

EMERGENCY

Chapter 387 OPEN AIR BURNING

CHAPTER INDEX

Article 1 INTERPRETATION

- 387.1.1 Fire Chief - defined
- 387.1.2 Firefighter - defined
- 387.1.3 Open air - defined
- 387.1.4 Outdoor fireplace - defined
- 387.1.5 Owner - defined
- 387.1.6 Person - defined
- 387.1.7 Smog alert - defined
- 387.1.8 Waste - defined

Article 2 GENERAL PROVISIONS

- 387.2.1 Open air burning - regulation
- 387.2.2 Outdoor fireplaces - provisions
- 387.2.3 Other open air burning

Article 3 ENFORCEMENT

- 387.3.1 Fire Chief - responsible
- 387.3.2 Entry and inspection
- 387.3.3 Fire - extinguished - order
- 387.3.4 Enforcement

Article 4 VALIDITY

- 387.4.1 Validity and severability

Article 1
INTERPRETATION

387.1.1 Fire Chief - defined

"Fire Chief" means the Chief of the Fire Department of the Corporation of the City of Orillia, or his designate.

387.1.2 Firefighter - defined

"Firefighter" means the Fire Chief and any other person employed by, or appointed to, the Fire Department of the Corporation of the City of Orillia.

387.1.3 Open air - defined

"Open air" means any open place, yard, field or construction area which is not enclosed by a building or structure.

387.1.4 Outdoor fireplace - defined

"Outdoor fireplace" means a manufactured wood-burning appliance, site-built masonry fireplace, fire pit, chiminea, clay or metal fireplace, portable wood-burning device used for outdoor recreation or heating, or other enclosed container that are used outdoors and that are not fueled by natural gas or propane.

387.1.5 Owner - defined

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

387.1.6 Person - defined

"Person" means an individual, business, a partnership, or a corporation.

387.1.7 Smog alert - defined

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

387.1.8 Waste - defined

"Waste" includes:

- (a) Construction and demolition waste or materials including roofing tiles or shingles;
- (b) Hazardous substances including but not limited to batteries, household chemicals, pesticides, asbestos, used oil, gasoline, paints, varnishes and solvents;
- (c) Furniture and appliances;
- (d) Tires and rubber material;
- (e) Any plastic materials including but not limited to nylon, PVC or ABS plastics, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers;
- (f) Books, catalogues or the like;
- (g) Treated or painted wood including but not limited to plywood, composite wood products that are painted, varnished or treated with preservatives;
- (h) Leaves and grass clippings.

Article 2 GENERAL PROVISIONS

387.2.1 Open air burning - regulation

No person shall set or permit open air burning, except in compliance with Sections 387.2.2 to 387.2.3 inclusive.

387.2.2 Outdoor fireplaces - provisions

Any person may set or permit open air burning from an outdoor fireplace, provided that:

- (a) It is not designed to hold a fire that exceeds one metre (3.2 feet) in any direction;
- (b) It is located at a distance of not less than five metres (16.4 feet) between the fireplace and any building, structure, property line, tree, hedge, fence, roadway, overhead wire or other combustible article;
- (c) It is located on a non-combustible surface extending beyond the unit to a dimension equal to the height of the unit or in any case the fire shall not exceed one metre (3.2) in any direction;
- (d) The wind velocity is not greater than twenty four (24) kilometres per hour as reported by Environment Canada;
- (e) It does not create excessive smoke, smell or embers that are likely to cause discomfort or harm to others;
- (f) A portable fire extinguisher or operable garden hose is available while the unit is in operation;
- (g) Waste is not burned;
- (h) It does not occur during a smog alert;
- (i) The owner maintains constant watch and control over the outdoor fireplace from the time of the setting of the fire until the fire is totally extinguished.

387.2.3 Other open air burning

Any open air burning not specifically permitted in this Chapter is prohibited unless approved by the Fire Chief. The Fire Chief may approve other open air burning where in his opinion it will not pose a significant risk to the environment; such as possible spread of fire, odor to such an extent or degree so as to cause discomfort to persons in the immediate area, excessive smoke, decrease in visibility or any other adverse effect.

Article 3 ENFORCEMENT

387.3.1 Fire Chief - responsible

The Fire Chief shall be responsible for the administration and enforcement of this Chapter.

387.3.2 Entry and inspection

- (a) The Fire Chief or other duly appointed individual may at any reasonable time, enter onto land to determine whether this Chapter is being complied with.

- (b) Every owner shall permit the Fire Chief or other duly appointed individual to inspect any land for the purposes of determining compliance with this Chapter.

387.3.3 Fire - extinguished - order

A Firefighter may order a fire to be extinguished immediately if the fire:

- (a) Is not set in compliance with this Chapter; or
- (b) Is determined upon inspection by the Firefighter to constitute a safety hazard or concern.

387.3.4 Enforcement

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 for in the *Provincial Offences Act*.

**Article 4
VALIDITY**

387.4.1 Validity and severability

Every provision of this Chapter is declared severable from the remainder and if any provision of this Chapter shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder.

Adopting By-law: By-law 2005-49, 4 April 2005.

By-law Repealed and Replaced: By-law 2015-95, 26 October 2015; By-law 2016-33, 11 April 2016.