

- 1) The provisions of this By-law apply to all lands within the corporate limits of the Town of East Gwillimbury.
- 2) No person shall set or maintain a fire, or permit one to be set or maintained, in the open air without first having obtained the necessary fire permit from the Town of East Gwillimbury.
- 3) The Chief Fire Official or designate is hereby authorized to issue fire permits.
- 4) Except as noted below, no person shall:
 - a) burn or permit to be burned in the open air more than one (1) cubic metre of material at any one time; or
 - b) set or maintain a fire, or permit one to be set or maintained, in the open air before sunrise or after sunset on any day without the approval of the Chief Fire Official, save and except a recreational fire;
 - c) set or maintain a fire, or permit one to be set or maintained in the open air without having the means of extinguishing the fire designated in the permit on hand at the site of the fire during the entire time the fire is burning.
- 5) No person shall set or maintain a fire, or permit one to be set or maintained, in the open air unless one (1) person eighteen (18) years of age or older attends at the site of the fire during the entire time the fire is burning.
- 6) No person shall set or maintain an uncontained fire in the open air, such as a grass fire, or permit such a fire to be set or maintained.
- 7) **No person shall set or maintain a fire, or permit one to be set or maintained, in the open air:**
 - a) on any street, lane, or other public property; or
 - b) in front, side or rear yard of any commercial or industrial property unless specific approval of the Chief Fire Official or his designate is given; or
 - c) **less than 10 metres (32.8 feet) from any building, structure, hedge, fence constructed of materials that may burn or melt, vehicular roadway, overhead wires, or any obstruction of any kind whatsoever that may burn or melt.**
- 8) **No person shall set or maintain a fire, or permit one to be set or maintained, in the open air when there is a wind of sufficient strength to cause any one or more of the following:**
 - a) **fire to spread through any grass or brush area; or**
 - b) **smoke from the fire to blow across any highway, decreasing visibility on the highway, or**
 - c) **any unpleasant odour or smoke from the fire to invade public or private property other than that on which the fire is burning, causing discomfort to any person on that property.**
- 9) No person shall set or maintain a fire during rainy or foggy weather or at times when the appropriate Federal or Provincial agency has issued a smog alert.
- 10) Notwithstanding any other provision in the By-law, the Chief Fire Official or designate shall issue a fire permit without charge to any bona fide farmer who needs to burn vegetable matter or vegetation in the open air on farm lands so long as the farmer can show that he is carrying out a routine farming practice. The fire permit shall specify the day or days on which the farmer proposes to do the burning and the farmer shall notify Emergency Services each day so specified in the permit before commencing with the burning.
- 11) All persons setting or maintain a fire in the open air and any owner of any property on which a fire is set or maintained, and which is contrary to any provisions of the By-law shall be responsible to put out such a fire, and shall be jointly and severally liable for:
 - a) any damage to property and/or injury to persons caused by the fire; and
 - b) all costs incurred by the Town of East Gwillimbury in having Emergency Services attend to put out the fire, including the wages of firefighting personnel and the cost of operating the firefighting vehicles and equipment, and any water usage in connection with putting out the fire, or the costs as set out in Schedule 'G', at the option of the Town.

The costs referred to in clause (b) shall be the costs as determined by the Town of East Gwillimbury, and which the Town invoices to such person and/or owner. The costs are payable within five (5) days after the mailing or delivery of the invoice. Any costs not paid by the due date will bear interest thereon at a rate of 15% per annum and such costs may be added to the collector's roll under the name of the owner of the lands upon which the fire was set or maintained, and such costs may be collected in a like manner as municipal taxes.

- 12) **No person shall set or maintain any fire involving prohibited materials.**
- 13) **For the purposes of the By-law prohibited materials shall include:**
 - a) **industrial materials, such as automobile and truck bodies, tires, oil, grease, paint, cloth, rags, plastics, shingles, drywall, insulation, painted or treated wood or other materials whose contents include any of the above;**
 - b) **any animal husbandry refuse, such as animal fecal deposits or manure and animal carcasses;**
 - c) **domestic waste such as food scraps, cloth, rags, clothing and household plastics;**
 - d) **flammable or combustible liquids or accelerants;**
 - e) **paper or cardboard that may be recycled through the Town of East Gwillimbury's recycling program except when used for the purpose of starting a fire.**
- 14) No person shall set or maintain any fire involving materials transported to the burn site from any other property other than dry seasoned wood brought to the site for the purpose of a recreational fire.
- 15) The Chief Fire Official has the right to revoke or withhold a fire permit for any Applicant who, in his sole opinion, is not able to meet the requirements of the By-law or has previously breached a term or terms of the By-law.
- 16) The owner of the property shall be deemed to have permitted a fire to be set or maintained on the owner's property, unless the owner can establish, on a reasonable doubt basis, that the owner did not permit it.

Part 2 Recreational Fires

- 1) For the purposes of the By-law a recreational fire shall have the following regulations:
The fire may only be between 4 p.m. of one day and 1 a.m. of the following day;
 - a. No material other than commercially produced charcoal, briquettes or clean, dry seasoned wood may be burned;
 - b. Recreational burnings shall be confined to non-combustible containers or to a pit no larger than 61 centimeters (2 feet) in size.
 - c. The dimensions of the fuel being burned shall not be greater than the size of the container or fire pit and shall be totally confined within the container or pit at all times.
 - d. The height of the fuel being burned shall not be greater than 61 centimeters (2 feet).
 - e. The fire permit application will note that it is for a recreational fire.
 - f. All other provisions of the By-law not inconsistent with this Part shall apply.
- 2) A fire that is burning in a steel fire box or barrel with or without a screened opening, clay fire pots, ceramic fire pots, acorn stoves or other similar outdoor burning equipment is deemed to be an open air recreational fire.
- 3) The By-law does not apply to a fire contained entirely within a fixed or portable barbecue for cooking food.

Part 3 Penalty Provision

- 1) Every person who contravenes any provision of the By-law is guilty of an offence and liable on conviction to a fine as provided under the Provincial Offences Act, R.S.O., 1990, c.P.33, as amended, for each offence committed.