

Township of Zorra



Open-Air Burning By-law Office Consolidation

Amending By-laws
By-law No. 41-25

All original signed by-law(s) are on file at the Zorra Municipal Centre.

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THE CORPORATION OF THE
TOWNSHIP OF ZORRA



BY-LAW NO. 30-20

BEING A BY-LAW TO PROVIDE FOR REGULATION
AND CONTROL FOR THE SETTING OF
FIRES, THE PREVENTION OF FIRES.

WHEREAS Section 9 of the Municipal Act, 2001, Chapter 25, states that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

WHEREAS Section 8 of the Municipal Act, 2001, states that Sections 8 and 11 shall be interpreted broadly to confer broad authority on municipalities,

- (a) to enable them to govern their affairs as they consider appropriate; and
- (b) to enhance their ability to respond to municipal issues;

AND WHEREAS Section 7.1 (1)(b) of the Fire Protection and Prevention Act, 1997, S.O. 1997, as amended, states that a 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.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ZORRA ENACTS AS FOLLOWS:

1. Definitions

- 1.1 “Approved” means approved by the Chief Fire Official or his/her designate.
- 1.2 “Ban” on open-air fires means a restriction or prohibition on open-air fires issued by the Chief Fire Official or his/her designate.
- 1.3 “Built up residential area” is defined as any area within the Township of Zorra that in the opinion of the Chief Fire Official or designate open-air burning would cause a fire hazard or an air quality concern for neighbouring structures or properties.
- 1.4 “Chief Fire Official” means the Fire Chief in the area of jurisdiction within the Township of Zorra Fire Department as established in By-law 57-2011 and the one person under the Ontario Fire Code (Regulation 388/97) who has the authority to approve open-air burning in the area of jurisdiction.
- 1.5 “Completely burned out” is defined as a fire that all fuel has been consumed and the ashes have been checked to ensure that no hot embers exist.
- 1.6 “Constant attendance” is defined as a person or persons, designated by the permit holder, to remain with the fire at all times until the fire has been fully extinguished. This person or persons shall be capable of utilizing all equipment necessary to control or extinguish the fire.
- 1.7 “Controlled burn” is defined as a burn that has been authorized, in writing, by the Zorra Township Chief Fire Official or designate and under the conditions set out in the permit.

- 1.8 “Designate” is a member of the Fire Department appointed by the Chief Fire Official to carry out the duties assigned in the By-law.
- 1.9 “Due care” is defined as all necessary precautions to control and prevent the spread of fire.
- 1.10 “Extinguished” is defined as a fire, which has been quenched with water or all sources of heat have been eliminated by other means and the fire is verified by the permit holder or agent to be completely out.
- 1.11 “Fire permit” means a written conditional authorization issued and administered by the municipality to set or maintain an open air fire, as per any restrictions and conditions contained in this By-law or as may be specified on the permit itself.
- 1.12 “Ignite” or “igniting” shall mean to catch fire or cause to catch fire.
- 1.13 “Necessary precautions” is defined as sufficient equipment, machinery and/or manpower, which shall be provided to control, extinguish, and/or prevent the spread of fire.
- 1.14 “Officer” shall mean the Chief Fire Official, Chief Fire Official’s designate, or the By-law Enforcement Officer.
- 1.15 “Open-air burn” means any fire that is set in the open air other than a recreational open-air burn.
- 1.16 “Permit” shall mean a permit issued by the Fire Chief to set a fire in the open air for a specified period.
- 1.17 “Permit Holder” shall mean a person to whom a Permit has been issued by the Fire Chief.
- 1.18 “Recreational open-air burn” shall mean a small outdoor fire, such as a campfire, being no larger than 2 feet in diameter, and burning only of natural woods as a source of fuels within a pit or non-combustible container.

2. Applicability

- 2.1. This By-law shall apply to all open-air burns and recreational open-air burns within the municipal limits of the Township of Zorra.
- 2.2. Any fires under the direct and constant supervision and control of the Township of Zorra Fire Service are exempt from the provisions of this By-law.
- 2.3. It is not the intent of this By-law to prohibit the use of a fire for legitimate cooking or for personal warmth, provided the fire is supervised at all times, and conforms to the requirements in Section 3 of this By-law.

3. General Provisions

- 3.1. From and after the passing of this By-law, no person, either directly or through agents, servants or workmen, shall set fire to burn or cause or permit to be burned in the open-air within the Municipality of Zorra Township any material or building or structure whether standing or demolished or any part thereof subject only to the exceptions herein.
- 3.2. Open air burning – Regulations
 - (a) No person shall conduct open-air burning within the boundaries of the Township of Zorra unless permission has been given by the Fire Chief in the form of a Fire Permit (see Section 4).

(b) Every person shall comply with the following regulations which apply to open-air burnings:

- i. Open air burning is not permitted in hamlets or built-up areas but is permitted in rural areas in the Township with a valid and activated open air burning permit.
- ii. Burn pile must not exceed 9 square metres in area and 2 meters in height while burning, unless otherwise approved by the Fire Chief following an on-site inspection.
- iii. Burns shall be located at least 30 meters from any combustible structure, vegetation, or materials.
- iv. Open air burning is permitted during daylight hours only. Fire must be completely extinguished before dark, unless otherwise authorized by the Fire Chief, in which case the burn will be supervised until it is completely extinguished.
- v. No burning of petroleum-based products will be permitted. All burning materials must be generated on the landowner's property.
- vi. The fire must always be supervised, not left abandoned, and extinguishment must be confirmed before leaving the area.
- vii. The landowner must call dispatch at the phone number provided on the valid burn permit at least 30 minutes prior to the start of the burn.

3.3. Recreational Open-Air Burning

(a) No person shall conduct a recreational open-air burn unless they are contained within non-combustible containers or pits specifically designed for recreational open-air burnings.

(b) Every person shall comply with the following regulations which apply to recreational open-air burnings:

- i. Open-air burnings shall be conducted between the hours of 4:00 pm and midnight only.
- ii. No materials other than commercially produced charcoal, briquettes or clean, dry seasoned wood may be burned.
- iii. Open-air burnings shall be confined to non-combustible containers or to a pit no larger than two (2) feet (61 centimetres) by two (2) feet (61 centimetres) with flames not to exceed (2) feet (61 centimetres) in height.
- iv. Open-air burning shall be conducted in such a manner as to preclude the escape from the fire of combustible solids such as sparks and ash.
- v. The dimensions of the fuel being burnt shall not be greater than the size of the container or fire pit and shall always be totally confined within the container or pit.
- vi. Open-air burning shall be confined to a location that provides for a minimum distance of fifteen (15) feet (4.5 metres) in all directions from adjacent properties, from any structure or combustibles such as shrubs, hedges, and trees.
- vii. An effective extinguishing agent of sufficient size and with the capability of extinguishing the fire shall be immediately available for use.
- viii. Open-air burning shall be attended, controlled, and supervised at all times and shall be completely extinguished before the open-air burn site is vacated.
- ix. Open-air burnings are not permitted when the wind speed exceeds fifteen (15) kilometres per hour or during rainy or foggy weather or at times when a smog alert has been declared. The appropriate Federal

and/or Provincial Government agency shall be used as the source for this information.

- x. The owner, occupant or permit holder must take steps to ensure that adjacent properties are protected and that the by-products of open-air burnings do not have a negative impact on persons, pets, or the environment.

- 3.4. No one shall install, use, and maintain an unlicensed incineration device for the burning of garbage or other refuse in any class or classes of building.
- 3.5. Fire permit holders shall refrain from burning during droughts or on known extreme heat or smog warning days. The Chief Fire Official reserves the right to ban all fires on such days. **(Added by By-law 41-25)**
- 3.6. Fire permit holders shall also refrain from burning when the Natural Resource Canada "Canadian Wildland Fire Information System" Fire Danger Map lists the Fire Danger in Zorra as Very High or Extreme. The Chief Fire Official reserves the right to ban all fires on such days. The CWFIS Fire Danger map can be found here: [Canadian Wildland Fire Information System | Fire Weather Maps](#) **(Added by By-law 41-25)**

4. Fire Permit

- 4.1. There shall be no fee for a Fire Permit as set out in the applicable Township of Zorra Fees By-law No. 11-09, as amended.
- 4.2. The Fire Permit application is available on the Township's website or at the Township of Zorra municipal office. All applications shall be reviewed by the Fire Chief.
- 4.3. Upon the application of any person to the Chief Fire Official or designate for the setting of a fire otherwise herein prohibited, the Chief Fire Official or designate may give his/her consent in writing in the form of a Fire Permit upon the following terms and conditions:
 - (a) That no provincial enactment, law, or regulation shall be infringed by the setting of such fire.
 - (b) That the fee for such permit, if any, be paid by the applicant, and the amount of such fee shall be set by Council, may be amended from time to time as deemed necessary by Council.
 - (c) No such fire shall be set on any street, parks, private or public property that in the opinion of the Chief Fire Official or designate is deemed to be a built-up residential area.
 - (d) Every person setting a fire herein permitted shall exercise such due care and take such necessary precaution as may be required to avoid endangering persons or property in the vicinity thereof and shall remain in constant attendance at such fire until the same is completely burned out or extinguished and shall take precautions and follow such directions as may be set by the Chief Fire Official whether before, during, or after setting such fire.
 - (e) All conditions and special conditions listed on the Township of Zorra Fire Permit shall be strictly adhered to or the fire permit shall be revoked.
- 4.4. All requests for an Open-Air Burn permit shall be made in advance by completing and submitting a Permanent Open-Air Burn Permit application (available on the Township website). Approval takes approximately 10 days.
- 4.5. A fire permit may be cancelled or suspended at any time by the Chief Fire Official or his/her designate and immediately upon receiving notice of such cancellation or suspension; the fire permit holder shall extinguish any fire started under the permit.

5. Order to Discontinue Activity, Extinguish and Prohibit

- 5.1. If it is found that there is a violation to the general provisions (see Section 3) of this By-law, the owner, occupant, or permit holder shall immediately discontinue the activity or extinguish an open-air burn or a recreational open-air burn if directed or ordered to do so by an Officer.
- 5.2. An Officer may issue an Order to Prohibit an Open-Air Burn or Recreational Open-Air Burn. No person shall disobey an Order to Prohibit an Open-Air Burn or Recreational Open-Air Burn.
- 5.2.1. An Order to Prohibit Open-Air Burn or Recreation Open-Air Burns shall set out:
- a) The municipal address of the property on which the contravention occurred;
 - b) The date of the contravention;
 - c) The contravention of the by-law;
 - d) The date by which there must be compliance with the order; and
 - e) The date on which the order expires.

6. Remedial Action – Costs

- 6.1. Should a person default in complying with an Order to Discontinue Activity or an Order to Extinguish, the fire may be extinguished at the person's expense.
- 6.2. The Township may enter on land at any reasonable time for the purpose of extinguishing a fire under subsection 6.1.
- 6.3. The power of entry under this Part shall be exercised by an Officer, as defined in this By-law. The person exercising the power of entry must on request display or produce proper identification. The person exercising the power of entry may be accompanied by a person under his or her direction.
- 6.4. In the event that the owner or owners of lands and premises fail to reimburse the Municipality for the costs of control, suppression, and extinguishment of any fire as set forth above, the amount of such costs shall be added to the tax roll for the property upon which the fire had occurred and thereafter collected in the same manner as municipal taxes.

7. Inspections and Inspection Fee

- 7.1. An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether this By-law, or an Order to Prohibit an Open-Air Burn or Recreational Burn is being complied with.
- 7.2. Where an Officer determines that an open-air burning is not in compliance with this by-law or with an Order to Prohibit an Open-Air Burn or Recreational Burn, the fee or charge set out the applicable Township of Zorra Fees By-law No. 11-09, as amended, for inspecting the open air burning may be imposed on the person contravening this By-law.
- 7.2.1. The fees imposed constitute a debt of the person to the Township of Zorra. The Township of Zorra may add fees to the tax roll and collect them in the same manner as municipal taxes on any property for which all the owners are responsible for paying the fees.

8. Enforcement and Penalty

- 8.1. Any person who knowingly provides false or misleading information for the purposes of obtaining a Fire Permit is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.

- 8.1.2. Any person who contravenes any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act, R.S.O. 1990 c.P33, as amended* (see Schedule "A").
- 8.2. If this By-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.
- 8.3. If the contravention of this By-Law results in the dispatch of the fire department personnel and vehicles, and/or the use of a fire suppressant the person or corporation and/or property owner in control the fire may be charged, at the discretion of the Chief Fire Official, for the cost of such response as set out by the Township of Zorra's Fee By-law No. 11-09, as amended. Further to this that any such charge shall be subject to applicable taxes as a fee payable to the Municipality as per the *Municipal Act, S.O. 2001*, as amended, Chapter 25, Section 391.
- 8.3.1. The quantity and type of fire vehicles and personnel dispatched to respond for the purpose of extinguishing, controlling, or investigating any open-air fires are at the discretion of the Chief Fire Official.
- 8.4. No person shall hinder or obstruct or attempt to hinder or obstruct an Officer in the performance of his duties under this By-law.

9. Conflict and Severability

- 9.1. In the event of any conflict between any provision set forth in this by-law and any other regulation, the more restrictive provision shall apply.
- 9.2. If any section or portion thereof shall be declared by a court of competent jurisdictions to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect.

10. Liability

- 10.1. Permission to set such fire herein shall not be deemed to relieve the applicant from, nor impose upon the Municipality, any civil or criminal liability that may otherwise be incurred by reason of the setting of such fire.

11. Repeal and Enactment

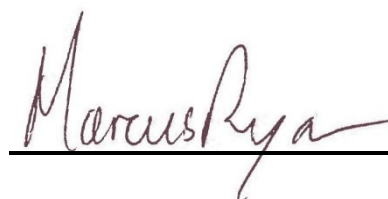
- 11.1. That By-Law 25-08 of the Corporation of the Township of Zorra is hereby repealed and replaced in its entirety.
- 11.2. This By-Law shall come into force and effect of the day of its final passing thereof.

12. Short Title

- 12.1 This By-Law shall be referred to as the "Open-air Burning By-law."

READ A FIRST AND SECOND TIME THIS 3rd day of JUNE, 2020.

READ A THIRD TIME AND FINALLY PASSED THIS 3rd day of JUNE, 2020.





**MAYOR
MARCUS RYAN**

**CLERK
DONNA WILSON**

SCHEDULE “A”

Township of Zorra

Part I Provincial Offences Act

By-Law 2020-30, as amended: Open-Air Burning

ITEM	Column 1 SHORT FORM WORDING	Column 2 PROVISION CREATING OR DEFINING OFFENCE	Column 3 SET FINE
1	Having an open-air burn, failing to obtain an open fire permit	3.2.(a)	\$500.00
2	Having an open-air burn in a hamlet or built-up area	3.2.(b)i.	\$200.00
3	Having a burn pile that exceeds 9 square meters in area and 2 meters in height while burning	3.2.(b)ii.	\$200.00
4	Having an open-air burn that is located within 30 meters from combustible materials	3.2.(b)iii.	\$200.00
5	Having an open-air burn during dark	3.2.(b)iv.	\$200.00
6	Burning petroleum-based products	3.2.(b)v.	\$200.00
7	Failing to supervise an open-air burn at all times	3.2.(b)vi.	\$200.00
8	Landowner failing to call dispatch 30 minutes prior to start of burn	3.2.(b)vii.	\$200.00
9	Recreational open-air burning in a prohibited container	3.3.(a)	\$200.00
10	Recreational open-air burning outside of permitted hours	3.3.(b)i.	\$200.00
11	Recreational open-air burning, using non-approved burning materials	3.3.(b)ii.	\$200.00
12	Recreational open-air burning, using a container or pit that is larger than 61 cm x 61 cm in area	3.3.(b)iii.	\$200.00
13	Recreational open-air burning, without a non-combustible container	3.3.(b)iii.	\$200.00
14	Recreational open-air burning, producing a flame greater than 61cm in height	3.3.(b)iii.	\$200.00
15	Recreational open-air burning, failing to prevent escape of ash and sparks	3.3.(b)iv.	\$200.00
16	Recreational open-air burning, fire exceeding size of pit or container	3.3.(b)v.	\$200.00
17	Recreational open-air burning, within 4.5 metres from a structure	3.3.(b)vi.	\$200.00
18	Recreational open-air burning, without an extinguishing agent immediately available	3.3.(b)vii.	\$200.00
19	Recreational open-air burning, left burning unsupervised.	3.3.(b)viii.	\$200.00
20	Recreational open-air burning, with wind speeds greater than 15 Kilometres per hour or during a smog advisory	3.3.(b)ix.	\$200.00

ITEM	Column 1 SHORT FORM WORDING	Column 2 PROVISION CREATING OR DEFINING OFFENCE	Column 3 SET FINE
21	Owner of open-air burn, permitting by-products of burn to negatively impact persons.	3.3.(b)x.	\$200.00
22	Installing, using, or maintaining an unlicensed incineration device for the burning of garbage or refuse	3.4.	\$200.00
23	Open-air burn, failure to immediately extinguish when directed by an Officer	5.1.	\$500.00
24	Recreational open-air burn, failure to immediately extinguish when directed by an Officer	5.1.	\$500.00
25	Failing to comply with an Order to Prohibit an Open-Air Burn or Recreational Open-Air Burn.	5.2.	\$500.00
26	Knowingly provide false or misleading information to obtain a Fire Permit	8.1.	\$200.00
27	Obstruct or hinder an Officer	8.4.	\$200.00
28	Burning during droughts or on known extreme heat or smog warning days	3.5.	\$200.00
29	Burning when the Natural Resource Canada “Canadian Wildland Fire Information System” Fire Danger Map lists the Fire Danger in Zorra as Very High or Extreme	3.6.	\$200.00

“Note: The general penalty provision for the offences listed above is Section 8.1.2 of By-Law 30-20, a certified copy of which has been filed.

TOWNSHIP OF ZORRA
BY-LAW 30-20
SCHEDULE “B”



**ORDER TO PROHIBIT OPEN AIR BURNS OR RECREATIONAL
OPEN-AIR BURNS – Contravention of the By-law**

Pursuant to Section 5 of the Township of Zorra Open-Air Burning By-law 30-20.

Date issued: _____ **File No.:** _____

Address to which order applies: _____

Order issued to: Owner Name
Street address
City, Province
Postal Code

A contravention of Section 3 of the Township of Zorra Open-Air Burning By-law 30-20 is found to exist at the above noted address:

Insert here: Items in contravention

Contravention includes but is not limited to:

Insert here: the type of contravention.

You are hereby prohibited from **igniting** an open-air burn or a recreational open-air burn, under Subsection 3 of the Township of Zorra Open-Air Burning By-law 30-20 until (1 year typically).

Should By-law 30-20 violations occur at this address in the next 12 months, you as the assessed property owner will receive no further notice prior to enforcement action being taken.

Order issued by:

Name: _____

Title: _____

Township of Zorra