



## **By-Law 2007-210**

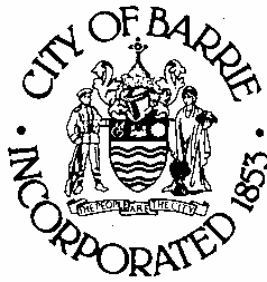
This By-law is printed under and by authority of the Council of the City of Barrie, Ontario, Canada

# **To regulate Outdoor Solid Fuel Burning Appliances**

**Disclaimer:**

The following consolidation is an electronic reproduction made available for information only. It is not an official version of the By-law. The format may be different, and plans, pictures, other graphics or text may be missing or altered. The City of Barrie does not warrant the accuracy of this electronic version.

This consolidation can not be distributed or used for commercial purposes. It may be used for other purposes, only if you repeat this disclaimer and the notice of copyright. Official versions of all By-laws can be obtained from the City Clerk's Office by calling (705) 739-4204.



**BY- LAW NUMBER 2007- 210**

**A By-law of The Corporation of the City of Barrie to regulate Outdoor Solid Fuel Burning Appliances.**

**WHEREAS** the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, Section 7.1(1) provides that a council of a municipality may pass by-laws regulating the setting of open air fires, including establishing the times during which open air fires may be set;

**AND WHEREAS** by motion 07-G-469, the Council of The Corporation of the City of Barrie deems it expedient to regulate the setting of fires in Outdoor Solid Fuel Burning Appliances;

**NOW THEREFORE** the Council of the Corporation of the City of Barrie enacts as follows:

1.0.0 **TITLE:**

1.1.0 This By-law shall be cited as the "Outdoor Solid Fuel Burning Appliance By-law".

2.0.0 **DEFINITIONS:**

2.1.0 For the purpose of this by-law:

2.1.1 **Agricultural Waste** – shall mean but is not limited to any animal fecal deposits, manure or animal carcasses.

2.1.2 **Assistants to the Fire Marshal** – are responsible for carrying out the provisions of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4 and include the Fire Chief, Fire Prevention Officers and every person designated by the Ontario Fire Marshal.

2.1.3 **Barbecue** – shall mean but is not limited to a portable appliance or grill intended for cooking food above an open air fire.

2.1.4 **Bio-medical waste** – shall mean any solid waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals

2.1.5 **City** – means the Corporation of the City of Barrie.

2.1.6 **Combustible Waste** – shall mean but is not limited to used vehicle parts, tires, oil grease, paint, cloth, rags, plastics, kitchen waste, food, scraps or other materials which contents include the aforementioned.

2.1.7 **Fire Chief** – means the Fire Chief of the Barrie Fire and Emergency Service , as appointed by Council, from time to time, or his designate.

2.1.8 **Forests** – means growth of trees, plants and underbrush.

2.1.9 **Highway** – means and includes a common and public highway, street, roadway, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by the general public.

2.1.10 **Hazardous Waste – means** solid waste or combination of solid wastes that, because of quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness or pose a substantial hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed.

2.1.11 **Household Waste** –means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).

2.1.12 **Human Waste** – means the body wastes of human beings

- 2.1.13 **Organic Waste** – means material which comes mainly from animal or plant sources that are readily biodegradable, or easily breakdown with the assistance of mirco-organisms.
- 2.1.14 **Outdoor Solid Fuel Burning Appliance (OSFBA)** – shall mean an appliance, portable or fixed in place, constructed of non-combustible materials, which contains a chamber located within the firebox of the appliance used to contain a combustion flame, a stack to control the flow of air or combustion gases from the appliance, a spark arrester located at the end of the stack to control disbursement of sparks, and is enclosed on all sides to arrest sparks.
- 2.1.15 **Outdoor Solid Fuel Burning Appliance Permit (OSFBA Permit)** – means a permit issued by the Barrie Fire and emergency Service authorizing a OSFBA.
- 2.1.16 **Shall** – is mandatory and not directory; words in singular include plural, words in the plural include the singular; words in the present tense include future or past tense.
- 2.1.17 **Woodland** – means treed areas that provide environmental and economic benefits such as erosion prevention, water retention, provisions of habitat and recreation. Woodland includes treed areas or forested areas.
- 2.1.18 **Yard Waste** – includes but is not limited to leaves, brush, grass and vegetation clippings, peat moss and other material which contents include the aforementioned.

### 3.0.0 **SETTING OF FIRE IN AN OSFBA**

- 3.1.0 No person using a OSFBA shall:
- 3.1.1 set a fire, or permit a fire burn without a permit;
- 3.1.2 set a fire, or permit a fire to burn where the flames are not contained within the OSFBA;
- 3.1.3 set a fire, or permit a fire to burn so as to decrease the visibility on any highway so as to cause, or potentially cause an accident;
- 3.1.4 set a fire, or permit a fire to burn so as to cause damage to any person or structure;
- 3.1.5 set a fire, or permit a fire to burn in or on a highway, park, walkway, public land, or upon any vacant or other land owned by the City, without first having obtained permission to do so from the property owner;
- 3.1.6 create an odour by the setting of a fire, or the burning of a fire, which causes discomfort to any person residing in the area;
- 3.1.7 set a fire or permit a fire to burn when rain or fog is present;
- 3.1.8 set a fire or permit a fire to burn when the wind speed is in excess of 20 km/h;
- 3.1.9 set a fire or permit a fire to burn without first having confirmed that the materials to be burned meet the requirements of the Environmental Protection Act;
- 3.1.10 burn combustible waste materials, petroleum products, organic waste, bio-medical waste, household waste, human waste, hazardous waste, demolition debris, known carcinogens or any other item or material which will cause excessive smoke or fumes;
- 3.1.11 burn any yard waste;
- 3.1.12 burn any agricultural waste;
- 3.1.13 set a fire, or permit a fire to burn on land of which the person setting such fire, or permitting such fire, is not the registered owner, without written permission of the registered owner, such permission which shall be evidenced by the signature of the registered owner of the land on the application for the OSFBA permit required pursuant to this by-law; or,
- 3.1.14 having set a fire, or permitted a fire to burn without an OSFBA permit, fail to immediately extinguish such fire upon the request of a Municipal Law Enforcement Officer, Police Officer or other duly appointed individual;
- 3.2.0 Where a OSFBA permit has been issued pursuant to this by-law, the person to whom the OSFBA permit has been issued, and the person responsible for the supervision of the fire, shall:

- 3.2.1 ensure that no danger is done to any property or injury caused to any person while setting a fire or permitting a fire to burn, and shall otherwise jointly and severally be responsible for any damage or injury to persons or property as a result of setting the fire;
- 3.2.2 ensure that the fire is kept at a minimum;
- 4 metres from any dwelling or structure,
  - 2 metres from any combustible materials around the OSFBA,
  - 5 metres from any forest or woodland,
  - 3 metres from any overhanging vegetation.
- 3.2.3 ensure the area directly under the OSFBA is non-combustible material extending at least 0.5 metres in all directions around the base of the OSFBA;
- 3.2.4 ensure the fire is attended at all times by a responsible person at least 18 years of age and shall ensure that such person attends to such fire until the fire is completely extinguished;
- 3.2.5 ensure that sufficient equipment and resources are available at the burn site to properly control the fire and for ensuring that the fire is completely extinguished as may be required by a Municipal Law Enforcement Officer, Police Officer, or other duly appointed individual or otherwise at the end of the burn; and,
- 3.2.6 ensure that the fire is completely extinguished before leaving the burn site; and, the ashes and coals produced through combustion are safely disposed of.
- 3.3.0 Every person using an OSFBA shall:
- 3.3.1 read and follow manufacturer's instructions for assembly, installation, use and care; and,
- 3.3.2 inspect the OSFBA regularly and discontinue use of the OSFBA if physical deterioration appears.
- 4.0.0 OSFBA CONSTRUCTION:**
- 4.1.0 Every person using an OSFBA shall ensure it is:
- 4.1.1 designed to use solid fuel;
- 4.1.2 made entirely of non-combustible materials;
- 4.1.3 is enclosed on all sides; and,
- 4.1.4 has spark arresting devices for all vents and chimneys.
- 5.0.0 OSFBA PERMITS:**
- 5.1.0 Any person may make application in writing or in person to the Fire Chief for an OSFBA Permit to authorize the setting and burning of a fire within the City, in accordance with the provisions of this By-law.
- 5.2.0 Where the applicant is not the owner of the land on which the OSFBA is located, the applicant shall together with his application and at the time of application, provide written approval of the property owner for an OSFBA Permit to be issued.
- 5.3.0 There will be no fee for the application or for the issuance of an OSFBA Permit.
- 5.4.0 OSFBA Permits will not be required to be renewed and are non-transferable to other persons or other addresses.
- 6.0.0 BURN BANS:**
- 6.1.0 Notwithstanding the provisions of this By-law, the Fire Chief may institute a burn ban at any time, as may be deemed necessary to protect the natural environment, and no person shall be entitled to burn in an OSFBA during a burn ban.
- 6.2.0 No person shall set a fire or allow a fire to burn at any time during a burn ban.
- 7.0.0 SCOPE:**
- 7.1.0 This By-law shall apply to all land within the geographic limits of the City of Barrie and to the setting of fires in an OSFBA on any such land.

**8.0.0 ENFORCEMENT:**

8.1.0 A Municipal Law Enforcement Officer, Police Officer, Peace Officer or other duly appointed individual shall enforce the provisions of this By-law.

8.2.0 A Barrie Fire and Emergency Service Officer or and Assistant to the Fire Marshal may suspend or cancel an OSFBA Permit and may give notice of the suspension or cancellation to the permittee or, in the absence of the permittee, to the person tending to the fire for which the OFSBA Permit was issued.

8.3.0 A permittee or a person tending a fire who receives notice of a suspension or cancellation of an OSFBA Permit shall immediately extinguish any fire started under the permit and shall not set a fire or permit a fire to burn until the cancellation or suspension has been lifted.

**9.0.0 SEVERABILITY:**

9.1.0 Should any section of this By-law be declared by a court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

**10.0.0 PENALTY:**

10.1.0 Every person who contravenes any provision of the By-law is guilty of an offence and liable on conviction to a penalty not exceeding \$5,000, exclusive of costs and the provisions of the Provincial Offences Act, R.S.O. 1990, c. P. 33 as amended, shall apply to the said fine.

**11.0.0 ENACTMENT:**

11.1.0 That this By-law shall come into force and effect immediately upon the final passing.

**READ** a first and second time this 24<sup>th</sup> day of September, 2007.

**READ** a third time and finally passed this 24<sup>th</sup> day of September, 2007.

**THE CORPORATION OF THE CITY OF BARRIE**

\_\_\_\_\_  
**MAYOR – D. ASPDEN**

\_\_\_\_\_  
**CITY CLERK – DAWN A. MCALPINE**