

## The Corporation of the Town of Grand Valley

### By-law Number 2021 - 31

#### Burning By-law

##### A By-law to regulate the setting of Fires within the Town of Grand Valley.

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**WHEREAS** by Section 11(2) of the *Municipal Act, 2001, S.O. 2001, c.25*, council of a municipality may pass by-laws with respect to the economic, social and environmental well-being of the municipality and the health, safety and well-being of persons;

**AND WHEREAS** by Section 7.1(1) of the *Fire Prevention and Protection Act S.O. 1997, c.4*, 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 Prevention and Protection Act S.O. 1997, c.4* and the *Forest Fires Prevention Act* regulate the setting of fires in Ontario;

**AND WHEREAS** there are various types of fires that a municipality may consider when regulating burning in their community;

**NOW THEREFORE the Council of the Corporation of the Town of Grand Valley hereby enacts as follows:**

#### 1. Definitions

For the purposes of this by-law, the following terms and associated definitions shall apply:

- a) "Agricultural Use" shall mean a use of land, buildings or structures for the growing of crops, including nursery, greenhouse, mushroom, and horticultural crops; raising of livestock and other animals for food, fur or fiber; aquaculture; apiaries; agri-forestry; maple syrup production; research and/or breeding station; riding/training stables, and associated on-farm buildings and structures (including for packing, treating and storing farm products, a farm related tourism business, and a farm product sales outlet), but does not include an abattoir, a kennel, or a rendering plant, and in accordance with the Zoning By-law.
- b) "Applicant" shall mean an owner of property within the Town of Grand Valley, or a tenant of the property who shall obtain the written consent of the property owner.
- c) "Barbeque" shall mean appliances including a structure designed and intended solely for the cooking of food in the open air, a hibachi, or other similar commercially manufactured devices designed and intended solely for the cooking of food in the open air predominantly fueled by charcoal, propane or natural gas.
- d) "Burn Barrel" shall mean a metal barrel in sound condition no larger than

a 205 Litre drum using a heavy-duty screen with mesh to prevent debris from exiting out of the barrel.

- e) "Burning" shall mean ignition of wood and does not include propane or natural gas ignition appliances.
- f) "By-law Enforcement Officer" shall mean any person appointed by Council as a by-law enforcement officer for the Town.
- g) "Campground" shall mean a campground as defined in the *Forest Fires Prevention Act* and associated regulations.
- h) "Conservation Area" shall mean land owned by a conservation authority incorporated under the *Conservation Authorities Act*, R.S.O. 1990, c. C.27
- i) "Council" shall mean the Council of the Town of Grand Valley.
- j) "Downtown Commercial Area" shall mean all properties zoned Downtown Commercial in the Town's Comprehensive Zoning By-law.
- k) "Extinguishing Agent" shall mean a material used with fixed, automatic, or portable fire extinguishing systems to suppress or put out fires and include water or fire extinguisher.
- l) "Fire Chief" shall mean the Chief of the Fire Department of the Town of Grand Valley or his/her alternate/designate.
- m) "Fire Pit" or "Fire Pit Area" shall mean an area of ground no larger than 1 metre in diameter that has been completely cleared of combustible material for Recreational Burning, lined with a minimum thickness of 15 centimetres of sand or mineral soil that will extend a minimum of 30 centimetres beyond the use of Fuel and/or burning materials, whether at ground level or dug into the ground.
- n) "Fuel" shall mean clean, dry firewood.
- o) "Open Air Burning" shall mean the ignition or incineration by fire of combustibles for the purpose of burning grass, clean wood, other combustibles in any open place, yard or field which is not enclosed by a building or structure and includes fires in Burn Barrels. This type of burning shall only occur outside the Urban Area.
- p) "Organic Materials" shall mean leaves, straw, sticks, tree brush and similar materials.
- q) "Permit" shall mean a permit for Open Air Burning and/or Recreational Burning issued by the Town of Grand Valley under the terms and conditions of this By-law, for which an application can be obtained from the Town Office.
- r) "Recreational Burning Device" shall mean any CSA-approved, commercially manufactured device for the purpose of containing a recreational fire.
- s) "Recreational Burning" shall mean burning in a Fire Pit or Fire Pit

Area, or with the use of a Recreational Burning Device, in accordance with setbacks and other regulations provided herein.

- t) "Residential Area" means any properties zoned for residential purposes in the Town Zoning By-law, as amended, at the time of application of this by-law to an instance of burning.
- u) "Restricted Fire Zone" means an order made by the Minister of Natural Resources and Forestry, under the *Forest Fires Prevention Act*, restricting the use of fires in a specific area of the province. It is a temporary measure put in place to prevent human-caused fires when the fire hazard is extreme or when firefighting resources are limited.
- v) "Town" means the Corporation of the Town of Grand Valley.
- w) "Town Office" shall mean the Town of Grand Valley Municipal office, located at 5 Main Street North, Grand Valley, Ontario.
- x) "Urban Area" shall mean all properties in Grand Valley that have a street address (e.g., 16 Smith Street, 45 Apple Way).

## **2. Administration**

- 2.1 This by-law shall be administered and enforced by the Town's Municipal Law Enforcement Officers (MLEO), including By-law Enforcement Officers.
- 2.2 An MLEO has the power under this By-Law, upon producing identification, to enter upon and examine any yards or buildings, other than interior of a dwelling, at any reasonable time or times, and may be accompanied by such other person or persons as they deem necessary to properly carry out their duties under this by-law.
- 2.3 Appliances that use propane or natural gas as fuel supply shall be permitted without a Permit in all areas of the Town, except apartment building balconies.
- 2.4 Open Air Burning, which does not include Barbeques or Recreational Burning, is prohibited within the Urban Area of the Town.
- 2.5 An Applicant wishing to engage in burning for any purpose shall fill out the applicable Application for a Permit and receive a completed Permit prior to the setting of such fire, save and except when such burning meets the requirements for a Barbeque. The Applicant shall also pay the application fee as established by the Fees and Charges By-law, as amended, prior to approval. Permits are valid for the calendar year in which they are issued, unless revoked.

## **3. General Provisions**

- 3.1 Should an MLEO be dispatched to a complaint regarding public safety due to a fire hazard, the MLEO will have the discretion to determine compliance with this by-law.

- 3.2 For any Open Air Burning not specifically permitted under this By-law, or larger than stated Open Air Burning requirements, or construction-related burning, the Applicant shall apply for, obtain and comply with a special permit from the Fire Chief of the Grand Valley and District Fire Department before burning. A fee is required in accordance with a general Ontario Fire Code inspection as per the Fees and Charges By-law, as amended. Any request for approval shall be made in writing to the Fire Chief using the Fire Department's prescribed forms and may be issued or denied at the discretion of the Fire Chief. Special burning without this permit is prohibited.
- 3.3 Multi-residential buildings and condominiums may set their own rules and requirements for their premises that are more restrictive than the provisions of this by-law.
- 3.4 Any person who carries out any burning shall be responsible for safety of persons and property, shall abide by the requirements of this by-law and, in addition, shall observe the following precautions when fires are set:
- a) The fire must be under constant supervision and control of one adult over the age of 18 years from the time of lighting until it is completely extinguished.
  - b) ~~Persons under the age of 18 years are prohibited from lighting or igniting fires without the direct supervision of an adult.~~ No person shall permit persons under the age of 18 to light or ignite fires without the direct supervision of an adult.
  - c) ~~An appropriate Extinguishing Agent shall be~~ No person shall light or ignite fires unless an appropriate Extinguishing Agent is immediately available during the preparation of the fire, while the fire is underway, and until the fire is fully and completely extinguished.
  - d) The fire must not in any way cause discomfort, danger, irritation and/or nuisance for other residents. This shall include allowing smoke to enter a neighboring residence or building.

#### **4. Open Air Burning – Rural Area Only**

- 4.1 Any person who has obtained a Permit under 2.5 for Open Air Burning shall observe the following precautions and times during which fires may be set:
- a) The fire shall not be planned, lit or ignited closer than 7 metres from any building, structure, hedge, fence, road, overhead wire, trees, long grass, hedges or obstruction of any kind.
  - b) The Open Air Burning area shall not exceed an area of 3 metres in diameter.

- c) Fires shall only be lit or ignited after 7:00 a.m. (0700 hours) and shall be extinguished no later than 9:00 p.m. (2100 hours).
- d) Fires shall be lit for the purposes of dry brush clean up only. ~~If other materials are to be burned, a special permit must first be obtained from the Fire Chief, per section 3.2.~~ No person shall burn other materials without a special permit obtained from the Fire chief, per section 3.2.

4.2 Open Air Burning is prohibited in the Urban Area.

4.3 No person shall light or ignite a fire for Open Air Burning in contravention of the requirements of 4.1 or 4.2.

## **5. Burn Barrels**

- 5.1 The use of Burn Barrels shall only be permitted in areas zoned for Agricultural Uses, except for use in instances of a strike or lock-out.
- 5.2 A Permit shall not be required for Burn Barrels with compliance to the following conditions:
  - a) Vent holes must be punched in the side for ventilation, and drainage holes in the bottom with the adequate clearance from surrounding vegetation or structures;
  - b) Flames from Burn Barrels may not extend over the top of the Burn Barrel.
- 5.3 The use of Burn Barrels shall be confined to a location that provides for a minimum distance of 3 metres from any long grass, building, structure, hedge, fence, road, overhead wire, trees, obstruction of any kind or any kind of combustible material.

## **6. Barbeques**

- 6.1 Barbeques are permitted within all areas in the Town and a Fire Permit is not required for a Barbeque.
- 6.2 The fuel permitted to be used in a Barbeque is a commercially procured charcoal, wood pellets or briquette, or a flammable liquid commercially produced for the purpose of cooking, such as natural gas or propane gas.
- 6.3 Multi-residential buildings and condominiums may set their own rules and requirements for barbeques on their premises that are more restrictive than the provisions of this by-law.

## **7. Recreational Burning – Town-wide**

- 7.1 A Permit is required for Recreational Burning within all areas in Town.
- 7.2 Recreational Burning shall comply with the following regulations:
  - a) Recreational Burning shall be restricted to the hours of 12 Noon

(1200hrs) to 1:00 am (0100hrs).

- b) Recreational Burning shall be confined to either a Fire Pit in the ground, a Fire Pit Area surrounded by rocks, or to Recreational Burning Devices. When in use, the fire shall be covered with a grill or a metal screen having a mesh which is positioned in such a manner as to prevent the escape of combustible materials including ash;
- c) Fire Pits or Fire Pit Areas shall not exceed 1 metre in diameter. Not more than 21 centimetres of the containment area shall be above grade, with a maximum depth of 42 centimetres;
- d) The dimensions of the wood being burned shall not be greater than the size of the Recreational Burning Device/ Fire Pit/ Fire Pit Area, and shall be totally confined within the Recreational Burning Device/ Fire Pit/ Fire Pit Area at all times;
- e) Fire Pits, Fire Pit Areas or Recreational Burning Devices shall be confined to a location that provides for a minimum distance of 3 metres from any building, structure, hedge, fence, road, overhead wire, trees, or obstruction of any kind. If the property size or the locations of structures are unable to adequately accommodate these setbacks, all Burning is prohibited.
- f) Only clean, dry wood or charcoal shall be burned for Recreational Burning.
- g) In the Urban Areas, Recreational Burning shall occur only in the rear yard of the property.

7.3 No person shall create a Recreation Fire in contravention of the requirements of 7.1 or 7.2.

## **8. Prohibitions**

- 8.1 The Fire Chief may, in their absolute discretion, declare a complete prohibition against all outdoor burning when the atmospheric conditions or local circumstances make such fires hazardous. This prohibition shall apply to the circumstances stated in the Fire Chief's order.
- 8.2 If the Fire Chief declares a prohibition referenced in section 10.1, this order shall be publicized through media, Town website, social media and public information displays such as digital signs.
- 8.3 It is the permit holder's responsibility to ensure that no prohibitions are in place prior to lighting any fire.
- 8.4 No person shall light any fire for Open Air burning, use of Burn Barrels or for Recreational Burning during a period of prohibition.

## **9. Offence**

- 9.1 Any person who lights or ignites a fire in violation of this by-law or fails

to comply with an order shall, in addition to any applicable fine or charges, pay all applicable fees for the emergency service callout in accordance with the Town's Fees and Charges By-law, as amended.

9.2 Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990, c.P. 33*.

9.3 The MLEO is authorized to order any person to extinguish any fire when there is a breach of any of the provisions of this By-law or where, in their opinion, there is a danger of such fire spreading or otherwise endangering life or property.

9.4 Every person who contravenes any provision of this by-law may have their permit revoked and may be banned from acquiring permits in the future at the discretion of the MLEO or the Fire Chief.

## **10. Exemptions**

10.1 The Grand Valley and District Fire Department shall be exempt from the provisions of this by-law for the purposes of public education and training.

10.2 To seek an exemption to provisions within this by-law, persons must provide a written request to the Grand Valley and District Fire Department Fire Chief and obtain their written approval prior to burning.

10.3 No person shall light or ignite a fire that is exempt from the provisions of this by-law without the prior written consent of the Fire Chief.

## **11. Repeal**

11.1 By-law 2012-25 is hereby repealed.

11.2 Any by-law or parts of a by-law that are inconsistent with this By-law is hereby repealed.

11.3 The repeal of any by-law referred to shall not affect any offence committed against the provisions of that by-law or any penalty incurred in respect thereof or any investigative procedure, including but not limited to any prosecution thereunder.

## **12. By-law having Authority**

12.1 This by-law shall come into force upon the date of its passing.

12.2 This By-law shall be reviewed within one year of its passing for the purposes of reconsidering its effects in the community and may be repealed or revised at the sole discretion of Council for the Town of Grand Valley at that or any other time.

TABLE OF SCHEDULES

- A. Short Form Wordings and Set Fines
- B. Sample - Permit for Burning

**READ a first, second and third time this 25<sup>th</sup> of May 2021.**

***Original Signed by***

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Steve Soloman, Mayor

***Original Signed by***

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Meghan Townsend, Clerk



Schedule A – Short Form Wordings and Set Fines

Corporation of the Town of Grand Valley

**PART I Provincial Offences Act**

By-law 2021-31

A By-law to regulate the setting of fires within the Town of Grand Valley.

<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision creating or defining offence</b>	<b>COLUMN 3 Set Fine</b>
<b>1</b>	Unlawfully start fire without a permit.	2.5	\$200.00
<b>2</b>	Allow person under 18 to light or tend fire.	3.4b	\$200.00
<b>3</b>	Fail to have appropriate Extinguishing Agent present	3.4c	\$200.00
<b>4</b>	Burn prohibited materials without special permit.	4.1d	\$200.00
<b>5</b>	Create Open Air Burn in contravention of 4.1 or 4.2	4.3	\$200.00
<b>6</b>	Create Open air Burn in contravention of 7.1 or 7.2	7.3	\$200.00
<b>7</b>	Start or tend fire during period of prohibition.	8.4	\$500.00
<b>8</b>	<b>Light or ignite fire without special permit</b>	<b>10.3</b>	\$200.00

NOTE: the general penalty provision for By-law 2021-31 is Section 9.2, certified copy of which has been filed.



**FIRE PERMIT NO. 20** \_\_\_ - \_\_\_

Roll #: \_\_\_\_\_

**THIS PERMIT ISSUED TO:** \_\_\_\_\_  
*PROPERTY OWNER AND/OR PERSON RESPONSIBLE*

**PHONE:** \_\_\_\_\_

**FOR THE PURPOSE OF LIGHTING A FIRE UNDER THE TERMS AND CONDITIONS OF BY-LAW # \_\_\_\_\_, A COPY OF WHICH ACCOMPANIES THIS PERMIT.**

**THIS PERMIT IS VALID FROM:** \_\_\_\_\_, 20\_\_\_\_ **TO** December 31, 20\_\_\_\_

**FOR THE SPECIFIC PURPOSE OF**  **Open Air Burning**  **Recreational Burning**

**AT MUNICIPAL ADDRESS:** \_\_\_\_\_  
*STREET ADDRESS (EMERGENCY # OR HOUSE # AND STREET NAME)*

**PLEASE NOTE:**

**During the months of April and May, and/or during dry periods, ALL persons setting fires are responsible for contacting the Town Office by phone at 519-928-5652 or checking the Town and Fire Department websites and social media to ensure that burning is permitted. Fire Bans will be announced on websites and social media. Otherwise, contacting the Town is unnecessary when burning in accordance with this permit. General burning inquiries should also be directed to the Town.**

**\*\* IN THE CASE OF AN EMERGENCY PLEASE CALL 9-1-1 \*\***

**ACCEPTANCE OF RESPONSIBILITY**

WHEREAS I the undersigned have applied to the Town of Grand Valley for a permit under By-Law # \_\_\_\_\_ to light a fire, I hereby state as follows:

- 1) That I have read the copy of the By-Law # \_\_\_\_\_, which accompanies this permit and that I understand the meaning of this By-Law.
- 2) That I will adhere to and abide by all the terms, conditions and provisions of the By-Law as stated herein.
- 3) That I accept full responsibility for all the results of my actions in lighting a fire and agree that the requesting and obtaining of a permit does not absolve me of the responsibility for the results of my actions.
- 4) If, for any reason whatsoever, the lighting of a fire by me, or under my direction, or with my permission results in damage or the summoning of the fire brigade of any nearby municipality, then I hereby accept full responsibility for this damage and the cost of summoning the fire brigade and will reimburse the Town of Grand Valley for such cost.
- 5) I acknowledge that that any burning exceeding the requirements of this by-law must have prior written approval from the Grand Valley and District Fire Chief.

**THIS PERMIT IS PERSONAL AND IS NOT TRANSFERABLE TO ANOTHER PARTY OR FOR ANOTHER PURPOSE.**

\_\_\_\_\_

**SIGNATURE OF MUNICIPAL OFFICIAL**

**SIGNATURE OF APPLICANT**