

**THE CORPORATION OF THE TOWN OF GEORGINA  
IN THE  
REGIONAL MUNICIPALITY OF YORK  
BY-LAW NO. 2000-0071 (REG-1)**

**BEING A BY-LAW to prescribe the time and precautions for open air burning of materials.**

WHEREAS the Municipal Act, R.S.O. 1990,c.M.45 (as amended) authorizes Council to enact By-laws prescribing the times during which fires in the open air may be set and the precautions to be observed by persons setting out fires;

AND WHEREAS subsection 2.6.3.4. of the Ontario Fire Code (Ontario Regulation 388/97) enacted pursuant to the Fire Protection and Prevention Act prohibits unapproved open air burning;

NOW THEREFORE the Municipal Council of the Corporation of The Town of Georgina enacts as follows:

Definitions

1. In this By-law:

- (a) "Chief Fire Official" means the Fire Chief of the Town of Georgina or such employees of the Corporation of the Town of Georgina who have been designated by the Fire Chief for the purposes of administration of this By-law;
- (b) "Corporation" means the Corporation of the Town of Georgina;
- (c) "fire" means the burning or combustion of materials in the open air, but shall not include any fire entirely contained in an apparatus designed, constructed or manufactured for the purpose of barbecuing food for consumption;
- (d) "permit" means a permit issued by the Chief Fire Official pursuant to the provision of this By-law in the form attached as Schedule "A" hereto;
- (e) "person" includes a natural individual and their heirs, executors, administrators or other legally appointed representatives, a corporation, partnership or other form of business association;
- (f) "prohibited material" shall include industrial materials, such as automobile and truck bodies, tires, oil, grease, paint, cloth, rags, plastics, shingles, dry wall, insulation, painted or treated wood and other materials whose contents includes any of the above, and shall include animal husbandry refuse, such as animal fecal deposits or manure and animal carcasses and shall include domestic waste such as food scraps, cloth, rags, clothing and household plastics and shall include flammable or combustible liquids or accelerants;
- (g) "daylight hours" means the time period beginning one half hour before sunrise and ending one half hour after sunset;
- (h) "recreational fire" means a fire that burns within an area that is no greater than 0.6 metres (approx. 2 feet) in length by 0.6 metres (approx. 2 feet) in width by 0.6 metres (approx. 2 feet) in height, provided such fire is used for entertainment purposes, which may include cooking food;
- (i) "outdoor fire place" shall include, but not be limited to, a steel fire box with a screened opening, clay fire pots, ceramic fire pots and acorn stoves. For the purpose of this by-law "outdoor fire places" shall be considered open air burning.

2. No person shall set a fire or allow a fire to burn except in accordance with the provisions of this By-law and all applicable provincial, municipal and federal laws and regulations.

3. No person shall set a fire or allow a fire to burn except in accordance with the following provisions:

- (a) no person shall set any fire unless it is contained in a manner that will control the spread of fire;
- (b) no person shall set or maintain any fire involving prohibited materials;

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- (c) no person shall set or maintain a fire unless it is under constant watch and control from the time of ignition until it is completely extinguished;
  - (d) no person shall set or maintain a fire, with the exception of a recreational fire, save and except during daylight hours;
  - (e) no person shall set or maintain a fire that burns within an area greater than 1.2 metres (approx. 4 feet) in length by 1.2 metres (approx. 4 feet) in width by 1.2 metres (approx. 4 feet) in height;
  - (f) no person shall set or maintain a recreational fire after 1:00 a.m.
  - (g) no person shall set or maintain a fire to burn, with the exception of a recreational fire, without obtaining a permit from the Chief Fire Official;
  - (h) no person shall set or maintain a fire, at a distance of less than 7 metres (22.96 feet) from any building, structure, hedge, fence or a combustible material of any kind;
  - (i) no person shall set or maintain any fire on any land or premise without the consent of the owner of such land or premise; and
  - (j) no person shall set or maintain a fire, when the direction or intensity of the wind may cause any of the following:
    - (i) impaired or reduced visibility on any vehicular roadway;
    - (ii) excessive smoke or an odour of a degree or quality that may cause discomfort to persons in the immediate area of the fire; and
    - (iii) the spread of fire or transfer of products of combustion to other materials, land or premise.
4. Notwithstanding section 3(e) and section 8, a person who is actively involved in the farming of lands, who wishes to set or maintain a fire for the purposes of the disposal of vegetation on farm lands that is normal and incidental to farming purposes shall be issued a permit to cover the period of the proposed fire.
  5. The Chief Fire Official shall be entitled to revoke or deny issuance of any permit for fires that, in his opinion, would create a hazard of any type.
  6. The provisions of this by-law shall apply to all lands and premises within the Town of Georgina.
  7. Any person who sets or maintains a fire without a permit, and any person who sets or maintains a fire that requires the response of the Georgina Fire Department to control the fire, shall be liable for all expenses incurred by the Georgina Fire Department including, but not limited to, personnel, equipment, and apparatus costs.
  8. No one permit shall be issued for a period exceeding three calendar days.
  9. Every person who contravenes any provision of this by-law is guilty of an offence and liable upon conviction to a fine in accordance with the Provincial Offences Act, R.S.O., 1990, c.P.33 as amended for each offence committed.
  10. The short title of this By-law shall be the "Open Air Burning By-law".
  11. This By-law shall be administered by the Chief Fire Official.
  12. By-law Number 83-165(L)-1 "A By-law to regulate the burning of materials", be and is hereby repealed.
  13. The provisions of this By-law shall come into force and effect upon third reading hereof.

Read a first, second and third time and finally passed this 15<sup>th</sup> day of May, 2000.

Robert A. Grossi, Mayor  
Karen Landry, Town Clerk