

BY-LAW NUMBER 50-94

A By-law of The Corporation of the City of Vaughan to repeal By-law No. 287-81 and to prescribe times for setting fires and precautions to be observed to prevent the spread of fires.

WHEREAS the Municipal Act, R.S.O. 1990,c.M.45 as amended authorizes the councils of local municipalities to prescribe times for setting fires and the precautions to be followed and observed by persons setting fires;

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

NOW THEREFORE, The Corporation of the City of Vaughan enacts the following:

1. In this By-Law:

- (a) "Chief Fire Official" means the Fire Chief of the City of Vaughan or a member or members of the fire department designated by the Fire Chief.
- (b) "City" means The Corporation of the City of Vaughan.
- (c) "Council" means the Council of The Corporation of the City of Vaughan.
- (d) "Dangerous Condition" means:
 - (i) a lack of precipitation within the geographic boundaries of the City for a period prior to the application which, in the opinion of the Chief Fire Official, increases the risk of the spread of fire;
 - (ii) winds within the geographic boundaries of the City for a period prior to the application which, in the opinion of the Chief Fire Official, increases the risk of the spread of fire;
 - (iii) any other condition declared by the Chief Fire Official to be a dangerous condition, from time to time.
- (e) "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 Fire Code, and fires built in fireplaces or metal or brick barbecues, for cooking purposes.

- (f) "Equipment and Resources" means sufficient personnel and equipment such as rakes, shovels, backhoes, bulldozers, front-end loaders, or water on-site required to control a fire.
 - (g) "Fire" means any fire set by any person within the boundaries of the City, but does not include an Enclosed Fire.
 - (h) "Fire Code" means the Revised Regulation of Ontario 1990, Regulation 454 made under the Fire Marshals Act, Revised Statute of Ontario, 1990, Chapter F.17 as amended.
 - (i) "Fire Department" means the Fire Department of the City.
 - (j) "Permit" means the document issued by the Chief Fire Official signifying permission to set a Fire.
 - (k) "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.
2. By-law 287-81 is hereby repealed.
3. (a) No *person* shall set a *fire* or allow a *fire* to burn without first having obtained the necessary *permit* from the *Chief Fire Official*. Such *permit* as per Schedule 'A' shall be issued in written form by the Chief Fire Official after payment of the required fee, as set out on Schedule A.
- (b) A *permit* for a *fire* in the open air shall not be issued, until an inspection of the burn site has been made by the *Chief Fire Official*.
- (c) All *persons* burning pursuant to a *permit* must comply with all Provincial Acts and Regulations as they pertain to burning.
4. Notwithstanding any provisions herein, no *person* shall set or maintain a *fire*:
- (a) in contravention of the *Fire Code*, the Environmental Protection Act or any other statutory requirements of the Province of Ontario;
 - (b) on any public road, city park or other public property;
 - (c) in the front or side yard of any developed commercial or developed industrial zoned property within the *City*;
 - (d) at a distance less than 60 metres (196.8 feet) from any building, structure, hedge, fence, vehicular roadway of any kind or nature or overhead wiring;
 - (e) at a distance of less than 15 meters (49.2 feet) from any property line;
 - (f) unless there is a space clear and free from combustible material around the perimeter of such *fire* of at least 9 metres (29.5 feet);

- (g) where the consumption of material will exceed the limit on material set by the *Chief Fire Official*;
 - (h) after sunset in the afternoon on any day and before sunrise in the forenoon of any day;
 - (i) unless the *equipment and resources* designated on the *permit* are available at the fire site at all times during the *fire*;
 - (j) with the aid of flammable or combustible liquids or accelerants of any kind;
 - (k) unless the *person* to whom the *permit* has been issued or such other *person* 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.
5. A *person* who intends to set or maintain a *fire* in the open air on a specified day or days may be issued a *permit* provided that the volume of material burned does not exceed the volume set out and allowed in the *permit*.
6. No *fire* in the open air shall be maintained when the wind is in such a direction or intensity to cause any or all of the following:
- (a) the possible spread of the *fire* to neighbouring building(s) or properties; or
 - (b) a decrease in the visibility on any highway or roadway; or
 - (c) any odour to such an extent or degree so as to cause discomfort to the *persons* residing in the immediate area.
7. No *person* being the owner or tenant in possession of lands within the *City* and having started a *fire* thereon shall allow a *fire* to burn on such lands unless the person is in possession of a *permit* issued in respect of that *fire*.
8. Notwithstanding Section 3 above, the *Chief Fire Official* may revoke any or all *permits* issued for *fires* or refuse the issue of any such *permits* where, in the opinion of the *Chief Fire Official*, the ability to control the *fire* is hampered by the existence in or near the proposed site of a *dangerous condition*.
9. The owner or owners tenant or tenants and agent or agents 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 *Chief Fire Official* and any *person* who fails to comply with provisions of this By-Law or who fails to extinguish a *fire* once notification to do so has been given to him by the *Chief Fire Official* shall, in addition to any penalty provided for herein, be liable to the *City* 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.

10. If any Court of competent jurisdiction finds that any of the provisions of this By-Law are ultra vires of the jurisdiction of the *Council* to pass or are invalid for any reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the By-Law.
11. Any *person* who contravenes any provision of this By-Law is guilty of an offence and subject to a penalty pursuant to the Provincial Offences Act R.S.O., 1990,c.P.33 as amended.
12. Schedule A attached hereto, hereby forms part of this By-law.

READ a FIRST, SECOND and THIRD time and finally passed this 21st day of February, 1994.

L. D. Jackson, Mayor

J. D. Leach, City Clerk

CITY OF VAUGHAN FIRE DEPARTMENT
2141 Major MacKenzie Drive
Vaughan, Ontario L6A 1T1
Fire Prevention Division (905) 832-8531
Fire EMERGENCY (905) 832-2222

PERMIT FOR FIRE IN OPEN AIR

Permission is hereby granted to: (Person's Name) _____

of (Address) _____

Phone No.: _____ for the purpose of having an open fire at (location) _____
_____ on (date) _____

Material to be burned (description) _____
shall not exceed (volume) _____ m³ (_____ ft³) at any one time. Fire

protection equipment and resources available shall include sufficient personnel and equipment such as

rakes, shovels, backhoes, bulldozers, front-end loaders, or water on-site required to control a fire.

Subject to the following regulations extracted from the City of Vaughan By-Law No.

1. No person shall set or maintain a fire in the open air:
 - (a) between sunset and sunrise;
 - (b) at a distance of less than 60 meters (196.8 feet) from any building, structure, hedge, fence, vehicular roadway of any kind or nature or overhead wiring;
 - (c) at a distance of less than 15 meters (49.2 feet) from any property line;
 - (d) unless there is a space clear and free of combustible material around the perimeter of the fire of at least 9 meters (29.5 feet);
 - (e) unless it is under his/her constant watch and control from the time of the lighting up to and until it is totally extinguished;
 - (f) when the wind direction and velocity is likely to create a dangerous condition;
 - (g) with the aid of flammable or combustible liquid or accelerants of any kind.
 - (h) unless he/she complies with all the provisions of the relevant Provincial Laws and Regulations and Municipal By-laws.
2. Every person who contravenes or fails to comply with any provision of the by-law is guilty of an offence under the Provincial Offences Act, R.S.O. 1990,c.P.33.

Remarks: _____

The Applicant agrees to assume full responsibility for any damages arising from the fire for which this Permit is issued.

Date _____ 19 ____

of Applicant _____ for Chief Fire Official

Signature