OFFICE CONSOLIDATION

This is a consolidation of the Town's by-law to regulate Open Air, Recreational and Agricultural fires and to repeal By-law 96-59, as amended being By-law Number 2016-092 as amended by By-law 2026-066. The following consolidation is an electronic reproduction made available for information purposes only and is not an official version of the by-law. Official versions of all by-laws can be obtained from the Town Clerk by calling (905) 584-2272. If there are any discrepancies between this consolidation and By-laws 2016-092 and 2026-066 the by-laws shall prevail.

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. BL-2016-092

A by-law to regulate *Open Air*, *Recreational* and *Agricultural* fires and to repeal By-law 96-59, as amended

WHEREAS Section 7.1(1) of the *Fire Protection and Prevention Act,* 1997, S.O. 1997,c. 4, as amended empowers a municipality to 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 Section 11(3), paragraph 6, of the *Municipal Act,* 2001, S.O. 2001, c. 25 as amended (hereinafter referred to as the Municipal Act, 2001) authorizes a municipality to pass a By-law respecting the health, safety and well-being of *Person*s and respecting the protection of *Persons* and property;

AND WHEREAS *Council* is empowered under Section 128(1) of the Municipal Act 2001,S.O. 2001, c. 25., as amended, to pass by-laws to prohibit and regulate with respect to public *nuisance*s, including matters that, in the opinion of *Council*, are or could become or cause public *nuisance*s;

AND WHEREAS Section 391.1 (a) of the Municipal Act, 2001 provides that a municipality may pass by-laws imposing fees or charges on *Person*s for services or activities provided or done by or on behalf of it including permit fees for *Burn Permits*;

AND WHEREAS the *Council* of The Corporation of the Town of Caledon deems it necessary to regulate open air, recreational and agricultural fires within the Town of Caledon;

NOW THEREFORE the *Council* of The Corporation of the Town of Caledon ENACTS AS FOLLOWS:

Short Title

This By-law shall be known as the “Open Air, Recreational and Agricultural Burning By-law”.

Part 1 – Definitions

1. In this by-law:

“*Approved*” shall mean permission being granted the Town’s *Fire Chief* or his *Town Designate*;

“*Agricultural Burn*” shall mean a temporary *Burn Permit* for agricultural properties as defined;

“*Agricultural Property*” shall mean a property used for agricultural purposes, specifically the cultivation of the soil and the associated production of field crops, vegetables, fruit, horticultural crops and nursery stock and the limited accessory processing, storage, promotion and selling of such products primarily produced on the farm; the breeding, caring and/or keeping of livestock including horses and bees and the selling of such stock or the product of such stock and the management of woodlands and the sale of related products including fuel wood, Christmas trees and maple products and includes a farm dwelling and accessory buildings and uses;

“*Burn Ban*” shall mean a prohibition on all *Open Air* and Recreational fires due to an unacceptable fire or health risk to the community resulting from a lack of precipitation, poor air quality or for any other such reason, as declared by the *Fire Chief* or his *Town Designate*;

"*Burn Permit*" shall mean permission granted by the *Fire Chief* or his *Town Designate*, in writing, in the appropriate form, and for a specified time period, to set a fire in the *Open Air* or in an *outdoor fireplace*, and is referenced in this By-law as "Permit", "*Open Air Burn Permit*", "Recreational Permit", or "Agricultural Permit";

"*Council*" shall mean the *Council* of The Corporation of the Town of Caledon;

"*Nuisance*" shall mean excessive smoke, smell, airborne sparks or embers that are likely to disturb others;

"*Open Air*" shall mean any open place, yard or field which is not enclosed by a building, structure, as defined by the Building Code Act, 1992, S.O. 1992, c.23, as amended, or an *approved* appliance;

"*Open Air Burning*" shall mean a fire set in the *Open Air*, on lots exceeding half (1/2) an acre;
"*Outdoor fireplace*" shall mean a manufactured or other *approved* non-combustible enclosed container with a spark arrestor designed to hold a small fire for decorative purposes, the size of which is no larger than 1 meter in any direction, and may include, but is not limited to, chimineas;

"*Owner*" means the *Person* holding registered title to the land, and/or a lessee, tenant, occupant, mortgagee in possession, or any *Person* occupying or having care and control of the land;

"*Permit Holder*" means the *Person* named on the permit, and includes the *Owner*;

"*Person*" shall mean an individual, firm, corporation, association, partnership, trust organization, trustee or agent and the heirs, executors, administrators and other legal representatives of a *Person* to whom the context can apply according to law;

"*Public property*" includes the property owned or occupied by the Town, or any other corporation of a metropolitan, regional or district municipality, a county, city, town, village, township or improvement district including a local board thereof, a commission, a conservation authority, the Province of Ontario, the Dominion of Canada, including any agency thereof;

"*Recreational Burn*" shall mean a fire contained to an *outdoor fireplace*;

"*Refuse*" shall mean any article, thing, matter or any effluent belonging to or associated with a house or household, any industry, trade or business, and without limiting the foregoing, may include:

(a) Accumulations, deposits, remains, rubbish or trash;

(b) Litter, including paper, cartons, newspapers, flyers, cardboard, and/or packaging;

(c) Machinery and machinery equipment and/or parts, including vehicular parts and/or accessories, tires, furnaces and/or furnace parts, pipes and/or pipe fittings, water tanks, fuel tanks, and/or septic tanks, tubing, conduits, cable fittings and/or other accessories;

"*Town*" means The Corporation of the Town of Caledon;

"*Town Designate*" shall mean a *Person* who is an employee of the Town, and who has been appointed by *Council* to administer and/or enforce all or part of this By-law on behalf of the *Town*, and shall include the *Fire Chief* or his *Town Designate*, and all assistants to the Fire Marshall employed or appointed to the Town's Fire and Emergency Services.

Part 2 – Scope and Application

2. This By-law shall apply to all land within the Town of Caledon.

3. Where a provision of this By-law conflicts with a provision of another By-law in force and effect in the *Town*, the provision that establishes the higher standard shall prevail in order to protect the health, safety and welfare of the general public.

Part 3 – Permit

4. The *Fire Chief* or his *Town Designate* may issue a permit with or without conditions, *refuse* a permit, and/or revoke a permit.

5. No *Person* shall set, allow to burn or maintain an *Open Air* burn, a *Recreational Burn* and/ or an *Agricultural burn* without a permit.

6. No *Person* shall set, allow to burn or maintains an *Open Air* burn, a *Recreational Burn* and/ or an *Agricultural burn* to burn refuse.

7. No *Person* shall set, allow to burn or maintain an *Open Air* burn, a *Recreational Burn* and/ or an *Agricultural burn* without a permit when rain or fog is present.

8. No *Person* shall set, allow to burn or maintain an *Open Air* burn, a *Recreational Burn* and/ or an *Agricultural burn* without a permit when the wind is blowing with a velocity of 24 kilometers per hour or greater, or with such intensity or in such a direction that a fire may cause:

   (1) Decreased visibility on any highway;

   (2) Odour that may cause discomfort to *Person*(s) residing in the immediate area;

   (3) The possible spread of fire through a grass or brush area;

   (4) The possible spread of fire to neighbouring buildings or properties;

   (5) The spread of fire due to lack of precipitation within the boundaries of the Town for a period prior to the date of the application for permit; and/or

   (6) A *nuisance*.

9. A *Burn Permit* requires that the *Permit Holder*:

   (1) To be responsible for the fire, and remain in attendance at all times in a supervisory capacity, until the fire is completely extinguished;

   (2) To ensure that an adequate means of extinguishing the fire be available at the site of the fire, at all times;

   (3) To ensure that there is no less than three (3) meter perimeter around the fire, that is free and clear of all combustible material;

   (4) To comply with any and all conditions contained in the Permit;

   (5) To produce the Permit to the *Fire Chief* or his *Town Designate*, on demand;

   (6) To burn only while the Permit is in effect, and/or only on the day(s) as specified by the Permit.

Issuance of Permit

10. The Permit for an *Open Air Burn*, a *Recreational Burn*, or an *Agricultural Burn* shall be in a form as determined by the *Fire Chief* or his *Town Designate*.

11. Notwithstanding the provisions of this By-law, a Permit is not required where:

   (1) The *Open Air* burn consists of a small confined fire that is used to cook food on a grill, barbeque or spit, commensurate with the type and quantity of food being cooked, and supervised at all times;

   (2) An appliance is used that meets the requirements of the *Technical Standards and Safety Act*, 2000, S.O. 2000, c.16, as amended, is for outdoor use and has been assembled and/ or installed in accordance with the manufacturer's instructions.

12. Notwithstanding, and in addition to the provisions of section 9, 10, and 11 of this By-law, the *Fire Chief* or his *Town Designate* may issue a Permit subject to conditions, including but not limited to:

   (1) Requiring the supervision of the fire by the *Fire Chief* or his *Town Designate*, at the sole cost of the *Permit Holder*,

   (2) Restricting the size of the burn material, and/or

   (3) Specifying conditions to reduce or contain the risk of fire spreading.

Refusal

13. The *Fire Chief* or his *Town Designate* may *refuse* to issue a Permit where the request does not comply with the provisions of this By-law.**Revocation of Permit**

14. The *Fire Chief* or his *Town Designate* may revoke a Permit issued pursuant to this Bylaw if:

    (1) The *Permit Holder* fails to comply with:

        (a) Any of the conditions upon which the Permit was issued,

        (b) Any law applicable to the disposal of waste materials resulting from the burn, or

        (c) Any of the provisions of this By-law,

    (2) The Permit was issued in error, or as a result of mistaken, false or incorrect information, or

    (3) For any other purpose, as deemed fit by the *Fire Chief* or his *Town Designate*.

15. If the *Fire Chief* or his *Town Designate*, is of the opinion that the continued burning of the *Open Air*, *Recreational* or *Agricultural burn* is a hazard, the *Fire Chief* or his *Town Designate*, may direct the fire to be extinguished.

    (1) Every *Person* directed to extinguish a burn shall immediately extinguish the fire / burn.

Expiry of Permit

16. A Permit, issued pursuant to this By-law, shall expire one (1) year from the date of issuance.

Open Air Burn Permit

17. An *Open Air Burn Permit* is permitted only for residential lot sizes that are one half ($^1/_2$) acre or greater in size.

18. An *Open Air Burn Permit* only permits burning of dry wood, or wood by-products.

    (1) An *Open Air Burn Permit* does not permit the burning of *refuse*, grass clippings or leaves.

19. An *Open Air Burn Permit* requires that:

    (1) The size of the fire to be less than one (1) cubic meter in aggregate size;

    (2) Burning only occur during the following hours:

        (i) From 8:00a.m. to 8:00p.m., between the first day of spring and the last day of summer, and / or

        (ii) From 8:00a.m. to 5:00p.m., between the first day of autumn and the last day of winter;

    (3) A fire be set or maintained at least fifteen (15) meters away from any building, structure, hedge, fence, vehicular roadway or overhead wires;

Recreational Burn Permit

20. A *Recreational Burn Permit* is permitted for residential lots.

21. A *Recreational Burn Permit* only permits burning of dry, seasoned fire wood.

    (1) A *Recreational Burn Permit* does not permit the burning of *refuse*, grass clippings or leaves.

22. A *Recreational Burn Permit* requires that:

    (1) All fires be contained within an *Outdoor Fireplace* one (1) cubic meter in size;

    (2) The *Outdoor Fireplace* be located on concrete, patio slabs, stone or other such non-combustible material;

(3) A fire be set or maintained at least three (3) meters away from any building, structure, hedge, fence, vehicular roadway or overhead wires ;

Agricultural Burn Permit

23. An *Agricultural Burn Permit* is permitted only for *Agricultural Properties*.

24. An *Agricultural Burn Permit* only permits burning of wood or wood by-products.

(1) An *Agricultural Burn Permit* does not permit the burning of *refuse.*

25. An *Agricultural Burn Permit* requires that:

(1) The size of the fire not be greater than 5 m by 5 m in area;

(2) Burning only occur during the following hours:

(i) From 8:00a.m. to 5:00p.m., between Monday to Friday, excluding statutory holidays, or

(ii) As specified in the *Agricultural Burn Permit*.

(3) A fire be set or maintained at least fifty (50) meters away from any building, structure, hedge, fence, vehicular roadway or overhead wires;

(4) Adequate means of controlling and extinguishing the fire, including heavy equipment, are available at the site at all times during the fire;

(5) Arrange for an inspection by the *Fire Chief*, or his *Town Designate*, prior to commencing to burn.

Part 4 – Administration and Enforcement

26. The *Fire Chief* or his *Town Designate* shall be responsible for the administration and enforcement of this By-law.

27. Every *Person* who sets a fire in contravention of this by-law, fails to extinguish a fire once ordered to do so by the *Fire Chief* or his *Town Designate*, in addition to any penalty provided for herein, shall be liable for all expenses incurred for the purposes of investigating, controlling and/or extinguishing any fire set or left to burn.

28. Any *Person* who:

(1) Burns or allows the burning of an *Open Air*, *Recreational* or *Agricultural burn* contrary to the provisions of this By-law, or
(2) Fails to extinguish an *Open Air*, *Recreational* or *Agricultural burn* upon direction from the *Fire Chief* or his *Town Designate*,

shall, in addition to any penalty provided for herein, be liable to the Town for any expenses incurred for the purpose of controlling and/or extinguishing the *Open Air*, *Recreational* or *Agricultural burn*.

29. Any such expenses as established in section 34, may be recovered by addition of the amount owning to the tax roll, and collected in the same manner and with the same priorities as municipal real property taxes.

30. Notwithstanding any provision contained in this By-law, no *Person* shall set or maintain,

(1) An *Open Air*, *Recreational* or *Agricultural* fire on any highway, or in any park, or on *public property*,

(2) An uncontained *Open Air* or *Agricultural burn* including but not limited to, a grass fire,

(3) An *Open Air*, *Recreational* or *Agricultural* Burn when the Fire Chief or his *Town Designate*, has ordered that it not be set, or that it be extinguished, or

(4) An *Open Air*, *Recreational* or *Agricultural Burn* when a *Burn Ban* is in effect.

31. Notwithstanding any provision of this By-law, no *Person* shall set or maintain an *Open Air* or *Agricultural burn* for the purposes of demolishing a building or structure, except in accordance with a Permit issued by the Chief Building Official, pursuant to the *Building Code Act, 1992, S.O. 1992, c.23*, and the provisions of this By-law.

Part 5 – Offence and Penalty

32. Every *Person* or *Owner* who:

(1) Contravenes any provisions of this By-law, or

(2) Furnishes false information in the application for a permit under this By-law, Is guilty of an offence, and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.

[Section 32(3) added, By-law 2026-066, effective June 23, 2026]

(3) Every Person who contravenes any provision of this By-law, including an Order issued under this By-law, is guilty of an offence and is liable to pay to the Town an Administrative Penalty and any Administrative Fees, where applicable, pursuant to the Administrative Monetary Penalty System By-law 2024-086, as amended.

Part 6 – Severability

33. Should any section, subsection, clause, paragraph or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the provision so declared to be invalid.

General

34. By-law 96-59 and all amendments thereto are hereby repealed.

Enactment

35. This By-law shall come into full force and effect on January 1, 2017.

Enacted by the Town of Caledon Council this 29th day of November, 2016.

"Allan Thompson"

Allan Thompson, Mayor

"Carey deGorter"

Carey deGorter, Clerk