

Protection

Chapter 0827 Open-Air Burning

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Article 1 - Short Title

827.1.1 Citation

This Chapter may be cited as the "Open-Air Burning By-law."

Article 2 - Interpretation

827.2.1 Barbeque - defined

"barbeque" means a manufactured device or structure with a grill which is designed, intended and used solely for the purpose of cooking food outdoors, and includes a hibachi, but does not include devices or structures designed for personal warmth or outdoor fire containers.

827.2.2 Camp site - defined

"camp site" means a site designated for camping purposes at:

- a) Pittock Conservation Area;
- b) a "children's camp" as defined in Ontario Regulation 170/03; or
- c) a camp operated by a charitable corporation approved under the *Charitable Institutions Act*.

827.2.3 City - defined

"City" means The Corporation of the City of Woodstock.

827.2.4 Cooking fire - defined

"cooking fire" means an open-air burning used for the purpose of cooking food and extinguished upon the completion of said cooking.

827.2.5 Fire Chief - defined

"Fire Chief" means the person appointed by Council to act as Fire Chief for the City as defined in the *Fire Protection and Prevention Act, 1997*.

827.2.6 Normal farm practice - defined

"normal farm practice" as defined in the *Farming and Food Production Protection Act, 1998*.

827.2.7 Noxious materials - defined

"noxious materials" means materials that emit or are likely to emit noxious fumes, smoke or other discharge when burned and includes, but is not limited to, tires, plastics, rubber products, drywall, demolition waste, construction waste, paint, animal organic waste, vegetable waste, food waste, biomedical waste, tar, asphalt products, battery boxes, pressure-treated wood, creosote-treated wood, and painted wood.

827.2.8 Nuisance - defined

"nuisance" means excessive smoke, smell, airborne sparks or embers that is likely to disturb others, or that is likely to reduce visibility on a highway in the vicinity of the open-air burning.

827.2.9 Officer - defined

"officer" means the Fire Chief, any member of Woodstock Fire Department within the Fire Suppression and Fire Prevention Divisions, City's By-law Enforcement Officers, and Woodstock Police Service Officers.

827.2.10 Open-air burning - defined

"open-air burning" means a fire outside of a building.

827.2.11 Outdoor fire container - defined

"outdoor fire container" means a non-combustible container used to hold a small fire, and includes, but is not limited to, chimineas, metal tubs, fire pits, and outdoor brick fireplaces.

827.2.12 Owner - defined

"owner" means any person, firm or corporation having control over any portion of the building or property under consideration and includes the persons in the building or property.

827.2.13 Permit - defined

"permit" means a permit issued by the Fire Chief to conduct an open-air burning for a specified time period.

827.2.14 Permit holder - defined

"permit holder" means a person to whom a permit has been issued by the Fire Chief.

827.2.15 Person - defined

"person" means an individual or a corporation.

827.2.16 Smog alert - defined

"smog alert" means an alert issued by the Ministry of the Environment with respect to air quality.

827.2.17 Wind speed - defined

"wind speed" means the wind speed for Woodstock as reported on the Environment Canada website.

Article 3 - Application

827.3.1 Applicable within City

This Chapter shall apply to all open-air burning within the City.

827.3.2 Exceptions

This Chapter shall not apply to:

- a) a person using a barbeque to cook food;
- b) a person using a candle, tiki torch or a container with less than 368 grams (13 ounces) of fire gel fuel;
- c) a person using an appliance that is in conformance with the *Technical Standards and Safety Act, 2000* is for outdoor use and is installed in accordance with the manufacturer's instructions;
- d) a person using a device designed to heat pitch or asphalt;
- e) a person using welding equipment;
- f) except for Sections 827.4.3, 827.4.4, 827.6.2, 827.6.3, 827.6.4, 827.6.5, 827.7.1 and 827.7.2, a person conducting a normal farm practice carried on as part of an agricultural operation;
- g) a person setting or maintaining a camp fire at a camp site in compliance with all rules and regulations of the owner;
- h) the City or officers for the purposes of education and training;
- i) a person conducting fire extinguisher training who has obtained prior written approval of the Fire Chief or designate.

Article 4 - General Provisions

827.4.1 Permit - required

No person shall set, maintain, or permit to be set or maintained, an open-air burning without a permit. (See Set Fine)

827.4.2 Open-air burning - occupied residential property only

No person shall set, maintain, or permit to be set or maintained, an open-air burning within the City on a property that is not occupied, not used as a private residence and on which a residential use is not allowed under the City's Zoning By-law.

827.4.3 Open-air burning prohibited - contravention

No person shall set, maintain, or permit to be set or maintained, an open-air burning in contravention of the Ontario Fire Code, the *Environmental Protection Act* or any other statutory requirements of the Province of Ontario or the Government of Canada.

827.4.4 Open-air burning - prohibition

No person shall set, maintain, or permit to be set or maintained, an open-air burning contrary to any provision or conditions of this Chapter or a permit. (See Set Fine)

Article 5 - Permits

827.5.1 Application - age restriction

A person eighteen years of age or older may make written application for a permit to the Fire Chief using the open-air burning permit application and along with all supporting documentation required by the Fire Chief.

827.5.2 Applicant - false information prohibited

No person shall supply false or misleading information when applying for a permit.

827.5.3 Site inspection - prior to permit issue

An open-air burning permit shall not be issued until an inspection of the property, including verification of working smoke alarms in all property dwelling units, has been conducted by the Fire Prevention Division of the Woodstock Fire Department.

827.5.4 Valid - five years - date of issue

A permit issued under the Chapter is valid for a period of five years from the date of issue.

827.5.5 Permit denied - reasons provided

For any permit application that is denied, the applicant shall be provided with the reasons for the denial.

827.5.6 Permit - kept on site

No person shall set or maintain open air burning, or permit open air burning to be set or maintained, without the permit being located at the subject property.

827.5.7 Permit - produced upon request

No person shall fail to produce a permit if requested by an officer.

827.5.8 Permit - non-transferable

A permit is non-transferable and is only valid for the person(s) and property named on the permit.

827.5.9 Permit - refused - revoked - suspended - at any time

A permit may be refused, revoked, or suspended at any time by the Fire Chief.

827.5.10 Permit - revocation - medical complaint

All requests for the revocation of a permit due to a complaint arising from a medical condition shall be addressed in accordance with the Woodstock Fire Department Open Air Burning - Medical Condition Policy.

Article 6 - Requirements

827.6.1 Open-air burning - outdoor fire container

Every person setting, permitting to be set, maintaining, or permitting to be maintained, an open-air burning in an outdoor fire container shall:

- a) only use an outdoor fire container that is constructed from noncombustible material;
- b) not burn or attempt to burn a volume of combustible material greater than 60 centimetres wide by 60 centimetres long by 45 centimetres high (23.6 inches wide x 23.6 inches long x 17.7 inches high);
- c) contain the fire within the outdoor fire container at all times;
- d) locate the outdoor fire container at least 4 metres (13 feet) from any building, structure, property line, tree, hedge, fence, roadway, overhead wire or other combustible article; and
- e) locate the outdoor fire container on a non-combustible surface extending beyond the unit to a dimension equal to the one and a half times the height of the outdoor fire container.

827.6.2 Open-air burning - conditions

Every person setting, permitting to be set, maintaining, or permitting to be maintained, an open-air burning shall:

- a) conduct the open-air burning in an outdoor fire container except

- if it is a normal farm practice;
- b) only conduct the open-air burning between 4:00 p.m. and midnight, or when used as a cooking fire between 11:00 a.m. and 4:00 p.m., or when it is a normal farm practice between dawn and dusk;
- c) allow, at any reasonable time, an officer to inspect the location or proposed location of the open-air burning;
- d) have legal title to the property at which the open-air burning is to occur, or the person, or permit holder, as the case may be, shall obtain the prior written consent of the person having legal title to the property;
- e) only burn commercially produced charcoal, briquettes, or clean, dry, seasoned wood except if it is a normal farm practice;
- f) not burn noxious materials;
- g) have an effective extinguishing agent of sufficient size and capability to extinguish the open-air burning immediately available for use;
- h) have a person at least eighteen years of age attend, control and supervise the open air burning at all times;
- i) completely extinguish the open-air burning before the site is vacated;
- j) not burn if the wind speed exceeds 10 km (6.2 miles) per hour;
- k) not burn if there are rain or fog conditions;
- l) not burn if a smog alert has been declared;
- m) not burn during a municipal fire ban;
- n) produce the permit for inspection if requested by an officer except if it is a normal farm practice;
- o) protect adjacent properties from the potential spread of fire;
- p) ensure the open-air burning does not create a nuisance; and
- q) ensure that all dwelling units on the property have working smoke alarms.

827.6.3 Normal farm practice - notification

A person conducting an open-air burning as a normal farm practice shall notify the Woodstock Fire Department dispatch prior to the open-air burning and at the conclusion of the open-air burning, and shall provide their municipal address.

827.6.4 Direction to extinguish by officer

If an officer determines that this Chapter has been contravened, the officer may direct the person who contravened the Chapter, or who caused or

permitted the contravention, to discontinue the contravention and extinguish the open-air burning.

827.6.5 Directed to extinguish - remainder of day

No person shall continue, attempt, or permit an open-air burning for the remainder of the day's time period, regardless if a permit for same has been issued, if directed to extinguish or discontinue the open-air burning by an officer. (See Set Fine)

Article 7 - Enforcement

827.7.1 Enforcement - duties

The provisions of this Chapter shall be enforced by an officer.

827.7.2 Penalty - contravention

Any person who contravenes any of the provisions of this Chapter is guilty of an offence and upon conviction is liable to a fine or penalty as provided in the *Provincial Offences Act*.

Article 8 - Enactment

827.8.1 Effective date

The by-law upon which this Chapter is founded comes into force and takes effect on May 2, 2013. By-law 8843-13, May 2 2013.