them eligible for the Sensitive Receptor Registry. This note must be provided at the time of application, and renewed each calendar year.
(By-law 2023-060)

10. Response to Complaints

- 10.1 The person responsible for operating the open air burn or outdoor fireplace unit:
- a) is responsible for making a reasonable effort to respond to local resident complaints received about burning practices.
 - b) shall extinguish the fire if it creates an adverse effect at any time.
- 10.2 If the Town receives complaints about an outdoor burning event the Chief Fire Official or Officer may enter the land to inspect or extinguish the fire.

11. Revocation, Suspension

- 11.1 A fire permit may be cancelled or suspended at any time by the Chief Fire Official. Immediately upon receiving notice of such cancellation or suspension the permittee shall extinguish any fire started pursuant to the permit.
- 11.2 Any violation of the conditions of an open air burning permit shall be deemed a violation of the "Open Air Burning By-law". Any violation of the by-law or the burning permit shall void the permit.

12. Offences and Enforcement

- 12.1 A person is guilty of an offence if the person:
- a) furnishes false information in the application for a permit; or
 - b) contravenes any provision of this by-law.
- 12.2 Any person who contravenes any provision 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.
- 12.3 If any person fails to pay the fines set out in the Provincial Offences Act

within thirty (3) days, the amount of the fine may be recovered by the Town in like manner as municipal taxes in accordance with the Municipal Act.

12.4 A permit may be revoked by the Chief Fire Official if the permit holder fails to comply with the requirements of the permit and/or any other provision of this by-law. The open air burning permit fee will not be refunded for failure to comply with this by-law.

12.5 The Chief Fire Official or Officer may order a fire to be extinguished immediately if the fire is:

- a) not set in compliance with this by-law; or
- b) determined upon inspection by the Chief Fire Official or Officer to constitute a safety hazard or concern.

13. Severability

Should any section or subsection of this by-law or any part or parts thereof be found by law to be illegal or beyond the power of the Council to enact, such section or subsection or part or parts thereof shall be deemed to be severable so that the remainder of this by-law shall continue in force.

14. Repealing Section

By-law 30-2006 is hereby repealed.

15. Effective Date

This by-law shall come into force and take effect on January 1, 2017.

Passed in open council this 17th day of October, 2016.

Signed by Jeremy D. Williams, Mayor

Signed by Susan Greatrix, Clerk

Schedule "A"

Open Air Burning Permit Fee

Residents: \$ 30 per one-year permit

Schedule "B"

Standing Sensitive Receptors

Healthcare Facilities		
Headwaters Health Care Centre	100 Rolling Hills Drive	Hospital
Seniors Facilities		
Avalon	355 Broadway	Retirement home
Bethsaida	3 Hillside Drive	Retirement home
Horizon Apartments	43 Bythia Street	Seniors Building
Lord Dufferin Centre	32 First Street	Retirement home
Montgomery Village	155 Riddell Road	Retirement home
Senior Centre	26 Bythia Street	Town-owned building

Schedule "C"

Registry Application for Sensitive Receptor

A "Standing Sensitive Receptor" under Section 3.11 of By-law [110](#)-2016, shall include a healthcare facility, a senior citizen's residence, long-term care facility, or other place where smoke may have a greater risk to health or the environment.

Under Section 9.1, a group or individual who considers their place (includes a dwelling) a sensitive receptor which is not listed as a "Standing Sensitive Receptor" (see Schedule B) must register annually at the Fire Department.

Please - Print

Name:	
Street Address:	
Orangeville	Postal Code:
Home Phone:	Cell Phone:
Email:	
Signature:	Date:

Personal information on this form will be used for the purpose of maintaining a registry of sensitive receptors. Your information will be kept confidential and will be used by the Fire Department for their records only. Questions about this collection should be directed to the Clerk (519) 941-0440 Ext. 2242.

Please submit completed form to the Fire Department, 10 Dawson Road, Orangeville, ON. L9W 2W2 or kgalbraith@orangeville.ca

There is no fee associated with the registry.