

THE CORPORATION OF THE TOWN OF GRIMSBY

BY-LAW NO. 26-19

A BY-LAW TO PROHIBIT AND REGULATE THE SETTING OF
OPEN AIR FIRES WITHIN THE TOWN OF GRIMSBY

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

And whereas Sentence 2.4.4.4.(1) of Part 2 of Division B of the Fire Code provides that open air burning shall not take place unless it has been approved;

And whereas section 11 of the *Municipal Act*, S.O. 2001, c. 25 provides that the council of a lower-tier municipality may pass by-laws respecting the health, safety and well-being of persons, and the protection of persons and property;

And whereas section 128 of the *Municipal Act, 2001* provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of the council, are or could become or cause public nuisances;

And whereas *Farming and Food Production Protection Act, 1998* (FFPPA) protects farmers engaged in normal farm practices, including complaints arising from typical agricultural activities, including odour, smoke, or other similar disturbances;

And whereas Council is of the opinion that smoke, odour, ash and embers from an Open Air Fire (as defined below) that enter onto or affect neighbouring properties are or could become or cause public nuisances;

And whereas section 391 of the *Municipal Act, 2001* provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it;

And whereas section 434.1 of the *Municipal Act, 2001* provides that a municipality may require a person, subject to such conditions as the municipality considers appropriate, to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under that Act;

And whereas section 446 of the *Municipal Act, 2001* provides that if a municipality has the authority under that or any other Act or under a by-law under that or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to

do it, the matter or thing shall be done at the person's expense, and the municipality may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

Now therefore the Council of The Corporation of the Town of Grimsby hereby enacts as follows:

DEFINITIONS

1. In this By-law,
 - (a) **Administrative Penalty** means an administrative penalty established under this By-law or the Town's Administrative Penalty By-law 18-86.
 - (b) **Adverse Effect** has the same meaning as in the *Environmental Protection Act, R.S.O. 1990, c. E.19*, and means one or more of the following:
 - i. impairment of the quality of the natural environment for any use that can be made of it;
 - ii. injury or damage to property or to plant or animal life;
 - iii. harm or material discomfort to any person;
 - iv. an adverse effect on the health of any person;
 - v. impairment of the safety of any person;
 - vi. rendering any property or plant or animal life unfit for human use;
 - vii. loss of enjoyment of normal use of property; and
 - viii. interference with the normal conduct of business.
 - (c) **Appliance** means a device to convert fuel into energy, and includes all components, controls, wiring and piping required to be part of the device by the applicable standard referred to in the Fire Code.
 - (d) **Campground** means a place that contains campsites for the purpose of providing overnight accommodation for tents, trailers or motor homes in exchange for monetary payment or other consideration.
 - (e) **Campground Fire Permit** means a permit issued by the Fire Chief to set and maintain an Open Air Fire in a Campground.
 - (f) **Chief Administrative Officer** means the chief administrative officer of the Town as appointed by Council or his or her delegate.

- (g) **Competent Person** means a person eighteen (18) years of age or older who is capable of exercising reasonable judgement and performing the actions necessary to control an Open Air Fire and prevent it from spreading, and who is equipped and able to summon the fire department in case of emergency.
- (h) **Council** means the duly elected municipal council of the Town.
- (i) **Director** has the same meaning as in the Town's Administrative Penalty By-law and means the person from time to time performing the functions of the Town's Director, Municipal Law Enforcement and Building Services.
- (j) **Farm Fire Permit** means a permit issued by the Fire Chief to a Farmer to set and maintain an Open Air Fire from time to time for the purpose of disposing of clean Wood waste in a manner that is consistent with Normal Farm Practice in an area that is zoned for agricultural use under the Zoning By-Law.
- (k) **Farmer** means the owner or operator of an "agricultural operation" as defined in the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c. 1.
- (l) **Fire Chief** means the Chief or Acting Chief of the Fire Department or his or her delegate.
- (m) **Fire Code** means the fire code established pursuant to section 12 of the *Fire Protection and Prevention Act, 1997* and as set out under Ontario Regulation 213/07.
- (n) **Fire Department** means the Fire Department of the Town.
- (o) **Fire Pit** means a pit that is dug into the ground, or a place or container with a non-combustible base, that is confined within a stone, masonry, metal or other non-combustible perimeter for the purpose of containing an Open Air Fire.
- (p) **Flying Lantern** means a device made of paper or other material with an opening at the bottom under which an open flame is suspended that, when lit, causes the device to rise and float in the air, and is also known as a Flying Lantern, Chinese Lantern, Sky Lantern or Wish Lantern.
- (q) **Highway** has the same meaning as in the *Highway Traffic Act*, R.S.O. 1990, c. H.8, and includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof.

- (r) **Normal Farm Practice** has the same meaning as in the *Farming and Food Production Protection Act, 1998*, and means a practice that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances, or that makes use of innovative technology in a manner consistent with proper advanced farm management practices.
- (s) **Nuisance** means an act or condition that causes unreasonable discomfort to any person, loss of enjoyment or normal use of property, damage to property or an Adverse Effect, and includes smoke, odour, ash, and embers from an Open Air Fire that enter onto or affect a neighbouring property.
- (t) **Open Air Fire** or **Open Air Burning** means any fire that is conducted outside a building and includes bonfires and fires that are contained in a Fire Pit, Outdoor Fireplace or burn barrel.
- (u) **Order to Extinguish** means a verbal or written order that requires an Open Air Fire to be extinguished and which is issued pursuant to Section 57 of this By-law.
- (v) **Outdoor Fireplace** means a wood-burning Appliance, masonry fireplace, chimenea, ceramic or clay fire pot, clay or metal fireplace, portable wood-burning device used for outdoor recreation or heating, or other enclosed container that is used outdoors and designed to hold a small fire.
- (w) **Penalty Notice** means a notice of an Administrative Penalty issued pursuant to Section 54 of this By-law.
- (x) **Prohibited Materials** means:
- i. garbage, trash, and residential, commercial or industrial waste;
 - ii. construction or demolition waste materials including asphalt products, shingles, metals, electrical wiring, and fiberglass;
 - iii. hazardous substances including chemicals, pesticides, flammable liquids, batteries, used oil, paints, solvents, tires, and rubber materials;
 - iv. plastic materials including, but not limited to nylon, PVC or ABS plastics, polystyrene, urethane foam, synthetic fabrics, plastic films, and plastic containers;
 - v. furniture, appliances, and upholstered items;

- vi. treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives;
 - vii. leaves, unless attached to Woodwaste, and grass clippings;
 - viii. animal fecal deposits, manure, and animal carcasses; and
 - ix. paper and cardboard, except for reasonable minimal amounts used solely for the purpose of starting an Open Air Fire.
- (y) **Rural Fire Permit** means a permit issued by the Fire Chief to set and maintain an Open Air Fire from time to time for recreational purposes or for the purpose of disposing of clean Woodwaste in a manner that is consistent with Normal Farm Practice in an area that is zoned for rural use under the Zoning By-law.
- (z) **Sensitive Receptor** means a place where exposure to smoke may pose a greater risk to the health of an individual or group, or to the environment, and includes schools, child care facilities, health care facilities, retirement homes, long-term care facilities, and dwelling of persons with a health condition aggravated by smoke or an increased sensitivity to air pollution or environmental contaminants.
- (aa) **Sensitive Receptor Registry** means a registry of the Sensitive Receptor locations in the Town.
- (bb) **Specific Event Fire Permit** means a permit issued by the Fire Chief to set and maintain an Open Air Fire for a specific event.
- (cc) **Town** means The Corporation of the Town of Grimsby.
- (dd) **Urban Area** means the lands that are located within the Urban Settlement Area under the Town's Official Plan.
- (ee) **Urban Fire Permit** means a permit issued by the Fire Chief to set and maintain an Open Air Fire from time to time for recreational purposes on a property that is located within the Urban Area.
- (ff) **Woodwaste** means tree trunks, stumps, branches and limbs, brush, natural vegetation, logs, and wood products that do not include or contain creosote, chromated copper arsenate, ammoniacal copper arsenate, pentachlorophenol, pesticides, paint, plywood or composite wood products containing varnish or glue.
- (gg) **Zoning By-law** means the Town's Zoning By-law 14-15.

APPLICABILITY

2. This By-law applies to all lands and property within the geographical limits of the Town.
3. The Schedules to this By-law form an integral part of the By-law.

EXEMPTIONS

4. Open Air Fires that are set for training purposes by the Fire Department shall be exempt from the application of this By-law.
5. Open Air Burning that has been approved by the Fire Chief and that is conducted by and under the supervision of an officer, employee or agent of the Town shall be exempt from the application of this By-law.
6. This By-law does not apply to Open Air Burning that consists of a small, confined fire that is:
 - (a) Used to cook food on a grill, barbecue or spit;
 - (b) Commensurate with the type and quantity of food being cooked; and
 - (c) Supervised at all times by a Competent Person.
7. This By-law does not apply to the use of an Appliance that:
 - (a) Meets the requirements of the *Technical Standards and Safety Act, 2000*, S.O. 2000, c. 16;
 - (b) Is for outdoor use;
 - (c) If assembled, has been assembled in accordance with the manufacturer's instructions; and
 - (d) If installed, has been installed in accordance with the manufacturer's instructions.

OPEN AIR FIRE PERMITS

8. The setting or maintaining of an Open Air Fire within the geographical limits of the Town is prohibited, unless the Fire Chief has approved the Open Air Fire through the issuance of a permit under this By-law.

9. An application for an Open Air Fire permit shall:
 - (a) Be made using the permit application form set out in **Schedule "G"**;
 - (b) Include the applicable application fee as set out in **Schedule "F"**; and
 - (c) Bear the signature of the individual applying for the permit acknowledging his or her agreement to comply with this By-law and any and all permit conditions.
10. Every person who applies for an Open Air Fire permit who is not the registered owner of the property upon which the Open Air Fire is proposed to be set and maintained shall:
 - (a) Obtain the owner's express permission to use the owner's property for the setting and maintaining of the Open Air Fire on the property; and
 - (b) Ensure the owner completes a release form, using the form set out at **Schedule "H"**, which is to be included with the permit application.
11. The Fire Chief may, following his or her receipt and review of an Open Air Fire permit application that is made pursuant to Section 8 of this By-law, issue one of the following permits, as applicable:
 - (a) Farm Fire Permit;
 - (b) Urban Fire Permit;
 - (c) Rural Fire Permit;
 - (d) Special Events Permit; or
 - (e) Campground Fire Permit.
12. Every person who sets or maintains an Open Air Fire under the authority of a Farm Fire Permit shall comply with the regulations set out in **Schedule "A"**.
13. Every person who sets or maintains an Open Air Fire under the authority of an Urban Fire Permit shall comply with the regulations set out in **Schedule "B"**.

14. Every person who sets or maintains an Open Air Fire under the authority of a Rural Fire Permit shall comply with the regulations set out in **Schedule "C"**.
15. Every person who sets or maintains an Open Air Fire under the authority of a Campground Fire Permit shall comply with the regulations set out in **Schedule "D"**.
16. A not-for-profit community organization, educational institution or religious institution may apply for a Specific Event Fire Permit in accordance with the requirements set out in Section 8 of this By-law.
17. The Fire Chief may, following his or her receipt and review of an application for a Specific Event Fire Permit, issue a Specific Event Fire Permit.
18. Every person who sets or maintains an Open Air Fire under the authority of a Specific Event Fire Permit shall comply with the regulations set out in **Schedule "E"**.
19. The Fire Chief may, at the request of the applicable organization or institution, waive the permit application fee for the Specific Event Fire Permit.
20. A Specific Event Fire Permit shall be valid only for the day(s) of the event.
21. Despite Section 19 of this By-law, the Fire Chief may issue a Specific Event Fire Permit that is valid for up to one (1) calendar year to the applicable organization or institution to set and maintain an Open Air Fire at the same location on more than one (1) occasion.
22. The Fire Chief may refuse to issue a permit to any person who, in the opinion of the Fire Chief, is not able to, or has previously failed to, meet any of the requirements of this By-law.
23. Subject to Sections 34 and 35 of this By-law, any fee paid for a permit application in accordance with this By-law shall not be refunded where the permit application is not approved by the Fire Chief or where an issued permit is revoked under this By-law or where an issued permit is suspended due to a ban on Open Air Fires declared by the Fire Chief in accordance with Section 37 of this By-law.
24. The Fire Chief, or any other person authorized to enforce this By-law, shall be permitted to enter upon lands and property at any reasonable time to inspect any location or place for which an application for a permit has been made, or for which a permit has been issued.

25. Every person who is issued a permit under this By-law may be subject to verification of compliance with this By-law and any applicable permit conditions by the Fire Chief, or any other person authorized to enforce this By-law, at any reasonable time, and the Fire Chief may revoke a permit from any person who, in the opinion of the Fire Chief, is not able to, or has failed to, meet any of the requirements of this By-law or the permit conditions.
26. Any person who is supervising an Open Air Fire pursuant to a permit issued under this By-law shall produce a copy of the permit for inspection upon demand by any person authorized to enforce this By-law.

OTHER FLAMING DEVICES

27. A person may, without an Open Air Fire permit, set or maintain any of the following provided that same is supervised at all times by a Competent Person:
 - (a) An Open Air Fire within containers designed to hold individual gel fuel pots, provided that any gel fuel pot capacity does not exceed 473 millilitres;
 - (b) Tiki torches with a fuel capacity of not more than 355 millilitres; and
 - (c) Candles.

SENSITIVE RECEPTOR REGISTRY

28. The Fire Chief shall keep a Sensitive Receptor Registry.
29. Any facility at which exposure to smoke, air pollution or environmental contaminants would pose a greater risk to the health of the occupants, including schools, childcare facilities, health care facilities, retirement homes, and long-term care facilities, may register the applicable location on the Sensitive Receptor Registry.
30. Any **individual** whose dwelling is within the Town of Grimsby and who has a health condition aggravated by smoke, or with an increased sensitivity to air pollution or environmental contaminants may register the location of their dwelling on the Sensitive Receptor Registry. Registration shall be renewed annually by submitting to the Fire Chief a report from a physician licenced to practice in the Province of Ontario along with proof of residency.

31. Personal health information provided to the Fire Chief pursuant to Section 29 of this By-law shall not be disclosed without the consent of the affected individual, and all such disclosed information shall be protected in accordance with the *Personal Health Information Protection Act, 2004*, S.O. 2004, c. 3, Sched. A.
32. There shall be no fee for registering a location on the Sensitive Receptor Registry.
33. An Open Air Fire permit shall not be issued for any property where the fire location is within 75 metres of the dwelling of a person that is registered on the Sensitive Receptor Registry.
34. All Open Air Fire permits that have already been issued for properties within 75 metres of the dwelling of a person and the fire location indicated in the application to burn that are subsequently listed on the Sensitive Receptor Registry shall be revoked and deemed to be null and void.
35. Any fees paid for Open Air Fire permits that are revoked due to the subsequent registration of a nearby property on the Sensitive Receptor Registry shall be refunded in full.
36. Any location listed on the Sensitive Receptor Registry shall be required to renew its registration annually by submitting the following to the Fire Chief:
 - (a) With the initial application a note from a physician licensed to practise in the Province of Ontario outlining the individual's qualifying health condition and the need for inclusion on the Sensitive Receptor Registry, and
 - (b) A completed attestation form confirming that the health condition remains present, and
 - (c) Proof of residency.

The person shall re-submit their application each year to continue to be included in the registry. The note from the physician is required with the initial application.
37. The Fire Chief shall remove from the Sensitive Receptor Registry any location that is no longer deemed to be a Sensitive Receptor.
38. Notwithstanding Sections 28 through 37 of this By-law, Farm Fire Permits issued for agricultural operations are exempt from the Sensitive Receptor Registry requirements, in recognition of the protections afforded to normal farm practices under applicable provincial legislation, including the *Farming and Food Production Protection Act, 1998*. Farm Fire Permits shall take

precedence where a conflict arises between this By-law and the Sensitive Receptor Registry.

BAN ON OPEN AIR FIRES

- 38. The Fire Chief may declare a ban on all Open Air Fires whenever, in the opinion of the Fire Chief, a lack of precipitation or other condition(s) within the Town increases the risk of the spread of fire or would otherwise endanger the health and safety of any person or the quality of the natural environment.
- 39. A ban on Open Air Fires declared by the Fire Chief shall cause all issued Open Air Fire permits to be suspended while the fire ban is in effect.
- 40. The Fire Chief shall cause notice of any ban declared pursuant to Section 38 of this By-law to be posted on the Town's website.

GENERAL PROHIBITIONS

- 41. No person shall set or maintain, or allow to be set or maintained, a fire in contravention of the *Fire Protection and Prevention Act, 1997*.
- 42. No person shall set or maintain an Open Air Fire without first obtaining a permit issued by the Fire Chief in accordance with the applicable provisions of this By-law.
- 43. No person that is the owner of lands or property shall allow an Open Air Fire to be set or maintained on such lands or property unless a permit has been issued by the Fire Chief in accordance with the applicable provisions of this By-law.
- 44. No person shall set or maintain, or allow to be set or maintained, an Open Air Fire:
 - (a) On any Highway or public property;
 - (b) On commercial or industrial property;
 - (c) That causes smoke to travel across a Highway;
 - (d) That causes smoke, odour, ashes or embers to invade a neighbouring property thereby creating a Nuisance;
 - (e) When the wind velocity is twenty (20) kilometres per hour or greater;

- (f) During rainy or foggy weather, or when a smog alert or an air quality advisory has been issued by an appropriate Provincial or Federal agency;
- (g) Without a Competent Person being continuously in attendance to supervise the fire during the entire time it is burning to control the fire and prevent its spread, and to summon the Fire Department in case of emergency;
- (h) Without having adequate means on hand and ready for immediate use to control and extinguish the fire;
 - i. Without ensuring the fire is completely extinguished before leaving the place where the fire was burning;
 - ii. When a fire ban has been declared pursuant to Section 37 of this By-law;
 - iii. That contains or involves Prohibited Materials; or
 - iv. Within 75 metres of a location listed on the Sensitive Receptor Registry.

CONSENT OF REGISTERED OWNER

- 45. No person shall set or maintain an Open Air Fire on any property unless:
- 46. The person setting or maintaining the fire is the registered owner of the property on which the fire is set;
- 47. The registered owner of the property, or an authorized designate, is present at the property until the fire is fully extinguished; or
- 48. The person setting or maintaining the fire has complied with Section 9 of this By-law.

FLYING LANTERNS PROHIBITED

- 49. No person shall ignite or release a Flying Lantern within, or that flies over, the geographical boundaries of the Town.

BURN BARRELS AND WASTE INCINERATORS PROHIBITED

- 50. No person shall set or maintain a fire in a burn barrel, waste incinerator or similar device.

ADMINISTRATION

51. The Fire Chief shall be responsible for the administration of this By-law and is hereby authorized to issue permits to set and maintain Open Air Fires under this By-law.

ENFORCEMENT

52. The following persons shall be authorized to enforce this By-law:
- (a) The Fire Chief and every person designated as an assistant to the Fire Marshal pursuant to subsection 11(1) of the *Fire Protection and Prevention Act, 1997*; and
 - (b) A police officer, every person appointed as a municipal by-law enforcement officer of the Town pursuant to subsection 15(1) of the *Police Services Act, R.S.O. 1990, c. P.15*, and any other officer of the Town that is authorized to enforce this or any other by-law of the Town.

ADMINISTRATIVE PENALTIES

53. Every person who contravenes a provision of this By-law shall, upon receipt of a Penalty Notice, be liable to pay an Administrative Penalty in the amount outlined in the By-law to Establish a System for Administrative Penalties.
54. The Fire Chief, or any other person authorized to enforce this By-law who has reason to believe that a person has contravened a provision of this By-law, may issue a Penalty Notice to that person.
55. A Penalty Notice shall include the following information:
- (a) The name of the person who has contravened the By-law;
 - (b) The date of the Penalty Notice;
 - (c) A reference number that is unique to the Penalty Notice;
 - (d) The particulars of the contravention, including reference to the provision(s) that has been contravened;
 - (e) The amount of the Administrative Penalty;

- (f) Such information as the Director determines is appropriate respecting the process by which the person may exercise the person's right to request a review of the Administrative Penalty; and
 - (g) A statement advising that an Administrative Penalty will, unless cancelled or reduced pursuant to the review and appeal processes, constitute a debt by the person to the Town.
56. The administration and enforcement of the Administrative Penalty provisions of this By-law, including the right of a person to request a review of an Administrative Penalty, shall also be governed by the Town's Administrative Penalty By-Law, as applicable.

ORDER TO EXTINGUISH

57. The Fire Chief or any other person authorized to enforce this By-law may issue an Order to Extinguish to any person who sets or maintains an Open Air Fire in contravention of this By-law.
58. Any person who sets or maintains an Open Air Fire shall immediately extinguish the fire upon receipt of an Order to Extinguish.
59. No person shall fail to comply with an Order to Extinguish.
60. Where a person who has set or is maintaining an Open Air Fire fails to, or is unable to, comply with an Order to Extinguish, the Town, in addition to any other available remedy:
- (a) May take all reasonable actions to extinguish the fire and, for this purpose, with its officers, employees or agents, enter onto the property at any reasonable time without a warrant;
 - (b) May summon whatever personnel, vehicles, apparatus, and equipment may be necessary to extinguish a fire; and
 - (c) Shall not be liable to compensate any owner, occupant or other person having any interest in the property by reason of anything done by or on behalf of the Town in a reasonable exercise of its powers under this By-law or otherwise.

COMPLAINT PROCESS

61. A complaint regarding an alleged contravention of this By-Law shall only be accepted where the complainant is present to identify the concern to a potential violation of the Town of Grimsby Open Air Burning By-Law. Anonymous complaints will not be acted upon. Complaints will be

assessed by the Grimsby Fire Department to determine if enforcement action is warranted.

62. No person shall make a complaint about an Open Air Fire that is false, frivolous or vexatious.
63. Any person who falsely, frivolously or vexatiously reports a contravention of this By-law shall, upon the second and any subsequent false, frivolous or vexatious complaint(s) made within a twelve (12) month period, be responsible for any and all fees and costs incurred by the Fire Department to respond to the complaint in accordance with Schedule "F".

LIABILITY AND RECOVERY OF COSTS

64. Any person who sets or maintains an Open Air Fire which contravenes any provision of this By-law, and any owner of the lands or property on which such fire is set or maintained, shall be jointly and severally liable for any damage to property or injury to persons caused by the fire.
65. Any person who sets or maintains an Open Air Fire that contravenes any provision of this By-law, and any owner of the lands or property on which such a fire is set or maintained, shall be jointly and severally liable to the Town for:
 - (a) All applicable fees, as prescribed under Schedule "F", for Fire Department personnel, vehicles, apparatus, and equipment that may be necessary to respond to investigate or to extinguish the fire; and
 - (b) All costs incurred by the Town to extinguish the fire, including supplies, mutual aid or other agreement fees, specialized equipment or contractors, or other associated incidental expenses.
66. The quantity and type of fire apparatus necessary to respond for the purposes of extinguishing, controlling or investigating any Open Air Fire shall be at the sole and absolute discretion of the Fire Chief.
67. Nothing in Schedule "F" shall be construed as limiting the Town's right to seek restitution for other direct or consequential damages or costs incurred beyond those listed.
68. The Town shall not be required to notify the owner of lands or property in advance of its intention to charge for services or costs associated with the extinguishment of any Open Air Fire.

69. The administration and enforcement of the provisions of this By-law that require a fee or charge to be paid by the Town shall also be governed by Schedule J to the Town's Consolidated Fees & Charges By-law 18-20, as applicable.

RIGHT TO CIVIL ACTION

70. Nothing in this By-law affects or shall be held to limit or interfere with the right of any person to bring and maintain a civil action for damages occasioned by fire or the smoke, odours, embers or ash therefrom.

INDEMNIFICATION

71. A person applying for a permit under this By-law shall indemnify and save harmless the Town from any and all claims, demands, causes of action, losses, costs or damages that the Town may suffer, incur or be liable for resulting from the performance of the person under this By-law, whether with or without negligence on the part of the person, the person's employees, directors, contractors or agents.

SEVERABILITY

72. If a court of competent jurisdiction declares any provision or part of a provision of this By-law to be invalid or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every other provision of this By-law that is authorized by law be applied and enforced to the extent possible.

LEGISLATION

73. Any reference to a statute, regulation or by-law in this By-law shall be deemed to include the statute, regulation or by-law as amended, superseded consolidated or replaced.

SHORT TITLE

74. This By-law may be referred to as the "Open Air Burning By-Law".

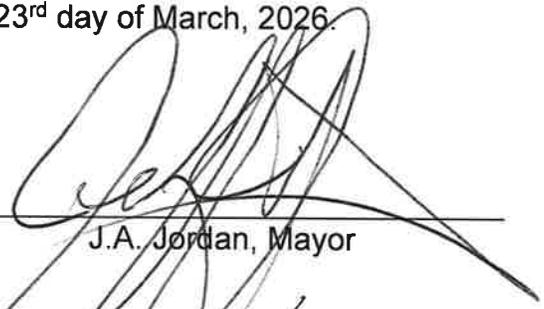
REPEAL

75. On the date upon which this By-law comes into force and effect, the Town's Open Air Burning By-law 21-17 shall hereby be repealed.

EFFECTIVE DATE

76. This By-law shall come into force and effect on the day after it is passed.

Read a first time, considered, and passed this 23rd day of March, 2026.



J.A. Jordan, Mayor



V. Steele, Town Clerk

THE CORPORATION OF THE TOWN OF GRIMSBY

Schedule "A" to
BY-LAW NO. 26-19
BEING A BY-LAW TO PROHIBIT AND REGULATE THE SETTING OF
OPEN AIR FIRES WITHIN THE TOWN OF GRIMSBY

FARM FIRE PERMIT REGULATIONS

- A.1. Every person who sets or maintains an Open Air Fire under the authority of a Farm Fire Permit shall:
- (a) Restrict the time the Open Air Fire is set or maintained to between sunrise and sunset on any day;
 - (b) Maintain a perimeter around the Open Air Fire of at least 5 metres which is clear of combustible material such as dry ground cover or vegetation;
 - (c) Confine the Open Air Fire to a single Fire Pit or pile that does not exceed 6 metres in diameter and the material being burned does not exceed 2 metres in height, unless specifically approved by the Fire Chief.
 - (d) Maintain a distance of not less than 60 metres from the Open Air Fire to any building, structure, fence, property line, Highway, railway, overhead wire or combustible material; and
 - (e) Comply with all provisions, conditions, and prohibitions prescribed by this By-law.
- A.2. The Fire Chief may approve an exemption from one or more provisions prescribed for an Open Air Fire for farming purposes where, in his or her opinion, such exemption does not unreasonably pose an increased threat to health or safety.

THE CORPORATION OF THE TOWN OF GRIMSBY

Schedule "B" to
BY-LAW NO. 26-19
BEING A BY-LAW TO PROHIBIT AND REGULATE THE SETTING OF
OPEN AIR FIRES WITHIN THE TOWN OF GRIMSBY

URBAN FIRE PERMIT REGULATIONS

- B.1. An Urban Fire Permit shall not be valid for any property with a lot size that is less than 12 metres in width.
- B.2. Every person who sets or maintains an Open Air Fire under the authority of an Urban Fire Permit shall:
- (a) Confine the Open Air Fire to a Fire Pit or Outdoor Fireplace of no greater than 61 centimetres in diameter, and where the material being burned is no greater than 61 centimetres in height;
 - (b) Ensure the Open Air Fire is completely covered at all times, except when fuel is being added to the fire, by a metal spark screen to prevent the escape of any sparks, embers or other flammable debris from the Fire Pit or Outdoor Fireplace;
 - (c) Restrict the time the Open Air Fire is set or maintained to between the hours of 4 p.m. and 11 p.m. on any day;
 - (d) Maintain a distance of not less than 6 metres from the Open Air Fire to an adjacent property or Highway;
 - (e) Maintain a distance of not less than 4 metres from the Open Air Fire to any building, structure, fence, overhead wire or combustible material;
 - (f) Not set or maintain an Open Air Fire on a combustible surface or deck or on or near dry grass or vegetation; and
 - (g) Comply with all provisions, conditions, and prohibitions prescribed by this By-law.

THE CORPORATION OF THE TOWN OF GRIMSBY

Schedule "C" to
BY-LAW NO. 26-19
BEING A BY-LAW TO PROHIBIT AND REGULATE THE SETTING OF
OPEN AIR FIRES WITHIN THE TOWN OF GRIMSBY

RURAL FIRE PERMIT REGULATIONS

- C.1. Every person who sets or maintains an Open Air Fire under the authority of a Rural Fire Permit shall:
- (a) Not set or maintain an Open Air Fire in an Urban Area;
 - (b) Restrict the time the Open Air Fire is set or maintained to between the hours of 8:00 a.m. and 11:00 p.m. on any day;
 - (c) Confine the Open Air Fire to a Fire Pit or Outdoor Fireplace of no greater than 1 metre in diameter and where the material being burned is no greater than 1 metre in height;
 - (d) Maintain a distance of not less than 10 metres from the Open Air Fire to any building, structure, fence, overhead wire, combustible material, adjacent property, Highway or railway; and
 - (e) Comply with all provisions, conditions, and prohibitions prescribed by this By-law.

THE CORPORATION OF THE TOWN OF GRIMSBY

Schedule "D" to
BY-LAW NO. 26-19
BEING A BY-LAW TO PROHIBIT AND REGULATE THE SETTING OF
OPEN AIR FIRES WITHIN THE TOWN OF GRIMSBY

CAMPGROUND FIRE PERMIT REGULATIONS

- D.1. Every person in a Campground who sets or maintains an Open Air Fire under the authority of a Campground Fire Permit shall:
- (a) Confine each Open Air Fire to a Fire Pit or Outdoor Fireplace;
 - (b) Maintain a distance of not less than 3 metres from each fire to any building, structure, fence or combustible material; and
 - (c) Comply with all provisions, conditions, and prohibitions prescribed by this By-law.

THE CORPORATION OF THE TOWN OF GRIMSBY

Schedule "E" to
BY-LAW NO. 26-19
BEING A BY-LAW TO PROHIBIT AND REGULATE THE SETTING OF
OPEN AIR FIRES WITHIN THE TOWN OF GRIMSBY

SPECIFIC EVENT FIRE PERMIT REGULATIONS

- E.1. A Specific Event Permit shall not be valid for any property with a lot size that is less than 12 metres in width.
- E.2. Every person who sets or maintains an Open Air Fire under the authority of a Specific Event Fire Permit shall:
- (a) Confine each Open Air Fire to a Fire Pit or Outdoor Fireplace;
 - (b) Restrict the time the Open Air Fire is set or maintained to between the hours of 4 p.m. and 11 p.m. on any day;
 - (c) Consult with the Fire Chief to determine, through the permit application process, the appropriate size and location of the proposed Open Air Fire, having regard to the particular aspects of the property that is to be used for the event to ensure the fire is restricted to an appropriate size and distance from any adjacent property, Highway, building, structure, fence, overhead wire or combustible material;
 - (d) Comply with any property specific permit conditions that the Fire Chief may impose to address any aspect of the event that the Fire Chief determines may be necessary or desirable to ensure the health, safety and well-being of persons or the protection of persons and property in relation to the event;
 - (e) Not set or maintain an Open Air Fire on a combustible surface or deck or on or near dry grass or vegetation; and
 - (f) Comply with all provisions, conditions, and prohibitions prescribed by this By-law.

THE CORPORATION OF THE TOWN OF GRIMSBY

Schedule "F" to
BY-LAW NO. 26-19
BEING A BY-LAW TO PROHIBIT AND REGULATE THE SETTING OF
OPEN AIR FIRES WITHIN THE TOWN OF GRIMSBY

FEES AND CHARGES

F.1. Any fee or charge prescribed herein shall be subject to amendment from time to time by the Town's Fees and Charges By-Law.

PERMIT FEES

F.2. Open Air Fire Permit Application Fee – Farm No Charge

F.3. Open Air Fire Permit Application Fee – Urban \$35.40 + HST

F.4. Open Air Fire Permit Application Fee – Rural \$35.40 + HST

F.5. Open Air Fire Permit Application Fee – Campground \$35.40 + HST

F.6. Open Air Fire Permit Application Fee – Specific Event \$35.40 + HST

F.7. Open Air Fire Permit Application Fee on-line \$25.00 +HST+ transaction fee

COST RECOVERY FEES AND CHARGES

F.8. Fee for fire department personnel, vehicles, apparatus, and equipment to respond to investigate or to extinguish an Open Air Fire. \$775.00 per hour or part thereof per vehicle (Minimum 1 hour)

F.9. Recovery of costs incurred by the Fire Department to extinguish an Open Air Fire, including water usage, supplies, mutual aid or other reciprocal agreement fees, specialized equipment or contractors or other incidental expenses associated with extinguishing the fire. Actual disbursements plus 10% administrative charge

F.10. Fee for fire department personnel, vehicles, apparatus, and equipment to respond to investigate a second or subsequent false, frivolous or vexatious Open Air Fire complaint made within a twelve (12) month period. \$775.00 per hour or part thereof per vehicle (Minimum 1 hour)

THE CORPORATION OF THE TOWN OF GRIMSBY

Schedule "G" to
BY-LAW NO. 26-19
BEING A BY-LAW TO PROHIBIT AND REGULATE THE SETTING OF
OPEN AIR FIRES WITHIN THE TOWN OF GRIMSBY



OPEN AIR FIRE PERMIT APPLICATION

Name (print):		Signature:	
Municipal Address of Open Air Fire:			
Mailing Address of Owner (if different):			
City/Town:		Postal Code:	
Primary Contact Telephone Numbers:		Cell:	
		Home:	
		Work:	
Email Contact:			
Are you the Registered Owner of Property?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
If No, Property Owner Permission Release Form Required (Schedule "H"):		SUBMITTED: Yes <input type="checkbox"/> No <input type="checkbox"/>	
Permit Application Fee Completed: (Cheques payable to Town of Grimsby)		\$35.40 + HST	Yes <input type="checkbox"/> No <input type="checkbox"/>
Farm: <input type="checkbox"/>	Urban: <input type="checkbox"/>	Rural: <input type="checkbox"/>	
Campground: <input type="checkbox"/>	Specific Event: <input type="checkbox"/>		

OPEN AIR FIRE DIAGRAM

(Attach additional pages, if required)

Attach Open Air Fire Diagram. Identify on the Diagram:			
<input type="checkbox"/>	Property Lines, Boundaries	<input type="checkbox"/>	Location of Proposed Open Air Fire
<input type="checkbox"/>	Roads, Driveways, Paths	<input type="checkbox"/>	Fire Dept. Access Route to Fire
<input type="checkbox"/>	Buildings, Structures, Obstructions	<input type="checkbox"/>	Ponds, Cisterns, On-site Water Sources
<input type="checkbox"/>	Trees, Crops, Vegetation	<input type="checkbox"/>	Nearest Fire Hydrant



OPEN AIR FIRE PERMIT

Contact the Grimsby Fire Department Prior to Burning
(905) 945-2113

Mon to Fri 8:30 a.m. – 4:30 p.m.

Describe Methods to Contain the Fire to Prevent it from Spreading

Describe Methods to Extinguish the Fire in Case of an Emergency

APPROVED

DENIED

I hereby acknowledge and agree to all conditions and restrictions specified in this Open Air Fire Permit. I further agree to comply with the Town's Open Air Burning By-law 26-19 and understand the applicable consequences for non-compliance as set out under the By-law.

Owner/Occupant/Applicant Name:

Signature: _____

RETAIN THIS PERMIT FOR YOUR RECORDS

OFFICE USE ONLY

CONDITIONS OF APPROVAL

With Conditions (see below)

Site Inspection Date:

Permit Expiry Date:

Fire Chief or Designate Signature:

Date:

THE CORPORATION OF THE TOWN OF GRIMSBY

Schedule "H" to
BY-LAW NO. 26-19
BEING A BY-LAW TO PROHIBIT AND REGULATE THE SETTING OF
OPEN AIR FIRES WITHIN THE TOWN OF GRIMSBY



PROPERTY OWNER PERMISSION TO BURN RELEASE

of, Grimsby Fire Department

Date: _____

I am the owner of the property located at _____, Grimsby, Ontario. I currently lease, rent or otherwise allow the use of this property by _____. I am aware that he/she has made an application for an Open Air Fire Permit to conduct open air burning on my property and that, by signing this form, I grant my permission for this activity to occur. I acknowledge that open air burning is a high-risk activity and that it poses a danger of damage, injury or death if not conducted safely. I acknowledge further that the Open Air Fire Permit issued may have one or more conditions attached to it and understand that violations of these conditions may result in the revocation of the permit by the Fire Department. I understand further that cost recovery measures may be implemented by the Corporation of the Town of Grimsby for any response by the Fire Department to an incident arising out of this activity. I further acknowledge that the amount of any invoice(s) that may be issued by the Town in relation to such cost recovery measures may, if left unpaid for more that 15 days, be applied to the tax roll for the property and be collected in the same manner as municipal taxes. In consideration of the granting of the Open Air Burning Permit by the Fire Chief, I hereby release and forever discharge and agree to indemnify and save harmless the Town, its Fire Department, servants and agents from any and all action, cause of action, claims and demands for damages, loss or injury to persons or property sustained by any person or persons in consequence of open air burning, said burning being the subject of the permit application.

I HAVE READ AND UNDERSTAND THE ABOVE AND ACKNOWLEDGE THAT OPEN AIR BURNING IS A HIGH RISK ACTIVITY. IN WITNESS WHEREOF I HAVE HERE UNTO SET MY HAND AND SEAL AT GRIMSBY, ONTARIO.

Name (please print)

Signature

Address

Phone Number

THIS COMPLETED FORM MUST ACCOMPANY ALL OPEN AIR FIRE PERMIT APPLICATIONS BEING MADE BY SOMEONE OTHER THAN THE PROPERTY OWNER