



Town of Whitby

By-law # 6991-15

By-law to Regulate the Setting of Fires

Being a By-law to regulate the setting of fires in the Town of Whitby.

Whereas Section 10 (2) of the Municipal Act 2001, S.O. 2001, c.25, provides that a Council of a municipality may pass by-laws with respect to the economic, social and environmental well-being of the municipality and the health, safety and well-being of persons;

And whereas Section 7.1 (1) of the Fire Prevention and Protection Act S.O. 1997, c.4, provides that a 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, Part 2 of the Ontario Fire Code, O. Reg. 213/07, Subsection 2.6.3.4(1), provides that open air burning shall not be permitted unless approved, or unless such burning consists of a small, confined fire, supervised at all times, and used to cook food on a grill or barbecue;

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

1. General

1.1. No person shall light, ignite or start or cause to be lighted, ignited or started a fire of any kind whatsoever outside of the walls of a building, whether in the open air or enclosed by any permanent or portable incinerator or other device for burning garbage, rubbish or other waste material without having first obtained a written permit to do so from the Fire Chief, save and except, oversized burns on rural properties as approved through a permit issued by the Fire Chief.

1.2. That Le Nordik Spa be granted an exemption from this By-law to permit burning of solid fuel in enclosed fire pits for recreational purposes as part of the operation of their spa at 4015 Cochrane Street subject to:

Le Nordik Spa being fully responsible for their fires and agreeing to pay all costs associated with Whitby Fire and Emergency Services (WFES) responding to a fire associated with or resulting from their site, and;

All fires being attended to and supervised at all times by qualified and trained staff with adequate on site fire extinguishing equipment as approved by WFES, and;

A dry hydrant connection being installed for use by WFES to allow firefighting water to be relayed from the fire route to the lower ravine area, and;

All fires being located a minimum of 9 m (30 ft.) away from any combustible material in enclosures approved by WFES, and;

No accelerants being used to ignite fires and the solid fuel consisting only of dry wood, and;

Burning being discontinued in the event of dry or windy conditions, or when smoke becomes a hazard on Taunton Road, or is reported as a nuisance by neighbours, or when WFES has instituted a Town wide burning ban due to unsafe conditions or under any other situation or circumstance where deemed appropriate by WFES, and;

That the WFES be permitted to conduct inspections at any time as deemed appropriate by WFES.

- 1.3. Any person to whom a permit has been issued pursuant to section 1.1 shall place and keep a competent, adult person in charge of the fire at all times until it is fully extinguished and shall provide such person with such appliances and equipment as may reasonably be required, having regard to the nature and location of the fire, by the Fire Chief in the permit to control the fire and to prevent it from causing damage or becoming dangerous to persons or property.

2. Enforcement and Penalties

- 2.1. Anyone contravening the provisions of this By-law shall be guilty of an offence and shall be liable to a fine of not more than \$5,000.00, exclusive of costs, the amount of such fine to be recoverable under the Provincial Offences Act.

3. Repeal of Existing By-law

- 3.1. By-law # 51-74 is hereby repealed in its entirety.

4. Effective Date

- 4.1. This by-law comes into force and effect of the date of passing thereof.

By-law read and passed this 20th day of April, 2015.

Don Mitchell, Mayor

Debi A. Wilcox, Town Clerk