

PROTECTION

Chapter 507 DANGEROUS - COMBUSTIBLE INFLAMMABLE - EXPLOSIVE SUBSTANCES

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Article 1
STORAGE - GASOLINE - FUEL OIL

507.1.1 Permit - required - excess - 10 gallons

No person shall keep or store, gasoline or diesel fuel oil, in quantities in excess of ten gallons, without first having obtained a permit for so doing.

507.1.2 Permit - issuance - conditions of

No permit shall be issued unless and until the conditions as set out in Sections 507.1.3 through 507.1.8 inclusive have been complied with.

507.1.3 Application - in writing - to Clerk

For the purpose of obtaining said licence, an application shall be made in writing to the Clerk, upon a form supplied for that purpose.

507.1.4 Compliance - conditions - regulations - required

If the said application complies with the conditions and regulations as may be prescribed by the Council, the Clerk may issue the said permit.

507.1.5 Tenant - applicant - owner approval - required

In the case that the applicant is a tenant of any property, no permit shall be issued unless and until the tenant has obtained the consent and approval in writing of the owner.

507.1.6 Permit - issued - for current year - fee

Any permit issued under the provisions of this Chapter, shall be for the current year in which it is issued. The amount of the fee for same shall be in accordance with the licence by-law [City of Brantford Municipal Code, Chapters 326 and 354], and shall accompany the application.

507.1.7 Tank - storage - standards

The said gasoline or diesel fuel oil shall be kept or stored in a tank approved by the Canadian Fire Underwriters Association and shall comply with the provisions of the *Gasoline Handling Act*, R.S.O. 1980, chapter 185 and all Regulations made under same.

507.1.8 Tank - underground - location

The said tank or tanks shall be stored underground, and in such a location as shall be specified by and approved by, one of the hereinafter designated municipal officers.

Article 2

STORAGE - CLEANING FLUIDS

507.2.1 Permit - required - excess - 10 gallons

No person shall keep or store cleaning fluids in excess of ten gallons without first having obtained a permit for so doing.

507.2.2 Permit - issuance - conditions of

No permit shall be issued unless and until the conditions as set out in Sections 507.2.3 through 507.2.7 inclusive have been complied with.

507.2.3 Application - in writing - to Clerk

For the purpose of obtaining said licence, an application shall be made in writing to the Clerk upon a form supplied for that purpose.

507.2.4 Compliance - conditions - regulations - required

If the said application complies with the conditions and regulations as may be prescribed by the Council, the Clerk may issue the said permit.

507.2.5 Tenant - applicant - owner approval - required

In the case that the applicant is a tenant of any property, no permit shall be issued unless and until the tenant has obtained the consent and approval in writing of the owner.

507.2.6 Permit - issued - for current year

Any permit issued under the provisions of this Chapter shall be for the current year in which it is issued.

507.2.7 Quantities - receptacles - location - approval

The said cleaning fluid shall be kept or stored in such quantities, in such a receptacle and location, as may be approved by one of the hereinafter designated municipal officers. By-law 58-67, 10 April, 1967.

Article 3
FIRES

INTERPRETATION and APPLICATION

507.3.1 Definitions

In this Article,

Appropriate Weather Conditions means that the wind speed does not exceed 15 kilometres per hour and that it is not raining, nor foggy, nor is there a declared smog alert. Further, it shall mean that the ground conditions are not dry, the area has not been subject to a drought nor has the Fire Chief declared a burning ban due to weather conditions. The appropriate Federal and/or Provincial Government agency shall be used as the source of this information.

By-Products means the by-products to an *Open Air Burning* and includes smoke and ash.

Chief Fire Official means the person appointed as Fire Chief by *City* by-law or a member of the fire department appointed by the Fire Chief under Article 1.1.1.2. of Division ‘C’ of the Fire Code.

City means The Corporation of the City of Brantford.

Cooking Fires means a small confined fire, supervised at all times, and used to cook food on a grill or barbeque.

Council means the elected Council of the *City*.

Fire Chief means the person appointed as Fire Chief by *City* by-law

Fire Pit means any space designed specifically for the purposes of holding a campfire, which encloses the perimeter of a campfire with non-combustible materials, and may include a steel or masonry container, such as a chiminea.

Municipal Property means any property owned or operated by the *City*, but does not include any property which is leased out by the *City*.

Negative Impact means one or more of:

- (i) actual damage to property;
- (ii) actual damage to plant or animal life;
- (iii) harm or material discomfort to any person;
- (iv) impairment of the safety of any person
- (v) loss of normal use of property; or
- (vi) interference with normal conduct of business.

Notify or Notified means that the person proposing *Open Air Burning* contacts the *City Fire Dispatch* and provides the required information, as may be requested.

Open Air Burning means burning or combustion of materials in any open place including yards, fields or construction areas which are not enclosed by a building or structure.

Permit means a permit issued by the *Chief Fire Official* pursuant to this Article.

Permitted Campground means a “campground” or “recreation trailer park” as defined and permitted by the *City Zoning By-law*, as amended from time to time.

Person means and includes an individual, an association, a chartered organization, a firm, a partnership or a corporation.

Vacated means the absence of any person attending to the *Open Air Burning*.

507.3.2 Administration

507.3.2.1 The short-title of this Article shall be the “Burning Regulations”.

507.3.2.2 The administration of this Article shall be the responsibility of the *Fire Chief*, except with regard to: (i) the issuance of *Permits*, which is the responsibility of the *Chief Fire Official*; and (ii) enforcement, which shall be the responsibility of the *Chief Fire Official* and Provincial Offences Officers, and Police Officers.

507.3.2.3 If this Article is in conflict with any Federal or Provincial Act or Regulation, the provisions of the said Federal or Provincial Act or Regulation shall supersede those affected portions of this Article. This Article shall apply to all lands and premises within the *City*.

507.3.3 Exemptions

507.3.3.1 The *City Fire Department* shall be exempt from the provisions of this Article with respect to *Open Air Burning* for the purposes of educating and training individuals.

507.3.3.2 Nothing in this Article shall be construed as permitting the operation of an incinerator.

507.3.3.3 Small, contained fires, supervised at all times and used to cook food as permitted by Sentence 2.4.4.4.(1) of Division ‘B’ of the Ontario Fire Code shall be exempt from the provisions of this Article.

507.3.3.4 Propane or natural gas appliances meeting the requirements of Sentence 2.4.4.4.(2) of Division 'B' of the Ontario Fire Code shall be exempt from the provisions of this Article.

507.3.3.5 Small recreational or *Cooking Fires* at *Permitted Campgrounds* shall be exempt from the provisions of this Article.

BURNING

507.3.4 Prohibition

507.3.4.1 No person shall conduct or permit an *Open Air Burning* within the boundaries of the *City* unless approved by the *Chief Fire Official*.

507.3.4.2 No person shall conduct or permit an *Open Air Burning* contrary to the conditions set out in this Article or a *Permit*.

507.3.5 RECREATIONAL BURNING (NOT permitted in the areas of the City which were part of the City of Brantford prior to the 2017 boundary adjustment). This section is only in force and effect until January 1, 2023)

Open Air Burning for recreational purposes is deemed to be approved by the *Chief Fire Official* if:

- (a) the property is located in the area of the City of Brantford as indicated in Schedule 'C', forming part of this Article;
- (b) the *Open Air Burning* is contained in a *Fire Pit*, which is no more than one (1) square metre in area;
- (c) the *Open Air Burning* is at least 15 metres from any building, structure, hedge, fence, vehicular roadway of any kind or nature, overhead wiring or any property line, unless otherwise approved by the *Chief Fire Official* or within a site of a permitted campground;
- (d) the *Open Air Burning* is at least five (5) metres from any object or material with potential to ignite;
- (e) the perimeter of the *Open Air Burning* does not exceed the size of the *Fire Pit*;
- (f) the *Open Air Burning* is attended, controlled and supervised at all times;
- (g) steps are taken to ensure that smoke caused by the *Open Air Burning* does not have an adverse effect on the visibility of motorists using roads in the vicinity of the *Open Air Burning*;
- (h) the owner or occupant takes steps to ensure that adjacent properties are protected and that the *By-Products* of the *Open Air Burning* do not have a *Negative Impact*;
- (i) the *Open Air Burning* is not occurring on any road allowance or *Municipal Property* without written permission of the *City*;
- (j) an effective extinguishing agent of sufficient size and with the capability of extinguishing the *Open Air Burning* is immediately available for use;

- (k) the *Open Air Burning* is conducted in such a manner as to preclude the escape of fire or the escape of combustible solids such as sparks and ash from the *Open Air Burning*;
- (l) the *Open Air Burning* is conducted in *Appropriate Weather Conditions*;
- (m) the only materials being burned are those listed in Schedule 'A', forming part of this Article;
- (n) the *Open Air Burning* is completely extinguished before the site is *Vacated*; and
- (o) the *Open Air Burning* occurs prior to January 1, 2023.

507.3.6 Non-recreational Residential/Agricultural Burning –Approval Required (NOT permitted in the areas of the City which were part of the City of Brantford prior to the 2017 boundary adjustment) This section is only in force and effect until January 1, 2023)

Open Air Burning on lands zoned Residential or Agricultural that does not meet the criteria in section 4.12 of this Article, must be approved by the *Chief Fire Official* and conducted in accordance with the following:

- (a) the property is located within the area of the City of Brantford as indicated in the Schedule 'C', forming part of this Article;
- (b) the *City Fire Dispatch* is *Notified* in person or by telephone, before the burning commences;
- (c) the *City Fire Dispatch* is *Notified* in person or by telephone at the conclusion of the burning;
- (d) the *Open Air Burning* is conducted between sunrise and sunset;
- (e) only materials as set out in Schedule 'B', forming part of this Article, are burned;
- (f) the *Open Air Burning* is attended, controlled and supervised at all times;
- (g) the *Open Air Burning* is completely extinguished before the burn site is *Vacated*;
- (h) the *Open Air Burning* is conducted during *Appropriate Weather Conditions*;
- (i) the *Open Air Burning* is confined to an area at least 15 metres from any building, structure, hedge, fence, vehicular roadway of any kind or nature, overhead wiring, or any property line;
- (j) the *Open Air Burning* is confined to an area at least five (5) metres from any object or material with potential to ignite;
- (k) steps are taken to ensure that smoke caused by the *Open Air Burning* does not adversely affect the visibility of motorists using roads in the vicinity of the burn;
- (l) the *Open Air Burning* does not cover a ground area exceeding 9 square metres;
- (m) steps are taken to ensure that the adjacent properties are protected and that *By-Products* of the *Open Air Burning* do not have a *Negative Impact*;

- (n) the burn is conducted in such a manner as to prevent the escape of the *Open Air Burning* or the escape of combustible solids such as sparks and ash from the *Open Air Burning*;
- (o) an effective extinguishing agent of sufficient size and with the capability of extinguishing the *Open Air Burning* is immediately available for use;
- (p) the *Open Air Burning* is not located on any road allowance or *Municipal Property* without the written permission of the *City*, unless such burning is being conducted by authorized employees of the *City* or is for the purpose of clearing the *City* drainage ditches;
- (q) means to contact the *City* Fire Dispatch are immediately available; and
- (r) the *Open Air Burning* occurs prior to January 1, 2023.

507.3.7 Commercial, Industrial, Institutional Burning – Semi-Annual Permit (NOT permitted in the areas of the City which were part of the City of Brantford prior to the 2017 boundary adjustment) This section is only in force and effect until January 1, 2023)

Open Air Burning on lands zoned Commercial, Industrial or Institutional that does not meet the criteria in section 4.12 of this Article, may be conducted under the authority of and in compliance with a *Permit*, and conducted in accordance with the following:

- (a) the property is located within the area of the City of Brantford as indicated in Schedule ‘C’, forming part of this Article;
- (b) only materials as set out in Schedule ‘B’, forming part of this Article, are burned;
- (c) the holder of a *Permit*, issued pursuant to this section 15, *Notifies* the *City* Fire Dispatch at the telephone number specified on the *Permit* on each and every day that they intend to burn and before any burning commences, and again when the *Open Air Burning* is extinguished;
- (d) the *Open Air Burning* takes place between sunrise and sunset only;
- (e) the *Open Air Burning* is conducted in compliance with the terms of the *Permit*;
- (f) the *Open Air Burning* occurs prior to the earlier of: (A) the expiration of six months from the date of issuance of the *Permit*; or (B) January 1, 2023.

507.3.8 Non-Recreational Single Occasion – Permit

Open Air Burning that does not meet the criteria in section 4.12, 4.13, or 4.14 of this Article may be conducted under the authority of and in compliance with a *Permit*, and conducted in accordance with the following:

- (a) the *Open Air Burning* only involves materials identified in Schedule ‘B’, forming part of this Article;
- (b) The *Open Air Burning* occurs between sunrise and sunset, for no more than three (3) consecutive days; and

- (c) The holder of a *Permit* issued pursuant to this section 16 is required to *Notify* the *City Fire Dispatch* at the telephone number specified on the *Permit* on each and every day that they intend to burn and before any burning commences, and again when the *Open Air Burning* is extinguished.

507.3.9 General Permit Provisions

507.3.9.1 A *Permit* request may only be made by: (a) the owner of the property of the proposed burn site; or (b) an occupant of the property, provided that the request is accompanied by a signed letter from the owner of the property giving them permission to submit the request.

507.3.9.2 A *Permit* request must be accompanied by the applicable fee as set out in the *City's Fees and Charges Article*.

507.3.9.3 *Permits* are issued at the discretion of the *Chief Fire Official*.

507.3.9.4 Prior to granting a *Permit* to conduct *Open Air Burning*, the *Chief Fire Official* may give consideration to:

- (a) the results of an on-site inspection;
- (b) the size of the proposed *Open Air Burning*;
- (c) the safety measures proposed;
- (d) the supervision arrangements proposed;
- (e) the time of year and the time of day;
- (f) the type of special event;
- (g) the materials to be burned;
- (h) the anticipated weather conditions; and
- (i) any other relevant considerations.

507.3.9.5 The *Chief Fire Official* may attach such conditions as deemed appropriate to any *Permit* granted for *Open Air Burning*.

507.3.9.6 The holder of the *Open Air Burning Permit* shall keep it or a copy of it at the burning site specified in the *Permit*.

507.3.9.7 No person, being the holder of a *Permit*, shall fail to produce the *Permit* or a copy of the *Permit* on the demand of a Provincial Offences Officer or member of the Brantford Fire Department.

507.3.9.8 Any *Permit* holder who is in violation of this Article may have their *Permit* summarily revoked and all *Open Air Burnings* will be immediately extinguished.

507.3.9.9 Despite the existence of a valid *Permit*, the *Chief Fire Official* may suspend, without recourse, any and all *Permits* and cause to be extinguished any *Open Air Burning* until such conditions as the *Chief Fire Official* may indicate are met.

507.3.9.10 The *Chief Fire Official* may refuse to approve or issue a *Permit* for an *Open Air Burning* if: (a) the proposed *Open Air Burning* would be in contravention of this Article; (b) if the owner or occupant has, in the past, contravened the provisions of this Article; or (c) if the owner or occupant has not complied with any conditions attached to a *Permit*.

507.3.9.11 The *Chief Fire Official* may withdraw a *Permit* for an *Open Air Burning* if, in the *Chief Fire Official's* opinion: (a) the *Open Air Burning* is causing a *Negative Impact*; (b) smoke produced by the *Open Air Burning* is causing visibility concerns on roads in the area of the burn; (c) the weather has deteriorated or conditions have become unfavorable for an *Open Air Burning*; (d) conditions attached to the granting of a permit are not being adhered to; or (e) any provision of this Article is being contravened.

507.3.10 Extinguished upon Demand

507.3.10.1 When made aware of an unapproved *Open Air Burning*, any member of the Brantford Fire Department, or any Provincial Offences Officer, or Police Officer may order the owner or occupant to immediately extinguish the *Open Air Burning*.

507.3.10.2 Where, in the opinion of any member of the Brantford Fire Department or any Provincial Offences Officer, an approved *Open Air Burning* is having a *Negative Impact* on the occupants of adjacent land, the *Open Air Burning* is adversely affecting persons using a road or highway adjacent to the burn site, the weather has deteriorated or conditions have become unfavourable, or conditions attached to any *Permit* or the provisions of this Article are being contravened, the member of the Brantford Fire Department or *Provincial Offences Officer* is hereby granted the authority to order the owner or occupant to immediately extinguish the *Open Air Burning*.

507.3.10.3 No person conducting or permitting an *Open Air Burning* shall fail to extinguish an *Open Air Burning* upon direction by a member of the Brantford Fire Department or a Provincial Offences Officer.

ENFORCEMENT

507.3.11 Penalty

507.3.11.1 Every person who contravenes any of the provisions of this Article is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than \$5,000, exclusive of costs, and every such fine is recoverable under the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

507.3.11.2 The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

507.3.12 Enforcement

The authority to enforce the provisions of this Article is hereby granted to the *Chief Fire Official*, members of the *City's* Fire Services, Provincial Offences Officers, or Police Officers.

507.3.13 Collection of Costs

507.3.13.1 If any contravention of this Article results in the Brantford Fire Department being dispatched, the person and/or property owner may be charged with the actual cost of the Fire Department response according to the rates established in the *City's* Fees and Charges By-law; however, nothing in the *City's* Fees and Charges By-law shall be construed as limiting the rights of the *City* to seek restitution for other direct or consequential damages or costs incurred beyond those listed.

507.3.13.2 Should any owner or occupant fail to extinguish an *Open Air Burning* when ordered to do so in accordance with this Article, the *Chief Fire Official* or *member of the* Brantford Fire Department may take action to have the *Open Air Burning* extinguished, and the person who owns or occupies the land on which the *Open Air Burning* is occurring shall be responsible for any and all costs incurred by the Brantford Fire Department in its efforts to extinguish the *Open Air Burning*.

ENACTMENT

507.3.14 Severability

If any section or sections of this Article or parts thereof are found in any court of law to be illegal or beyond the power of the *Council* of the *City* to enact, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this Article shall be deemed to be separate and independent therefrom and to be enacted as such.

By-law 46-2018, 27 March, 2018.

Schedule 'A' - Materials

Wood and Wood by-Products that have not been chemically treated, painted or stained

Paper and Paper Products

By-law 46-2018, 27 March, 2018.

Schedule 'B' - Materials

Wood and wood by-products that have not been chemically treated, painted or stained

Paper and Paper products

Cardboard

Brush

Tree Stumps

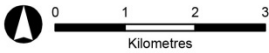
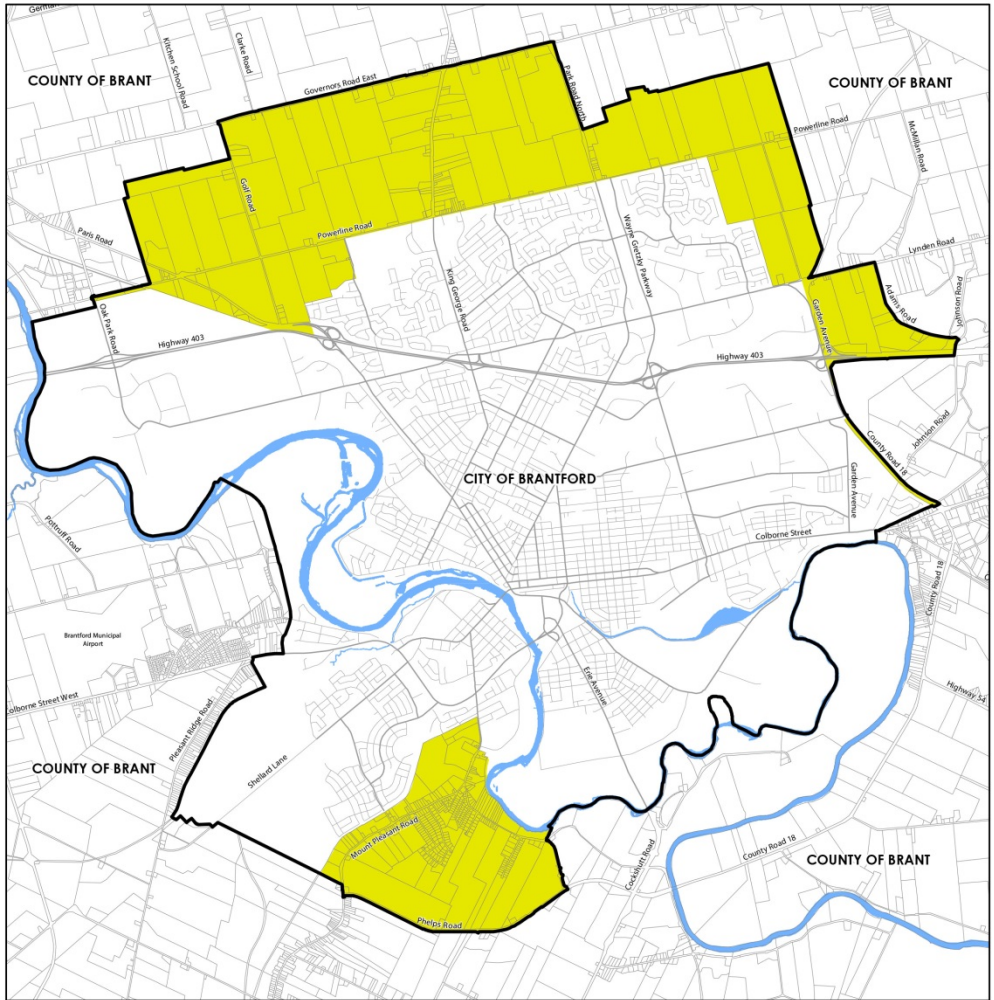
Hay, Straw and Dry Grass (non-baled)

Yard Wastes such as twigs and leaves

Other combustible materials only with the specific approval from the Chief Fire Official

By-law 46-2018, 27 March, 2018.

Schedule C



Legend

Rural Areas

Open Air Burning conforming to Sections 13, 14, or 15 permitted until January 1, 2023

By-law 46-2018, 27 March, 2018.

DANGEROUS - COMBUSTIBLE - SUBSTANCES

Article 4

WASTE MATERIAL - FLAMMABLE

507.4.1 Accumulation - prohibited

Accumulations of waste paper, hay, grass, straw, weeds, litter or combustible or flammable waste or rubbish of any kind shall not be permitted to remain upon any roof or in any court, yard, vacant lot or open space.

507.4.2 Weeds - growth - fire hazard - cut - removed

All weeds, grass, vines or other growth, when same endangers property, or is liable to be fired, shall be cut down and removed by the owner or occupant of the property it is on.

507.4.3 Storage - metal containers - required

No person making, using, storing or having in charge, or under his/her control any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw, or combustible waste materials shall fail or neglect at the close of each day to cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal or metal lined, covered, receptacles or bins.

507.4.4 Baling presses - installed - where applicable

The authority having jurisdiction shall require suitable baling presses to be installed in stores, apartment buildings, factories and similar places where accumulations of paper and waste materials are not removed at least every second day.

Article 5

FLAMMABLE MATERIALS - IN STORES

507.5.1 Display - prohibited - exception

Cotton batting, straw, dry vines, leaves, trees or other highly flammable materials shall not be used for decorative purposes in show windows or other parts of stores unless flame proofed; provided, however, that nothing in Section 507.5.2 shall be held to prohibit the display of saleable goods offered for sale.

507.5.2 Electric light - decorated - prohibited

Electric light bulbs in stores shall not be decorated with paper or other combustible materials unless such materials shall first have been rendered flameproof.

DANGEROUS - COMBUSTIBLE - SUBSTANCES

Article 6

TORCHES - FLAMES - USED

507.6.1 Precautions - fire extinguisher - hose - required

Any person using a torch or other flame producing device in or on building or structure shall take precaution to prevent fire by providing one approved fire extinguisher or water hose connected to a water supply on the premises where the device is being used.

507.6.2 Person - on premises - after use - precautions

In all cases the person using the torch or flame producing device shall remain, or have some other person remain, on these premises one hour after the torch or flame producing device has been used.

Article 7

INSPECTION

507.7.1 Reasonable times - prevention - prohibited

No person shall prevent the authorities having jurisdiction from entering into any building or premises at all reasonable times for the purpose of ascertaining as to whether the terms of this Chapter or any portion thereof have been complied with.

507.7.2 Authorization - Deputy Chief - Fire Prevention Officer

The Chief of the Fire Department of the City of Brantford and/or Deputy Chief and/or the Fire Prevention Officer, are hereby authorized and designated to administer the provisions of this Chapter. By-law 58-67, 10 April, 1967.

Article 8

ENFORCEMENT

507.8.1 Fine - for contravention

Every person who contravenes any of the provisions of this Chapter is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not more than \$5,000, exclusive of costs and every such fine is recoverable under the *Provincial Offences Act*. By-law 55-92, 23 March, 1992.

Article 9

REPEAL

507.9.1 By-law - previous

By-law 4387 of the Corporation of the City of Brantford, is hereby repealed. By-law 58-67, 10 April, 1967; By-law 127-2017, 26 September 2017; By-law 46-2018, 27 March, 2018.