

# *THE CITY OF VAUGHAN*

# *BY-LAW*

## **BY-LAW NUMBER 157-2023**

**A By-Law of The Corporation of the City of Vaughan to prescribe times for setting fires and precautions to be observed to prevent the spread of fires and to repeal By-law 149-99, as amended.**

**WHEREAS** subsections 11(2)6. and 11(2)8. of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act*"), as amended, authorizes a municipality to pass bylaws respecting the health, safety and well-being of persons and the protection of persons and property;

**AND WHEREAS** section 2.4.4.4 of *The Ontario Fire Code* O. Reg. 213/07 provides that open-air burning shall not take place unless it has been approved or the open air burning consists of a small, confined fire that is used to cook food on a grill, barbecue or spit, commensurate with the type and quantity of food being cooked and supervised at all times;

**AND WHEREAS** Council has determined that it is desirable to regulate open-air burning within the City;

**NOW THEREFORE** the Council of The Corporation of the City of Vaughan  
ENACTS AS FOLLOWS:

### **1.0 Short Title**

(1) This By-law shall be known and may be cited as the "Fire Burn Permit By-law".

### **2.0 Applicability and Scope**

(1) The provisions of this By-law apply to all lands and premises within the *City* of Vaughan.

### **3.0 Definitions and Interpretation**

(1) In this By-Law:

"Applicant" means the *Owner* of a building or property who applies for a *Permit* or any *Person* authorized in writing by the *Owner* to apply for a *Permit* on the *Owner's* behalf;

"Chief Fire Official" means the Fire Chief of the *City* of Vaughan or a member or members of the *Vaughan Fire and Rescue Service* designated by the Fire Chief;

"City" means The Corporation of the City of Vaughan;

"Dangerous Condition" means, in the opinion of the *Chief Fire Official*:

- (a) a lack of precipitation which increases the risk of the spread of *Fire*;
- (b) winds which increase the risk of the spread of *Fire*;
- (c) a decrease in visibility due to the smoke from the *Fire*, on any highway or roadway;
- (d) any odour or residue to such an extent or degree so as to cause complaint of nuisance from other *Persons* in the immediate area; or
- (e) any other condition declared by the *Chief Fire Official* to be a *Dangerous Condition*, from time to time;

"Enclosed Fire" means a *Fire* set within the confines of any building, or contained within any container constructed for incineration purposes according to the specifications of the *Fire Code*, and *Fires* built in fireplaces or metal or brick barbecues, for cooking purposes;

"Equipment and Resources" means sufficient personnel and equipment such as rakes, shovels, back hoes, bulldozers, front-end loaders, or water on-site required to control a *Fire*;

"Fire" means any fire set by any *Person* within the boundaries of the *City*, but does not include an *Enclosed Fire*;

"Fire Code" means the *Ontario Fire Code* (O. Reg. 213/07) made under the *Fire Protection and Prevention Act, 1997*, as may respectively be amended from time to time;

"Officer" means an employee or officer of the *City* responsible for the enforcement of the provisions of this By-law, as amended, or its successor by-law, and includes any member of the Vaughan Fire and Rescue Services and a Provincial Offences Officer or Municipal Law Enforcement Officer of the *City*;

"Owner" means the registered owner of property, or any *Person*, firm or corporation having control over or possession of the property or any portion thereof, including mortgagee in possession, receiver and manager, trustee and trustee in bankruptcy, or other legal representatives of an owner to whom the context can apply according to law;

"Permit" means the document issued by the *Chief Fire Official* signifying permission to set a *Fire*;

"Person" means any individual, association, firm, partnership, corporation, agent or trustee and the heirs, executors, or other legal representatives of a *Person* to whom the context can apply according to law;

"Vaughan Fire and Rescue Service" means a fire department within the meaning of the *Fire Protection and Prevention Act, 1997*, and is deemed to include any member of the Vaughan Fire and Rescue Service.

(2) In this By-law, unless the context otherwise requires, wording imparting the singular number shall include the plural, and words imparting the masculine gender shall include the feminine, and further, the converse of the foregoing also applies where the context so requires.

(3) Where any expression of time occurs or where any hour or other period of time is stated, the time referred to shall be standard time except in periods when daylight saving time is in effect, in which periods it shall be daylight saving timed.

(4) Where measurements are used in this By-law, the Metric system shall be deemed to be the official and required system of measurement. Measurements in the Imperial system are provided for convenience purposes only.

#### **4.0 General Provisions**

(1) No *Person* shall set a *Fire* or allow a *Fire* to burn on property owned or leased or in possession or control of the *Person*, without first having obtained the necessary *Permit* from the *Chief Fire Official*. Such *Permit* shall be issued in a written form prescribed by the *Chief Fire Official*, after payment of the required fee as per Fees and Charges By-law, as amended.

(2) Material allowed to be burned is restricted to smaller amounts of vegetation/ garden/ yard debris native to the private residential site and larger amounts of similar debris associated with and native to land clearing operations on other sites, as approved by the *Chief Fire Official*.

(3) A *Permit* for a *Fire* in the open air shall not be issued until an inspection of the burn site has been made by the *Chief Fire Official*.

(4) An *Applicant* for a *Permit* shall submit a completed application in the form

prescribed by the *Chief Fire Official*.

(5) Notwithstanding any provisions herein, no *Person* shall set or maintain a *Fire*:

- (a) in contravention of the *Fire Code*, the Environmental Protection Act or any other statutory requirements of Canada or of the Province of Ontario;
- (b) on any public road or park;
- (c) in the front or side yard of any developed commercial or developed industrial zoned property within the *City*;
- (d) at a distance less than 60 metres (196.8 feet) from any building, structure, hedge, fence, public vehicular roadway or overhead wiring;
- (e) at a distance of less than 15 metres (49.2 feet) from any property line;
- (f) unless there is a space clear and free from combustible material around the perimeter of such *Fire* of at least 9 metres (29.5 feet);
- (g) in contravention of the limits on type and volume of material or other restrictions specified on the *Permit*;
- (h) after sunset in the afternoon on any day and before sunrise in the forenoon of any day;
- (i) unless the *Equipment and Resources* designated on the *Permit* are available at the fire site at all times during the *Fire*;
- (j) with the aid of flammable or combustible liquids or accelerants of any kind;
- (k) unless the *Person* to whom the *Permit* has been issued or such other *Person* as may be designated in the *Permit* is in attendance at the *Fire* in a responsible and supervisory capacity at all times until such *Fire* has been completely extinguished.

(6) The *Chief Fire Official* may revoke any or all *Permits* issued for *Fires* or refuse the issue of any such *Permits* in the existence or threat of a *Dangerous Condition*.

(7) The *Applicant* or *Owner* of a property:

- (a) upon which a *Fire* burns and for which no *Permit* has been obtained, or
- (b) for which a *Permit* was obtained upon the supplying of false information to the *Chief Fire Official* ; or
- (c) who fails to extinguish a *Fire* once notification to do so has been given to him by the *Chief Fire Official*, and any *Person* who fails to comply with provisions of

this By-Law,

shall in addition to any penalty provided for herein, be liable to the *City* for all expenses reasonably incurred for the purpose of controlling and extinguishing of any *Fire* so set or left to burn and such expenses may be recovered by court action or in a like manner as taxes.

## **5.0 Enforcement**

- (1) This By-law shall be enforced by an *Officer*.
- (2) An *Officer* may enter upon land within the *City* at any reasonable time for the purpose of determining compliance with this By-law.
- (3) No *Person* shall refuse or neglect to give, produce or deliver any access, information, document, or other thing that is requested by an *Officer* in the performance of their duties.

## **6.0 Administrative Monetary Penalties**

- (1) Instead of laying a charge under the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended, for a breach of any provisions of this By-law, an *Officer* may issue an administrative monetary penalty to the *Person* who has contravened this By-law.
- (2) If a *Person* is required to pay an administrative monetary penalty under section 6.0(1), no charge shall be laid against that same *Person* for the same contravention.
- (3) The amount of the administrative monetary penalty for a breach under this By-law is \$200.
- (4) A *Person* who is issued an administrative monetary penalty shall be subject to the procedures provided for in the Administrative Monetary Penalties By-law 063-2019, as amended, or its successor by-law.
- (5) An administrative monetary penalty imposed on a *Person* that becomes a debt to the *City* under the Administrative Monetary Penalties By-law 063-2019, as amended, or its successor by-law, may be added to the municipal tax roll and collected in the same manner as municipal taxes.

## **7.0 Fines**

- (1) Every *Person* who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine in accordance with the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.
- (2) The making of a false or intentionally misleading statement, representation or any other recital of fact, in any application form, statutory declaration or other document or agreement required for a *Permit* under this By-law shall be deemed to be a violation of the provisions of this By-law.
- (3) Every *Person* shall comply with all provisions of this By-law applicable to him or her, whether or not the *Person* has applied for or obtained a *Permit* under this By-law.

#### **8.0 Severability**

- (1) If any provision of this by-law or the application thereof to any *Person* or circumstance is held to be invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of the by-law which can be given effect without the invalid provision or application, and to this end the provisions of this by-law are severable.

#### **9.0 Transition**

- (1) Notwithstanding the repeal of by-law 149-99 and its amendments, that by-law shall continue to apply to any acts, omissions or occurrences, and to any offences that took place prior to the enactment of this by-law.

#### **10.0 Conflict with Other By-laws**

- (1) Where there is a conflict or contradiction between this By-law and any other by-law of the *City*, the provisions establishing the more restrictive standard shall prevail.

#### **11.0 Repeal and Amendment of Other By-laws**

- (1) The Fire Burn Permit By-law No. 149-99, as amended, is hereby repealed and replaced with this By-law.
- (2) Schedule 1 of the Administrative Monetary Penalties By-law is hereby amended by including this By-law as a Designated By-law.

#### **12.0 Force and Effect**

- (1) This By-law shall come into force and effect on the date it is enacted.

Voted in favour by City of Vaughan Council this 17<sup>th</sup> day of October, 2023.

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Steven Del Duca, Mayor

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Todd Coles, City Clerk

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Authorized by Item No. 3 of Report No. 41 of the Committee of the Whole.  
Report adopted by Vaughan City Council on October 17, 2023.  
City Council voted in favour of this by-law on October 17, 2023.  
Approved by Mayoral Decision MDC 005-2023 dated October 17, 2023.  
**Effective Date of By-Law: October 17, 2023**