



The Corporation of the
Municipality of Clarington
By-Law 2012-062

Being a By-law to regulate open-air burning within the Municipality of Clarington, and its amendments.

Passed, by Council, on: July 3, 2012
Consolidated as of: July 12, 2019
Amendments:

Amending By-Law	Date	Amendment Details
2019-040	June 10, 2019	Adding Section 13.(c) i), regarding pile size on agricultural land.

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Office Consolidation of By-Law 2012-062
Open Air Burning By-law
The Corporation Of The Municipality Of Clarington
By-Law 2012-062

Being a by-law to regulate open-air burning.

WHEREAS section 7.1 of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4 authorizes the council of a municipality to pass by-law 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 Municipality of Clarington enacts as follows:

PART 1 - INTERPRETATION

Definitions

1. In this by-law,

“Fire Chief” means the Fire Chief of the Municipality or a designate;

“Municipality” means The Corporation of the Municipality of Clarington or the geographic area of Clarington, as the context requires;

“owner” means the person identified in the most recent tax roll as the owner of a property;

“Permit” means a permit issued to an owner in accordance with this by-law; and

“person” includes an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and their heirs, executors, or legal representatives.

References

2. In this by-law, reference to any Act is reference to that Act as it is amended or re-enacted from time to time.

3. Unless otherwise specified, references in this by-law to sections are references to sections in this by-law.

Office Consolidation of By-Law 2012-062

Open Air Burning By-law

Word Usage

4. This by-law shall be read with all changes in gender or number as the context may require.
5. A grammatical variation of a word or expression defined has a corresponding meaning.

Application

6. This by-law applies to all land within the Municipality unless otherwise specified.

PART 2 - PROHIBITIONS

General

7. No person shall set an open air fire or allow an open air fire to be set without a Permit.
8. No person shall set an open air fire or allow an open air fire to be set which does not comply with all of the conditions of a Permit.

PART 3 - PERMITS

Permit Applications

9. Any person wishing to set an open air fire shall make an application to the Emergency and Fire Services Department of the Municipality to obtain an open air burning permit.
10. Only the owner of the property on which a fire is proposed to be set, or an authorized representative of such owner, may apply for a Permit.
11. Every Permit application shall,
 - (a) provide the name, address and telephone number of the applicant and any person who will be responsible for tending the fire;
 - (b) describe the property on which the fire is proposed to be set and the proposed location for the fire;
 - (c) be accompanied by the fee prescribed for a Permit; and
 - (d) include such other information as the Fire Chief may require to properly assess the application.

Office Consolidation of By-Law 2012-062

Open Air Burning By-law

Permit Conditions

12. The Fire Chief may approve or refuse any Permit application, and may impose any conditions upon an approval as he determines to be appropriate.
13. Unless specifically provided otherwise, every Permit shall be subject to the following conditions:
 - (a) No fire shall cause smoke damage or fire damage to any property.
 - (b) No fire shall decrease visibility or create a hazard on any public or private roadway.
 - (c) Material must be burned in a single pile that is less than 1 metre in diameter and less than 1 metre high.
 - i) Land used for agricultural purposes may have a single pile size of 3m x 3m x 3m if not located in a designated "Urban Area" or "Hamlet Residential" in the Clarington Official Plan.
 - (d) No fire shall be set in weather conditions that could create a fire hazard.
 - (e) No burning of petroleum products, plastics, rubber, household garbage, building or demolition materials shall be permitted.
 - (f) No burning that creates excessive or toxic smoke or excessive odour shall be permitted.
 - (g) No fire shall be located within 15 metres of any building, structure, tree or overhead wire.
 - (h) All flammable vegetation or materials within a 15 metre radius of the fire shall be cleared.
 - (i) The person to whom the permit is issued or another responsible adult identified in the Permit shall tend to the fire until it is extinguished.
 - (j) No fire shall be started earlier than one-half hour before sunrise or be extinguished later than one-half hour after sunset on any day.
14. Without limiting the generality of section 12, Permits may be subject to conditions,
 - (a) requiring that the fire be or not be in a specific location;
 - (b) requiring fire suppression equipment;
 - (c) specifying the method to be followed to extinguish the fire; and

Office Consolidation of By-Law 2012-062

Open Air Burning By-law

- (d) relating to any other factors which the Fire Chief reasonably considers to be necessary to ensure that the fire is made and extinguished safely.

Revocation of Permit

- 15. The Fire Chief may revoke a Permit if,
 - (a) the Permit was issued in error;
 - (b) any condition contained in the Permit is not being complied with; or
 - (c) the Permit was issued as the result of false, mistaken, incorrect or misleading statements, information or undertakings in the application.
- 16. If a Permit is revoked for a reason set out in section 15 (b) or (c), the application fee shall not be returned to the applicant.

Restricted Areas

- 17. No Permit shall be issued for a property that is located within areas designated "Urban Area" or "Hamlet Residential" in the Clarington Official Plan.
- 18. No Permit shall be issued for a property that is located outside of areas designated "Urban Area" or "Hamlet Residential" in the Clarington Official Plan unless the property is at least 10 acres in size.

Exception

- 19. Sections 17 and 18 shall not be applied so as to prevent open air burning that is undertaken as part of a "normal farm practice" as defined in the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c. 1 provided that all other requirements of this by-law are met.

PART 4 - ENFORCEMENT

Inspections

- 20. (1) In this section, "Officer" means any employee, officer or agent of the Municipality whose duties include the enforcement of this by-law.
- (2) An Officer may, at any reasonable time, enter upon any property for the purpose of carrying out an inspection to determine whether or not the provisions of this by-law have been complied with.
- (3) No person shall prevent hinder or interfere or attempt to prevent hinder or interfere with an inspection undertaken by an Officer.

Office Consolidation of By-Law 2012-062
Open Air Burning By-law

Offences and Penalties

21. Every person who contravenes any provision of this by-law guilty of an offence upon conviction is liable to a fine pursuant to the provisions of the *Provincial Offences Act*, R.S.O. 1990, c. P.33.

PART 5 - GENERAL

Short Title

22. The short title of this by-law shall be the "Open Air Burning By-law".

Repeal

23. By-law No. 2001-113 is repealed.

Effective Date

24. This by-law shall be effective on the date that it is passed.

By-law passed this 3rd day of July, 2012.

Original by-law signed.