

**CORPORATION OF THE TOWNSHIP OF GILLIES  
BY-LAW NO. 2018-007**

**Being a by-law to prescribe the conditions under which fires may be set in Open Air and to govern the issuance of Fire Permits.**

**WHEREAS** section 7.1 of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, provides that a municipality may pass a by-law to regulate fire prevention and the setting of open air fires, including establishing times during which open air fires may be set and the precautions to be observed by persons setting such fires;

**AND WHEREAS** sections 425 and 429 of the Municipal Act, 2001, S/O/ 2001, c. 25, authorize a municipality to create offenses and to establish fines for offences under by-laws;

**AND WHEREAS** sections 435 and 436 of the Municipal Act, S.O. 2001, S.O. 2001, c. 25, provide for conditions governing powers of entry on land and the conduct of inspections;

**AND WHEREAS** open air fires which may escape from control constitute a danger and expense for persons and property within the Township of Gillies;

**AND WHEREAS** Excessive smoke, smell, airborne sparks with ember are or could become or cause negative public nuisances and could create negative health effects on persons, increase fire hazards and infringe upon the use and enjoyment of property;

**AND WHEREAS** the Council of the Corporation of the Township of Gillies deems it necessary to enact a by-law to regulate fires in the Open Air;

**NOW THEREFORE** the Council of the Corporation of the Township of Gillies enacts as follows:

1. **Definitions:** Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this Subsection. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended.
  - a) **“Brush Piles”** mean organic material (including: all or parts of branches, limbs, stumps) arranged into stacks or piles.
  - b) **“By-Law”** means this by-law, including its recitals and schedules, which form integral parts of it. Where the word “by-law” is followed by a number, the term does not refer to this by-law, but to the Township’s by-law matching that number.
  - c) **“Burn Barrel”** means a metal barrel that is at least 5 metres from the forest or woodlands, 2 metres from buildings or other combustible sources and that a 2 metre area around the barrel is cleared to mineral soil. Burn barrels should have proper ventilation and screens.

- d) **“Council”** means the elected municipal Council of the Township.
- e) **“Conditions”** are circumstances that could increase fire hazards, including: wind velocity, degree of humidity, lack of precipitation, and/or proximity to very flammable material.
- f) **“Cooking Fire”** means an Open Air Fire, which is not contained within a manufactured barbeque or other such manufactured item designed for cooking, which is used for the purpose of cooking food.
- g) **“Field Crop Burning”** means the burning of areas of agricultural land and/or products
- h) **“Fire Chief”** means the Chief of the Fire Department
- i) **“Fire Department”** means Gillies Emergency Services
- j) **“Firefighter”** means the Fire Chief and any other person employed in, or appointed to, the Fire Department, and authorized or assigned to undertake fire protection services in Gillies
- k) **“Fire Season”** means, subject to a declaration by the Fire Chief under Subsection 3(3) of this By-law, the period from the 1<sup>st</sup> of January to the 31<sup>st</sup> day of December in each year. With April 1<sup>st</sup> to the 31<sup>st</sup> of October having burn restrictions.
- l) **“FPPA”** means the *Fire Protection and Prevention Act, 1997, S.O.1997, c.4.*
- m) **“Gillies”** means the geographical area under jurisdiction of the Township
- n) **“Incinerator”** means an enclosed device consisting of non-combustible material and meeting requirements of the Ontario Fire Code.
- o) **“Nuisance”** Means activity which interferes with a person’s ability to use and/or enjoy his or her property for ordinarily recognized uses and enjoyments.
- p) **“Occupant”** means any person having control over, or possession of, a building or property under consideration, including any persons in the building or property.
- q) **“Officer”** means any person authorized to enforce the provisions of this By-law, including: any Firefighter, a municipal law enforcement officer appointed as such by Council, members of the Ontario Provincial Police, and enforcement officers with the Ministry of Natural Resources.

- r) **“Ontario Fire Code”** means Ontario Regulation 213/07, passed under the authority of the FPPA.
- s) **“Open Air Fire”** means a fire set or burning in the open air, but does not include fire works.
- t) **“Order”** means an order issued under Subsections 3(8) or 3(9) of this By-law.
- u) **“Outdoor Fireplace”** means a structure, which may or may not be affixed to the ground, erected, placed or marketed for the purposes of containing an Open Air Fire.
- v) **“Owner”** means any registered owner of the property
- w) **“Peat”** means soils with a minimum of thirty (30%) per cent organic matter.
- x) **“Permit”** means a permit issued by the Fire Chief, substantively in the form attached as “Schedule A” or “Schedule B” or “Schedule C” to this by-law, to set a fire in the open air or to ignite fireworks.
- y) **“Permit Holder”** means a person who possesses and is named on the Permit
- z) **“Township”** means to the Corporation of the Township of Gillies
- aa) **“Unburnables”** means material that cannot be burned in an Open Air Fire due to its propensity to create Nuisances such as thick smoke, voluminous smoke, noxious chemicals, unpleasant odour, etc. The term includes: construction materials, materials containing rubber, materials containing synthetics, materials containing tar, materials containing plastic, materials containing “Styrofoam” or similar substances, materials that are wet and household waste.
- bb) **“Windrows”** means refuse from land clearing, which has been assembled into piles or rows, consisting primarily of any or all of: soil, gravel, trees, roots, stumps, or brush.
- cc) **“Woodland”** means a treed area, wood lot or forested area, including orchards and plantations of Christmas trees.

## **2. GENERAL PROVISIONS**

2.1 No person being the owner or tenant in possession of lands within the Township shall conduct Open Air Burning or set off fireworks on such lands during the Fire Season unless a permit has been issued in respect of such Open Air Burning.

2.2 Notwithstanding any provisions hererin, no Person shall set or maintain a fire;

- a) In contravention of the “Ontario Fire Code”, the Environmental Protection Act, or any other statutory requirements of the Province of Ontario or the Government of Canada;
- b) Containing Prohibited Materials;
- c) At a distance less than 7.5 metres from any building, structure, hedge, fence, vehicular roadway or any kind or nature, or overhead wiring or any property line unless otherwise defined under this section;
- d) At a distance of less than 7.5 metres from any object or material which has the potential to ignite unless otherwise defined in this section;
- e) 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.
- f) Burn any allowed material without obtaining and having on their person a valid Open Air Burning Permit for those types of Open Air Burning requiring one;
- g) When a Total Burn Ban or Restricted Fire Zone has been declared and put in place by the Fire Chief or his/her designate or the Province of Ontario;

2.3 No “Open Air Burning” shall be commenced or 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 beyond the approved burn site;
- b) Any odour to such an extent or degree so as to cause discomfort to the persons in the immediate areas
- c) Excessive smoke
- d) Any Dangerous Condition

2.4 No Open Air Burning shall be commenced or maintained when weather conditions prevent the ready dispersion of smoke

2.5 No Permit shall be required for domestic barbeques used for the purpose of cooking of food on a grill and extinguished immediately upon completion of its use to cook.

2.6 No Person shall set fire to, ignite, or otherwise burn any materials in a Brush Pile Fire with a combined size greater than 1.8 metres x 1.8 metres x 1.8 metres without written approval of the Fire Chief or his/her designate

2.7 No Person shall set fire to or cause to be burned more than one Open Air Burn at any one time

2.8 No Person shall burn any grass, hay, straw or standing material where such Open Air Burning or Windrow has a leading edge greater than 15 metres in length, 5 metres in width and 1.5 metres in height and where sufficient persons and other resources are not available to contain the said fire to a leading edge of 15 metres.

2.9 No Person shall indemnify and save harmless The Township of Gillies and its employees from any and all claims, demands, causes of action, costs or damages that the Township may suffer, incur or be liable for resulting from the Open Air Burning as set out in this by-law whether with or without negligence on the part of the Permit Holder, the Permit Holder's employees, directors, contractors and agents.

2.10 No "Cooking Fire" shall be greater than one (1) metre in diameter and one (1) metre in height.

2.11 No person shall allow an Open Air Fire to burn without supervision as required by section 2.3 of this by-law. The Owner or Occupant of the property on which the Open Air Fire burns is responsible for ensuring that at least one (1) responsible and sober adult person supervises the fire from ignition to extinguishment.

2.12 No person shall maintain an Open Air Fire to burn without ensuring that at a minimum there be on hand and readily accessible, twenty (20 l) liters of water and a portable water carrying device, or a garden hose connected to a water sources capable of reaching the fire site and one (1) shovel having a pointed blade with a minimum blade of six (6") inches wide and nine (9") inches long.

2.13 No person shall be allowed to maintain a burn barrel without first an inspection from the fire chief or an authorized officer, nor maintain a burn barrel without the permit as laid out in Schedule C of this by-law

### **3. ISSUANCE OF PERMIT**

3.1 The issuance of a Permit may require the prior inspection of the proposed burn site by the Fire Chief or his/her designate

3.2 In applying for a Permit no Person shall furnish false or misleading information

3.3 Permits may be obtained from the Township office or designated Township locations or the Fire Chief

3.4 No Permit shall be considered valid until the person granted the permit has validated the Permit by reading the terms and conditions of the Permit

3.5 It is the responsibility of the Person to check and monitor burning conditions

3.6 It is the Responsibility of the Person who is burning to have immediately available to them the Permit which they were issued for inspection by the Fire Chief or his/her designate, By-law Enforcement Officer or the Police

3.7 In any prosecution under a provision of this by-law that requires a Permit the onus is on the Person charged to prove that the Person had a Permit at the time of the offense is alleged to have been committed.

#### **4. FIRE SEASON**

4.1 The Fire Season is from the 1<sup>st</sup> of January to the 31<sup>st</sup> of December in each year.

4.2 From April 1<sup>st</sup> till October 31<sup>st</sup> open air burning is permitted from two (2) hours before sunset until two (2) hours after sunrise.

#### **5. LEVELS OF FIRE BAN OR RESTRICTED FIRE ZONE**

5.1 Total Burn Ban or Restricted Fire Zone shall mean absolutely no Open Air Burning including Campfires or Cooking Fires or Charcoal Barbecues, but does not include the use of cooking equipment with is equipped with a shut off mechanism.

5.2 Total Burn Ban Status, the need for a Total Burn Ban, will be assessed on a daily basis by the Fire Chief or his/her designate consulting with the MNR

5.3 When the Fire Chief or his/her designate orders a Total Burn Ban be put in place, they will notify the Township Office who will then notify Council and the Media.

#### **6. ADMINISTRATION AND ENFORCEMENT**

6.1 This By-law shall be administered and enforced by the By-Law Enforcement Officer and/or the Fire Chief or his/her designate of the Township of Gillies

6.2 The Fire Chief or his/her designate may, at any time, and in the exercise of his or her sole discretion, issue a Total Burn Ban, effective for a specified period of time, prohibiting the setting of any and all Open Air Burning within any area of the Township.

6.3 Notwithstanding section 2 of this by-law, the Fire Chief or his/her designate may revoke any or all Permits, or refuse to issue Permits where, in the opinion of the Fire Chief or his/her designate, that:

a) The ability to control the fire is hampered by the existence of a dangerous condition, which exists on or in the proximity of the proposed Open Air Burning site

b) A Person fails to comply with any part of this By-Law

6.4 Any Person who fails to comply with the provisions of this By-Law, or who fails to properly supervisor and maintain a fire, or who fails to extinguish a fire once notification to do so has been given to him by the Fire Chief or his/her designate shall, in addition to any penalty provided herein, maybe liable to the Township for all expenses incurred for the purposes of controlling and extinguishing of any fire so set out left to burn or such expense may be recovered in a like manner as Municipal taxes. The expenses for which the Person may be liable to cover the cost of sufficient personnel and equipment required to control a fire, as set out with Schedule "D" hereof.

6.5 Such expense shall be equally chargeable in the event that a deliberately set fire burns out of control, such that the services of the Gillies Fire Department are necessary.

6.6 Any costs chargeable to any Person pursuant to section 6.4 hereof shall be invoiced to the Person and paid to the Township within 60 days of the date of such invoice, failing which the costs may be deemed to be Township taxes and added by the Treasurer for the Township to the Collector's roll and collected in the same manner and with the same priority as Township Taxes.

**7 SCHEDULES AND SEVERABILITY**

7.1 Schedule "A" Permit for Open Air Burning attached to this By-Law shall form an integral part of the By-Law

7.2 Schedule "B" Permit for Fireworks attached to this by-law shall form an integral part of the By-law

7.3 Schedule "C" Permit for Burn Barrel attached to this by-law shall form an integral part of the By-law

7.4 Schedule "D" fees, attached to this By-Law shall form an integral part of this By-Law

7.5 Of any provision, section or word is held to be invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, sections or words

7.6 Any Person billed for services as a result of violation of the provisions of this By-Law may make submissions to Council with respect to having the costs invoice reduced or rescinded

7.7 This By-Law may be referred to as the Open Air Burning By-Law

**8. ENACTMENT AND REPEALS**

8.1 This By-Law shall come into force and takes effect immediately upon the final passing thereof

8.2 All By-Laws including 2013-725 or parts thereof and all or any resolutions of the Council of the Township of Gillies inconsistent with this By-Law are hereby revoked.

Enacted and passed this 26<sup>th</sup> day of March 2018

**THE CORPORATION OF THE TOWNSHIP OF GILLIES**

**REEVE** \_\_\_\_\_

**CLERK** \_\_\_\_\_

Schedule "A" to By-law 2018-007  
FIRE PERMIT

**PLEASE PRINT IN BLOCK LETTERS**

Name of Applicant: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**By signing this form below, the Applicant acknowledges that he or she understands that he or she is personally and fully responsible for complying with all municipal, provincial and federal legal burning requirements, and for fines associated with breach of those rules. In addition, he or she may be held legally responsible for the cost of fire-fighting resulting from fires requiring suppression that arise due to the activities of the Applicant under this Permit.**

This Permit, once issued, will authorize (check one only):

Open Air Fire

Describe type of fire (i.e. field crop burning, brush fire, campfire, etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Location of Fire: \_\_\_\_\_  
\_\_\_\_\_

Burning Rules are contained in Gillies By-law No. 2013-725, a copy of which is provided to the Permit Holder with the Issued Permit (acknowledged by the Applicant's signature below) and in Provincial Legislation and Regulations, including: the *Environmental Protection Act*, the *Fire Prevention and Protection Act, 1997* and the *Forest Fires Prevention Act*. These Acts and regulations are available on line at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca). Any additional conditions associated with the issuance of this Permit and binding the Permit Holder are contained on its reverse side.

By signing below, I acknowledge having read and understood the information on this Application/Permit, including, if applicable, the conditions on the reverse side, and having received a copy of Gillies By-law 2013-725, acknowledging my obligation to read it and to follow its terms.

Applicant's Signature: \_\_\_\_\_

Applicant acknowledgement - receipt of by-law:

Place of Issue: \_\_\_\_\_

Date of Issue: \_\_\_\_\_

Signature of Issuing Officer: \_\_\_\_\_

Schedule "B" to By-law 2018-007  
FIREWORKS PERMIT

**PLEASE PRINT IN BLOCK LETTERS**

Name of Applicant: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**By signing this form below, the Applicant acknowledges that he or she understands that he or she is personally and fully responsible for complying with all municipal, provincial and federal legal burning requirements, and for fines associated with breach of those rules. In addition, he or she may be held legally responsible for the cost of fire-fighting resulting from fires requiring suppression that arise due to the activities of the Applicant under this Permit.**

This Permit, once issued, will authorize (check one only):

Fireworks on: Date One: \_\_\_\_\_ or rain date: \_\_\_\_\_  
and on Date Two (if desired): \_\_\_\_\_ or rain date: \_\_\_\_\_

Location of Fire: \_\_\_\_\_  
\_\_\_\_\_

Burning Rules are contained in Gillies By-law No. 2013-725, a copy of which is provided to the Permit Holder with the Issued Permit (acknowledged by the Applicant's signature below) and in Provincial Legislation and Regulations, including: the *Environmental Protection Act*, the *Fire Prevention and Protection Act, 1997* and the *Forest Fires Prevention Act*. These Acts and regulations are available on line at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca). Any additional conditions associated with the issuance of this Permit and binding the Permit Holder are contained on its reverse side.

By signing below, I acknowledge having read and understood the information on this Application/Permit, including, if applicable, the conditions on the reverse side, and having received a copy of Gillies By-law 2013-725, acknowledging my obligation to read it and to follow its terms.

Applicant's Signature: \_\_\_\_\_

Applicant acknowledgement - receipt of by-law:

Place of Issue: \_\_\_\_\_

Date of Issue: \_\_\_\_\_

Signature of Issuing Officer: \_\_\_\_\_

Schedule "C" to By-law 2018-007  
BURN BARREL PERMIT

**PLEASE PRINT IN BLOCK LETTERS**

Name of Applicant: \_\_\_\_\_

Phone Number: \_\_\_\_\_

**By signing this form below, the Applicant acknowledges that he or she understands that he or she is personally and fully responsible for complying with all municipal, provincial and federal legal burning requirements, and for fines associated with breach of those rules. In addition, he or she may be held legally responsible for the cost of fire-fighting resulting from fires requiring suppression that arise due to the activities of the Applicant under this Permit.**

This Permit, once issued, will authorize (check one only):

Burn Barrel

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Location of Fire: Must be inspected by the Fire Chief or an Authorized Officer

Burning Rules are contained in Gillies By-law No. 2013-725, a copy of which is provided to the Permit Holder with the Issued Permit (acknowledged by the Applicant's signature below) and in Provincial Legislation and Regulations, including: the *Environmental Protection Act*, the *Fire Prevention and Protection Act, 1997* and the *Forest Fires Prevention Act*. These Acts and regulations are available on line at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca). Any additional conditions associated with the issuance of this Permit and binding the Permit Holder are contained on its reverse side.

By signing below, I acknowledge having read and understood the information on this Application/Permit, including, if applicable, the conditions on the reverse side, and having received a copy of Gillies By-law 2013-725, acknowledging my obligation to read it and to follow its terms.

Applicant's Signature: \_\_\_\_\_

Applicant acknowledgement - receipt of by-law:

Place of Issue: \_\_\_\_\_

Date of Issue: \_\_\_\_\_

Signature of Issuing Officer: \_\_\_\_\_

Schedule "D" to By-law 2018-007  
FIRE PERMIT

Item	Description	Fee
1	Burn prohibited material(s)	\$200.00
2	Burn material(s) in a Municipal Park	\$125.00
3	Burn material(s) without obtaining or possessing a valid permit	\$200.00
4	Set out a Campfire or Cooking Fire that does not meet the defined description.	\$ 125.00
5	Burn material(s) with a size greater than 1.8 metres x 1.8 metres x 1.8 metres (6' wide x 6' long x 6' high)	\$200.00
6	Burn more than one Open Air Burn at the same time	\$ 125.00
7	Burn material(s) closer than 7.5 metres (25 feet) to a fence.	\$ 125.00
8	Burn material(s) closer than 7.5 metres (25 feet) to a building.	\$ 125.00
9	Burn material(s) closer than 7.5 metres (25 feet) to a structure.	\$ 125.00
10	Burn material(s) closer than 7.5 metres (25 feet) to a roadway.	\$ 125.00
11	Burn material closer than 7.5 metres (25 feet) to overhead wiring.	\$ 125.00
12	Burn material(s) closer than 10metres (25 feet) from combustible material(s)	\$ 125.00
13	Permit holder failed to supervise an open fire.	\$ 100.00
14	Burn material when wind may cause fire to spread.	\$ 125.00
15	Burn material when wind may cause decreased visibility on a Highway/ Roadway.	\$ 125.00
16	Burn material when wind may cause odour and smoke to cause discomfort to persons in the vicinity.	\$ 125.00
17	Burn material(s), which produces excessive smoke or adverse effects.	\$ 125.00
18	Burn material when weather conditions prevent dispersion of smoke.	\$ 125.00
19	Set or maintain an open-air fire or campfire when a Total Burn Ban or Restricted Fire Zone is in place.	\$ 500.00
20	Burn material(s) with a size greater than 15 metres (49.5 feet) in length, 5m (16 feet) in width and 1.5 m (5 feet)	\$ 125.00