

THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON

BY-LAW 2001-113

**Being a By-law regulating the setting of fires in the open air
within the Municipality of Clarington
and to repeal By-law 90-178**

WHEREAS the *Municipal Act, R.S.O. 1990, c.M.45*, subsection 210(35), authorizes the Council of a Municipality to pass a by-law to prescribe the times during which fires may be set in the open air and the precautions to be observed by persons setting out fires.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON ENACTS AS FOLLOWS:

1. No person shall set, maintain or allow to burn a fire in the open air in the Municipality of Clarington.
2. Notwithstanding Section 1 a person may make application to obtain a permit in the form set out in Schedule "A" attached hereto and forming a part of this By-law from the Fire Department for the Municipality of Clarington, subject to the restrictions and conditions as set out hereinafter and provided all required information is included.
3. Any person setting, maintaining or allowing to burn a fire and all owners of property upon which a fire is set, maintained or allowed to burn in the open air in the Municipality of Clarington shall, if the fire is not permitted pursuant to the By-law or does not otherwise comply with the regulations set out herein, be liable for the payment of a fee comprised of the cost of any fire fighting equipment and personnel necessary to attend at or extinguish the said fire, which cost (including the payment of any Interest) will be calculated in accordance with Schedule "C" hereof. In addition to any other remedy available to the Municipality of Clarington, the said fee shall constitute a debt owing by the person to the Municipality of Clarington and the Municipality shall, if such amounts remain unpaid sixty (60) days following notification of the amounts owing pursuant to Section 3,1 hereof, add the amounts owing to the tax roll for the real property of the person who is responsible for paying the fees and such amounts may be collected and recovered in like manner as municipal taxes.
 - 3.1 The Municipality of Clarington shall, prior to adding any amounts owing pursuant to subsection 3. hereof to the tax roll of any property, provide at least ten (10) days written notice of its intention to do so.
 - 3.2 Any person owing money to the Municipality pursuant to subsection 3 shall pay to the Municipality, in addition to the amounts so owing, such

interest on the amounts as are set out in Schedule "C" hereof and such interest shall be calculated in the manner set out in the said Schedule "C".

4. Where a permit has been issued, no person shall set, maintain or allow to burn a fire in the open air in the Municipality of Clarington which:
 - a) causes smoke damage or fire damage to property;
 - b) decreases visibility or creates a hazard on any public or private roadway;
 - c) spreads rapidly through any grass or bush area;
 - d) is greater than 1.0 cubic metre.
 - e) is set under weather conditions that limit the rapid dispersion of smoke;
 - f) involves petroleum products, plastics, rubber, household garbage, building or demolition materials or other materials that create excessive or toxic smoke or excessive odour;
 - g) is located within 15 metres of any building, structure, tree or overhead wire;
 - h) has not been cleared of all flammable vegetation and materials within a 15 metre radius of the fire;
 - i) is not attended at all times by the person to whom the permit was issued or another responsible adult as named in Schedule A of this by-law until the fire is extinguished; and
 - j) commences earlier than one-half hour before sunrise or terminates later than one-half hour after sunset in any day.

5. The Fire Chief of the Municipality of Clarington, or his designate, in their sole and absolute discretion may:
 - a) enter into a written agreement with any person for a controlled burn in the form set out in Schedule "B" attached hereto and forming part of this By-law;
 - b) provide in the controlled burn agreement that the requirements set out in subsection 4(d) of this By-law does not apply to the controlled burn; and
 - c) impose such further and other requirements regarding the fire as he, in his sole and absolute discretion, deems appropriate.

6. Nothing in this By-law shall:
 - a) prevent the setting of a fire on a grille or in a barbecue unit, provided:
 - i) the unit is safely constructed;
 - ii) the unit is located in a safe, cleared area;
 - iii) the fire is of a reasonable size as determined by the fire official, but in no case to exceed 1.0 cubic meters;

- iv) fire is for cooking purposes only; and
 - v) the provisions of Section 4 of this By-law are complied with;
7. Any person who contravenes any of the provisions of this By-law, including any requirement contained in open air fire permit or a controlled burn agreement under Section 5 of this By-law, is guilty of an offence and shall, upon conviction, be liable to punishment as provided under the *Provincial Offences Act*.
 8. Should any paragraph, clause or phrase in this by-law be declared by a court of competent jurisdiction to be invalid in whole or in part, the validity of the other provisions of the By-law shall not be affected thereby, the intent of Council being that each provision of the By-law shall be determined to be separately valid and enforceable to the fullest extent permitted by law.
 9. The short title of this By-law shall be the "Open Air Burning By-law".
 10. The provisions of this By-law shall be administered by the Clarington Fire Department.
 11. By-law No. 90-23, and all amendments thereto including By-law Nos. 91-01 and 94-006 are hereby repealed.
 12. This By-law shall come into full force and effect on the date of passage thereof.

By-law read a first time this 25th day of June 2001.

By-law read a second time this 25th day of June 2001.

By-law read a third and finally passed this 25th day of June 2001.

Original signed by the MAYOR

Original signed by the MUNICIPAL CLERK

THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON

**FIRE DEPARTMENT
40 Temperance Street
Bowmanville, ON L1C 3A6
905-623-3379 Fax: 905-623-3073**

**BY-LAW 01-
SCHEDULE "A"**

OPEN AIR FIRE PERMIT

Date Issued: _____

Expiry Date: _____

Permit Number: _____

PERSONAL INFORMATION

Applicant's Name: _____

Applicant's Address: _____

Other Responsible Adult: _____

Phone Number at site: _____

FIRE INFORMATION

Location of Fire: _____
(municipal address)

Lot : _____ Concession: _____ Township: _____

Means of Extinguishing Fire: _____

THIS PERMIT IS ISSUED SUBJECT TO THE FOLLOWING CONDITIONS

1. The Applicant acknowledges having read and understood By-law 01- .
2. Written approval is required from the Fire Chief, or designate for every fire set or continuing after one-half hour after sunset, save and except a fire referred to in Section 6 of By-law 01-
3. The Applicant is responsible to comply with all applicable legislation.
4. The Applicant shall post this Fire Permit at the location of the fire.

APPLICANT'S SIGNATURE: _____

ISSUER'S SIGNATURE: _____

FIRE DEPARTMENT EMERGENCY NUMBER 9-1-1

THIS PERMIT IS VALID FOR ONE CALENDAR YEAR

THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON

FIRE DEPARTMENT
2430 Highway No. 2
Bowmanville, ON L1C 3K7

BY-LAW 01-
SCHEDULE "B"
AGREEMENT FOR CONTROLLED BURN

Date Issued: _____

Expiry Date: _____

Permit Number: _____

Personal Information

Applicant's Name: _____

Applicant's Address: _____
(Green Municipal Number and Street or Concession Road)

Other Responsible Adult: _____

Phone Number at Site: _____

Fire Information

THIS PERMIT IS ISSUED SUBJECT TO THE FOLLOWING CONDITIONS

1. The Applicant acknowledges having read and understood By-law No. 01-
2. Written approval is required from the Fire Chief, or designate for every fire set or continuing after one-half hour after sunset, save and except a fire referred to in Section 6 of By-law No. 01-
3. The Applicant is responsible to comply with applicable legislation.
4. The Applicant shall post this Fire Permit at the location of the telephone nearest the fire for easy access to emergency telephone numbers listed below.
5. The Applicant is not required to comply with subsection 4(d) of By-law 01-_____ being the requirement that the fire not be greater than 1.0 cubic metre. However, the Applicant shall comply with the following additional requirements:

Applicant's Signature _____

Fire Official Signature _____

FIRE DEPARTMENT EMERGENCY NUMBER 9-1-1
THIS PERMIT IS VALID FOR A PERIOD OF THIRTY (30) DAYS FROM THE DATE ISSUED ABOVE.

THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON

FIRE DEPARTMENT
2430 Highway No. 2
Bowmanville, ON L1C 3K7

BY-LAW 01-

SCHEDULE "C"

FEEES, INTEREST AND PENALTIES

A. Burning without a Permit

1. Attendance by the Fire Department or Fire Department Personnel and the Fire Department determines that a fire has been set, maintained or allowed to burn in contravention of Section 2 of By-law No. 01

B. Burning with a Permit – Contravention of Regulations

1. Attendance by the Fire Department or Fire Department Personnel and the Fire Department determines that a fire has been set, maintained or allowed to burn in contravention of Section 4 of By-law No. 01-
 - i) One-half the costs as determined in Clause B hereof.
 - ii) Second Occurrence or Subsequent Occurrences on same property involving the same property owner.
In accordance with the costs as determined in Clause B hereof.

Costs Shall be Determined and Assessed as Follows:

- i) \$350 per truck for the first hour or portion thereof.
- ii) \$175 per truck for each additional half hour or portion thereof.
- iii) Any additional costs of special supplies used including, but not limited to, fire fighting foam and hazardous material absorbent.

C. Interest (Subsection 3.2)

1. All unpaid amounts owing by any person to the Municipality pursuant to this By-law shall accrue interest at the rate of 15% (15 percent) per annum, calculated monthly, in arrears and such amounts shall be paid and collected in the same manner as the fees set out in section 3 of this By-law. Interest as set out herein shall be payable thirty (30) days following issuance of an invoice by the Municipality for the fees owing pursuant to this By-law.