

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER 149-99

A By-Law of The Corporation of the City of Vaughan to repeal By-law Number 50-94 and to prescribe times for setting fires and precautions to be observed to prevent the spread of fires.

WHEREAS Paragraph 35 of Section 210 of the *Municipal Act, R.S.O. 1990, c.M.45*, as amended, authorizes the councils of local municipalities to prescribe times during which fires may be set in the open air and the precautions to be observed by persons setting out 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) "Applicant" means the owner of a building or property who applies for a permit or any person authorized in writing by the owner to apply for a permit on the owner's behalf.
- (b) "Chief Fire Official" means the Fire Chief of the City of Vaughan or a member or members of the Vaughan Fire and Rescue Service designated by the Fire Chief.
- (c) "City" means The Corporation of the City of Vaughan.
- (d) "Council" means the Council of The Corporation of the City of Vaughan.
- (e) "Dangerous Condition" means, in the opinion of the Chief Fire Official:
 - (i) a lack of precipitation which increases the risk of the spread of fire;
 - (ii) winds which increase the risk of the spread of fire;
 - (iii) a decrease in visibility due to the smoke from the *fire*, on any highway or roadway;
 - (iv) any odour or residue to such an extent or degree so as to cause complaint of nuisance from other *persons* in the immediate area; or
 - (v) any other condition declared by the Chief Fire Official to be a dangerous condition, from time to time.
- (f) "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.
- (g) "Equipment and Resources" means sufficient personnel and equipment such as rakes, shovels, back hoes, bulldozers, front-end loaders, or water on-site required to control a fire.
- (h) "Fire" means any fire set by any person within the boundaries of the City, but does not include an Enclosed Fire.

- (i) "Fire Code" means the 1997 Ontario Fire Code (O. Reg. 388/97) made under the *Fire Protection and Prevention Act, 1997*, as may respectively be amended from time to time.
 - (j) "owner" means the registered owner of property, or any person, firm or corporation having control over or possession of the property or any portion thereof, including mortgagee in possession, receiver and manager, trustee and trustee in bankruptcy, or other legal representatives of an owner to whom the context can apply according to law;
 - (k) "Permit" means the document issued by the Chief Fire Official signifying permission to set a Fire.
 - (l) "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.
 - (m) "Vaughan Fire and Rescue Service" means a fire department within the meaning of the *Municipal Act*, and the *Fire Protection and Prevention Act, 1997*, and is deemed to include any member of the Vaughan Fire and Rescue Service;
2. By-law Number 50-94 is hereby repealed.
3. (a) No *person* shall set a *fire* or allow a *fire* to burn on property owned or leased or in possession or control of the *person*, without first having obtained the necessary *permit* from the *Chief Fire Official*. Such *permit* shall be issued in a written form prescribed by the *Chief Fire Official*, after payment of the required fee of \$25 for a small *fire* on a private residential site, provided that the *fire* shall not exceed 1m in any dimension, and \$600 for a larger *fire* on any site.
- b. Material allowed to be burned is restricted to smaller amounts of vegetation/garden/yard debris native to the private residential site and larger amounts of similar debris associated with and native to land clearing operations on other sites, as approved by the *Chief Fire Official*.
- (c) 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*.
- (d) An *applicant* for a *permit* shall submit a completed application in the form prescribed by the *Chief Fire Official*.
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 Canada or of the Province of Ontario;
 - (b) on any public road or park;
 - (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, public vehicular roadway or overhead wiring;
 - (e) at a distance of less than 15 metres (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) in contravention of the limits on type and volume of material or other restrictions specified on the *permit*;
 - (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. The *Chief Fire Official* may revoke any or all *permits* issued for *fires* or refuse the issue of any such *permits* in the existence or threat of a *dangerous condition*.
6. The *applicant* or *owner* of a property:
- (e) upon which a *fire* burns and for which no *permit* has been obtained, or
 - (f) for which a *permit* was obtained upon the supplying of false information to the *Chief Fire Official* ; or
 - (g) who fails to extinguish a *fire* once notification to do so has been given to him by the *Chief Fire Official*,
- and any *person* who fails to comply with provisions of this By-Law, 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.
7. 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.
8. 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.

READ a FIRST, SECOND and THIRD time and finally passed this 10th day of May ,1999.

L. D. Jackson, Mayor

J. D. Leach, City Clerk