



## **The Corporation of the Town of Orangeville**

### **By-law Number 2026-034**

#### **A bylaw to prescribe the type of fires, time during which fires may be set, and the precautions to be observed by the person(s) setting fires in the open air; and the requirements and fees for fire permits.**

Whereas the Council of the Corporation of the Town of Orangeville is empowered under the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended, to pass bylaws regulating fire prevention, including the prevention of the spreading of fires; and

Whereas Council is empowered under the Fire Protection and Prevention Act, 1997, to pass bylaws regulating the setting of open air fires, including establishing the times during which open air fires may be set; and

Whereas the Ontario Fire Code, O. Reg. 213/07, provides that open air burning shall not be permitted unless approved; and

Whereas Council is empowered under the Municipal Act, 2001, S.O. 2001, c. 25, as amended, to pass bylaws to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances; and

Whereas Section 7.1(4) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, provides that a municipality may appoint an officer to enter upon lands and into structures at any reasonable time to inspect the land and structures to determine where bylaws enacted in accordance with this section are being complied with; and

Whereas Section 391(1) of the Municipal Act, 2001, S.O. 2001, C.25, as amended, provides that despite any Act, a municipality and a local board may impose fees or charges on any person for services or activities provided or done by or on behalf of it or for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board; and

Whereas Council is desirous of enacting a bylaw to regulate the setting and maintaining of open air fires and reducing the public nuisance arising from such fires;

Now therefore the Municipal Council of the Corporation of the Town of Orangeville enacts as follows:

## 1. Short Title

This bylaw shall be known as the "Open Air Fires By-law."

## 2. Purpose

This bylaw is intended to promote public health, safety and protect the welfare of the inhabitants of the municipality from air pollution, nuisances and fire hazards associated with open air fires.

## 3. Definitions

For purpose of this bylaw the following definitions shall apply:

### 3.1 "Adverse Effects" includes:

- a) injury or damage to property or to plant or animal life;
- b) harm or material discomfort to any person;
- c) an adverse effect on the health of any person;
- d) impairment of the safety of any person rendering any property or plant or animal life unfit for human use;
- e) loss of enjoyment or normal use of property;
- f) interference with the normal conduct of business; and,
- g) excess smoke, odour, dust, airborne sparks and embers.

### 3.2 "Approved" means approved by the Chief Fire Official.

### 3.3 "Chief Fire Official" means the Chief Fire Official or designate as defined in the Ontario Fire Code (O. Reg. 213/07).

### 3.4 "Clean Dry Wood" means firewood that has been allowed to dry (dry refers to moisture content less than 20 per cent).

### 3.5 "Cooking Fire" means an open air fire which uses open flames from natural gas, propane, charcoal, wood, etc. for the purpose of cooking food for human consumption.

### 3.6 "Dwelling Unit" means a room or rooms which function as a housekeeping unit used or intended to be used by one or more persons, in which a kitchen, living quarters and sanitary facilities are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway.

### 3.7 "Multiple Dwelling Unit" means a free-standing building which contains four or more dwelling units to which access is provided by a common entrance at street level and common corridors, stairs or elevators.

### 3.8 "Occupant" means any person over the age of 18 in possession of a dwelling unit.

### 3.9 "Officer" means a municipal by-law enforcement officer, provincial offences officer or police officer or a person designated by the local municipality for the enforcement of open air fires.

### 3.10 "Open Air Fires" means any fire or burning practice, including fire in a smouldering state that is conducted outdoors.

- 3.11 "**Outdoor Fireplace Unit**" means a manufactured wood-burning appliance, site-built masonry fireplace, chimeneas, clay or metal fireplace and pellet fueled barbeques designed to hold a small fire, not exceeding one (1) metre (3.2 feet) in any direction and approved for such use by certification organizations accredited by the Standards Council of Canada (i.e. ULC, CSA).
- 3.12 "**Out of Control**" is a fire that the Responsible Person cannot extinguish with the available fire extinguishing equipment and/or has extended from the original burn location (e.g. nearby trees, fence or structures or other objects).
- 3.13 "**Owner**" means the person who owns the property on which an outdoor fireplace unit is installed, or the person who owns the property on which open air fires are conducted.
- 3.14 "**Permit**" means a permit issued by Orangeville Fire Services for the purposes of allowing an open air fire, subject to compliance with a set of rules and guidelines.
- 3.15 "**Responsible Person**" means any person over the age of 18 including owners and occupants of a dwelling that are conducting the open air fire and are responsible for following the conditions, rules and guidelines of this bylaw.
- 3.16 "**Sacred Fire**" is a fire lit and maintained for indigenous ceremonial, spiritual, cultural or community purposes, typically under specific cultural procedures.
- 3.17 "**Sensitive Receptor**" shall include a healthcare facility, senior citizens' residence, long-term care facility, or other place where smoke may be a greater risk to the health of a group or individual, or to the environment. An individual applicant must provide proper documentation (see section 10.6) and renew their application each calendar year.
- 3.18 "**Special Air Quality Statement,**" "**Smog and Air Health Advisory**" and "**Air Quality Health Index**" (AQHI greater than 7) are a public health warning issued through the media by the Ontario Ministry of the Environment, Conservation and Parks during periods of deteriorated air quality.
- 3.19 "**Smoker**" means a device whether commercially produced or homemade used for the purposes of cooking food for human consumption through the use of heat and smoke only and not open flame.
- 3.20 "**Structure**" means a structure occupying an area greater than 10 square metres (107 square feet) consisting of a wall, roof and floor or any of them or a structural system serving the function thereof.
- 3.21 "**Town**" means The Corporation of the Town of Orangeville.
- 3.22 "**Townhouse**" means a building divided vertically or horizontally into three or more separate dwelling units, each of which has an independent entrance either directly or through a common vestibule.
- 3.23 "**Waste**" includes garbage, refuse materials, brush, leaves or grass.
- 3.24 "**Woodwaste**" means tree trunks, tree branches, or wood products that do not contain:
- a) chromated copper arsenate, ammoniacal copper arsenate,

- pentachlorophenol, creosote, pesticides, or paint;
- b) easily removable hardware, fittings and attachments, unless they are predominantly wood or cellulose;
- c) plywood or composite wood products containing varnish or glue;
- d) an upholstered article; and/or,
- e) an article to which a rigid surface treatment is affixed or adhered to, unless the rigid surface treatment is predominantly wood or cellulose.

Definitions of words and phrases used in this bylaw that are not included in this list of definitions have the definitions assigned to them under Section 1.4.1 of the *Ontario Fire Code*.

#### **4. Administration**

- 4.1 This bylaw shall be administered by the Chief Fire Official and shall be enforced by the Chief Fire Official and Officers.

#### **5. Applicability**

- 5.1 This bylaw applies to all outdoor open air fires, including cooking fires or use of smokers, within the Town, and includes any outdoor fire or burning practice that may produce smoke, odour, sparks, embers, or other combustion products.

#### **6. Open Air Fires Requiring a Permit**

- 6.1 No person(s) or owner(s) of land shall set a fire or permit the setting of a fire, or having set or permitted the setting of a fire, permit a fire to continue to burn without first having obtained a fire permit from the Chief Fire Official, and in accordance with the provisions of the said permit and this bylaw unless otherwise exempted from a permit in this bylaw.
- 6.2 The Chief Fire Official may, upon application, issue a permit to allow an open air fire not otherwise permitted pursuant to the provisions of this bylaw. A permit issued under this Section shall be subject to such terms and conditions as the Chief Fire Official, in their sole discretion, deems appropriate in the circumstances.
- 6.3 Each completed application for a permit must be submitted to Orangeville Fire Services and shall be accompanied by the appropriate fee as set out in the Consolidated Fees and Charges for Services By-law for the Town of Orangeville, in effect at the time of application.
- 6.4 Permits shall be issued for the calendar year in which they were applied for and shall expire on December 31 of that calendar year (regardless of when the application was made).
- 6.5 A permit may only be applied for by the Owner of the property, or agent acting on behalf of the Owner of the property, or a lawful Occupant of the property with the written permission of the property Owner.
- 6.6 Where a Permit has been issued pursuant to this bylaw the applicant and the owner of the lands on which the fire is set shall be responsible for any damage or injury to persons or property with respect to the setting of a fire or permitting

the fire to burn and they shall ensure that:

- a) unless otherwise approved by the Chief Fire Official, open air fires shall be within the confines of the outdoor fireplace unit for which it was designed;
  - b) only clean dry wood is burned;
  - c) the fire is at least:
    - i. 75.0 metres (250 feet) from the property line for a standing sensitive receptor listed in Schedule "B";
    - ii. 45.0 metres (150 feet) from the property line for a group or individual who has voluntarily registered (and been approved by the Chief Fire Official) as a sensitive receptor; and,
    - iii. 3.0 metres (9 feet, 10 inches) from any building, structure, vehicle, property line, tree, hedge, fence, roadway, overhead wire, other combustible article or obstruction.
- 6.7 Open air fires shall be constantly attended and supervised by a responsible person to ensure that the fire is kept under control and until the fire is extinguished and the ashes and other residues are cold.
- 6.8 The person attending and supervising the fire shall have readily available for use such fire extinguishing equipment, with appropriate volume and flow (as applicable), as necessary for total control of the fire.
- 6.9 Where a fire permit is issued, no person shall set, maintain or permit any open air fire or outdoor fireplace unit in the Town except under and in accordance with the provisions of the Permit issued by the Chief Fire Official.

## **7. Exemptions**

- 7.1 Permit exemptions do not exempt compliance: Where this bylaw states that an activity does not require a fire permit (or is otherwise exempt from the permit requirement), that activity remains subject to:
- a) the prohibition on creating an Adverse Effect;
  - b) any direction or order of the Chief Fire Official or Officer to extinguish a fire;
  - c) any applicable Fire Ban;
  - d) applicable provisions for fires (Section 6.6 (c));
  - e) applicable General Prohibition and Conditions (Section 8); and,
  - f) the prohibited materials provisions (Section 9).
- 7.2 Provided they are done within the conditions of this bylaw, including but not limited to not causing adverse effects, prohibited burning of waste under Section 9 and are extinguished immediately upon completion of the exempted activity, this bylaw does not require a fire permit for the following activities:
- a) use of a cooking fire or smoker for the purposes of food preparation where the cooking fire or smoker are appropriately sized to the quantity of food being prepared;
  - b) use of propane, acetylene, natural gas, gasoline in a device intended for heating, construction or maintenance activities;
  - c) propane or natural gas appliances listed and approved for use in Canada when operated as per the manufacturer's instructions and as per its listing

- label;
  - d) a gel pot designed to hold individual gel pots provided the gel pot does not exceed 16 ounces;
  - e) candles, or tiki torches or similar devices with a total fuel capacity of not more than 12 ounces;
  - f) a sacred fire;
  - g) structures that may be burned exclusively for fire suppression training or testing of firefighting equipment;
  - h) burning materials for law enforcement activities as authorized by the municipal authority or other law enforcement authorities; and,
  - i) burning of explosive or dangerous material by police or other public safety organizations, for which there is no other safe means of disposal.
- 7.3 Any propane or natural gas appliance that does not have a Listed label affix shall be deemed to not meet the requirements of Section 7.2 of this bylaw and shall not be used unless a field approval has been issued by the Technical Standards and Safety Authority.

## **8. General Prohibition and Conditions of Open Air Fires**

- 8.1 No person shall set, maintain or permit an open air fire in the Town unless a permit has been issued or the burning is specifically permitted in this bylaw.
- 8.2 No person shall set, maintain or permit an open air fire on a property that contains a multiple dwelling unit or townhouse.
- 8.3 If at any time in the opinion of the Chief Fire Official or Officer, it is necessary that a fire be extinguished, the Responsible Person for, or in charge of, or on whose property the fire is located shall, on notice of the Chief Fire Official or Officer, extinguish the fire.
- 8.4 The Chief Fire Official may declare a total ban against outdoor burning when atmospheric conditions or local circumstances make such fires hazardous. The public shall be notified that a fire ban is in effect on the Town website and by other means deemed appropriate.
- 8.5 No person shall set, maintain or permit an open air fire when rain or fog is present or during periods of dry conditions or drought or when a local fire ban has been declared.
- 8.6 No person shall set, maintain or permit open air burning when the Town is under a *Special Air Quality Statement* or *Smog and Air Health Advisory* or the *Air Quality Health Index (AQHI)* is 7 or higher.
- 8.7 No person shall set, maintain or permit open air burning when the wind is in such direction or of such intensity so as to reduce the visibility on any roadway or structure or cause an adverse effect or risk the fire spread.
- 8.8 No person shall permit materials to be burned upon any street, curb, gutter or sidewalk or on the ice of a body of water unless permitted by the Chief Fire Official.
- 8.9 No person shall cause, allow or permit a fire to spread beyond the outdoor

fireplace unit.

- 8.10 No person who conducts any open air fire shall set, maintain or permit such open air fire in such a way to create an adverse effect.
- 8.11 No person shall set a fire or permit a fire to burn other than between the hours of 12:00 p.m. and 11:00 p.m. at which time the fire must be fully extinguished prior to the Responsible Person leaving the burn site; unless otherwise expressly permitted by the Chief Fire Official.
- 8.12 No person shall set, maintain, or permit an open air fire unless the fire is contained within an approved outdoor fireplace unit and:
- a) the maximum fire chamber or burn area does not exceed one (1) metre in length, width, or diameter;
  - b) the flame height does not exceed one (1) metre above the top of the outdoor fireplace unit;
  - c) the fire remains fully contained within the outdoor fireplace unit at all times; and
  - d) sparks, embers, and burning material do not escape beyond the confines of the outdoor fireplace unit.

## **9. Prohibition of Open Air Burning of Waste**

- 9.1 No person shall set, maintain or permit open air fires containing waste from residential, commercial, construction, agricultural or industrial establishment are prohibited and includes:
- a) construction and demolition waste of material 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 materials;
  - 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) newspaper, cardboard, office paper;
  - g) 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; and,
  - h) woodwaste.
- 9.2 Notwithstanding section 9.1(h), woodwaste that is clean dry wood and suitable for burning in the outdoor fireplace unit is allowed.

## **10. Sensitive Receptor Registry**

- 10.1 A group or individual who considers their place (includes a dwelling) a sensitive receptor and is not listed as a "Standing Sensitive Receptor" (see Schedule "A") must register annually at the Town office.
- 10.2 There is no fee associated with the Individual Sensitive Receptor application.

- 10.3 The Sensitive Receptor Registry shall be maintained by the Chief Fire Official.
- 10.4 Should a Permit be revoked due to the registration of a sensitive receptor, the permit fee will be refunded in full.
- 10.5 An Individual Sensitive Receptor Applicant shall submit a medical note from a doctor stating the applicant has a medical condition that makes them eligible for the Sensitive Receptor Registry. This note must be provided at the time of application and renewed each calendar year.

## **11. Response to Complaints**

- 11.1 The Responsible Person conducting the open air fire, including open air fires that do not require a permit under Section 7:
  - a) is responsible for making a reasonable effort to respond to local resident complaints received about burning practices; and,
  - b) shall extinguish the fire if it creates an adverse effect at any time.
- 11.2 If the Town receives complaints about an outdoor fire event the Chief Fire Official or Officer may enter the land to inspect or extinguish the fire.

## **12. Revocation, Suspension**

- 12.1 A fire permit may be cancelled or suspended at any time by the Chief Fire Official. Immediately upon receiving notice of such cancellation or suspension the Responsible Person shall extinguish any fire started pursuant to the permit.
- 12.2 Any violation of the conditions of an open-air burning permit shall be deemed a violation of the "Open Air Fires By-law." Any violation of the bylaw or the burning permit provisions shall void the permit.

## **13. Offences and Enforcement**

- 13.1 Every person who contravenes any provision of this Bylaw, including failing to comply with a Permit, Order, Notice, direction or requirement issued under this Bylaw, and every director or officer of a corporation who knowingly concurs in the contravention by the corporation, is guilty of an offence.
- 13.2 Every person who is convicted of an offence under this Bylaw is liable to pay a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.
- 13.3 No person shall hinder or obstruct, or attempt to hinder or obstruct, the Chief Fire Official, Officer, or any person acting under authority of this Bylaw in the lawful exercise of power or performance of a duty under this Bylaw.
- 13.4 Where a contravention of this Bylaw continues for more than one day, each day that the contravention continues shall constitute a separate offence.
- 13.5 This Bylaw is hereby designated as a Bylaw to which the Town's Administrative Penalty Bylaw, as amended applies.
- 13.6 Any person who contravenes a Designated Provision of this Bylaw shall, upon issuance of a Penalty Notice in accordance with the Administrative Penalty Bylaw, be liable to pay an Administrative Penalty.

- 13.7 Where a Penalty Notice has been issued in respect of a contravention of a Designated Provision of this Bylaw, no proceeding shall be commenced under the Provincial Offenses Act for the same contravention.
- 13.4 A permit may be revoked by the Chief Fire Official if the permit holder fails to comply with the requirements of the permit and/or any other provision of this bylaw. The open air burning permit fee will not be refunded for failure to comply with this bylaw.
- 13.5 The Chief Fire Official or Officer may order a fire to be extinguished immediately if the fire is:
- a) not set in compliance with this bylaw; or
  - b) determined upon inspection by the Chief Fire Official or Officer to constitute a safety hazard or concern.
- 13.6 The owner/occupancy of dwelling will be responsible for charges outlined in the Consolidated User Fees and Charges for Services bylaw, if Orangeville Fire Services responds to an open air fire and finds any of the following issues:
- a) a Permit has not been obtained (or has been revoked or suspended) prior to conducting the open air fire (unless exempted in this bylaw);
  - b) Open air fire conditions are outside of the provisions of this bylaw (i.e. time of fire, size, proximity to combustibles, material being burned, etc.); or,
  - c) An open air fire has become out of control and requires extinguishment by Orangeville Fire Services.

**14. Severability**

- 14.1 Should any section or subsection of this bylaw or any part or parts thereof be found by law to be illegal or beyond the power of the Council to enact, such section or subsection or part or parts thereof shall be deemed to be severable so that the remainder of this bylaw shall continue in force.

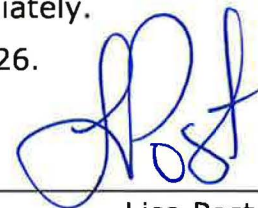
**15. Repealing Section**

- 15.1 By-laws 2016-110, 2021-029, 2021-092, 2022-008, 2022-022, 2023-060 and 2024-074 are hereby repealed.

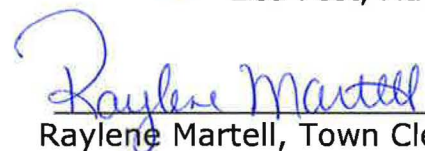
**16. Effective Date**

- 16.1 This bylaw shall come into force and take effect immediately.

Read three times and finally passed this 8th day of June, 2026.



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Lisa Post, Mayor



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Raylene Martell, Town Clerk

**Schedule "A"**

**Standing Sensitive Receptors**

<b>Healthcare Facilities</b>		
Headwaters Health Care Centre	100 Rolling Hills Drive	Hospital
<b>Seniors Facilities</b>		
Avalon	355 Broadway	Retirement Home
Bethsaida	3 Hillside Drive	Retirement Home
Horizon Apartments	43 Bythia Street	Seniors Building
Lord Dufferin Centre	32 First Street	Retirement Home
Montgomery Village	155 Riddell Road	Retirement Home
Orangeville Seniors Centre	26 Bythia Street	Seniors Building