

**TOWN OF MARKHAM**  
***ONTARIO***



**A BY-LAW TO PRESCRIBE TIMES  
FOR SETTING FIRES**

**BY-LAW 85-97**

This By-law is printed under and  
by authority of the Council of  
the Town of Markham

(Consolidated for convenience only  
to September 30, 2003)

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**AS AMENDED BY THE FOLLOWING BY-LAWS:**

By-law No. 86-1999 - May 11, 1999

## **BY-LAW 85-97**

### **A BY-LAW TO PRESCRIBE TIMES FOR SETTING FIRES**

A By-law of The Corporation of The Town of Markham to prescribe times for setting fires and precautions to be observed to prevent the spread of fire.

WHEREAS the Municipal Act, R.S.O. 1990, c. M.45, as amended, authorizes the councils of local municipalities to prescribe times for setting fires and the precautions to be followed and observed by persons setting fires;

AND WHEREAS it is deemed advisable to exercise the authority conferred by the said Act within the municipality;

NOW THEREFORE, Council for The Corporation of the Town of Markham enacts the following in this By-law.

1. In this By-law:
  - (a) “Burning Permit” means the document issued by the Chief Fire Official signifying permission to set a fire and establishing the conditions under which the Permit is issued.
  - (b) “Chief Fire Official” means the Fire Chief of the Town of Markham or a member or members of the fire department designated by the Fire Chief.
  - (c) “Council” means the Council of the Corporation of The Town of Markham.
  - (d) “Dangerous Condition” means:
    - (i) a lack of precipitation within the geographic boundaries of the Town for a period prior to the application which, in the opinion of the Chief Fire Official, increases the risk of the spread of fire;
    - (ii) winds within the geographic boundaries of the Town for a period prior to the application which, in the opinion of the Chief Fire Official, increases the risk of the spread of fire;
    - (iii) any other condition declared by the Chief Fire Official to be a dangerous condition, from time to time.

- (e) “Enclosed Fire” means a fire set in a container constructed for incineration purposes according to the specifications of the Ontario Fire Code.
  - (f) “Equipment and Resources” means sufficient personnel and equipment such as rakes, shovels, backhoes, bulldozers, front-end loaders, or water on-site required to control a fire.
  - (g) “Fire” means any fire set by any person within the boundaries of the Town, but does not include an Enclosed Fire.
  - (h) “Fire Code” means the Revised Regulations of Ontario 1990, Regulation 454, made under the Fire Marshals Act, R.S.O. 1990, c. F.17, as amended.
  - (i) “Fire Department” means the Fire Department of the Town.
  - (j) “Person” means any individual, association, firm, partnership, corporation, agent or trustee and the heirs, executors, or other legal representatives of a Person.
  - (k) “Town” means the Corporation of The Town of Markham.
2. (a) No Person shall set a fire or allow a fire to burn without first having obtained the necessary permit from the Chief Fire Official. Such permit, as per Schedule “A” shall be issued in written form by the Chief Fire Official.
- (b) All Persons burning pursuant to a permit must comply with all Provincial statutes and regulations as they pertain to burning.
3. Notwithstanding any provisions herein, no Person shall set or maintain a fire:
- (a) in contravention of the Fire Code, the Environmental Protection Act or any other statutory requirements of the Province of Ontario;
  - (b) on any public road, Town park, or other public property;
  - (c) in the front or side yard of any developed commercial or developed industrial zoned property within the Town;
  - (d) at a distance less than 15 metres (49.2 feet) from any building, structure, hedge, fence, vehicular roadway of any kind or nature, or overhead wiring;
  - (e) at a distance of less than 15 metres (49.2 feet) from any property line;

- (f) unless there is a space clear and free from combustible material around the perimeter of such fire of at least 9 metres (29.5 feet);
- (g) where the consumption of material will exceed the limit on material set by the Chief Fire Official;
- (h) after sunset in the afternoon on any day and before sunrise in the forenoon of any day;
- (i) unless the equipment and resources designated on the permit are available at the fire site at all times during the fire;
- (j) with the aid of flammable or combustible liquids or accelerants of any kind;
- (k) unless the Person to whom the permit has been issued or such other person as may be designated in the permit, is in attendance at the fire in a responsible and supervisory capacity at all times until such fire has been completely extinguished; or
- (l) on any construction site, or in the vicinity of any site, when construction or related activities are carried on. Notwithstanding the foregoing, a permit may be issued in connection with preliminary site-clearing and grading activities for the disposal of existing vegetable matter or vegetation, providing the appropriate fire safety activities are undertaken by the permit applicant.

(Clause 3 (l) amended by By-Law 86-1999)

- (m) in any outdoor fireplace or any other burning appliance unless approved by the Chief Fire Official.
- 4.
- (a) A permit for a fire in the open air may not be issued until an inspection of the burn site has been made by the Chief Fire Official.
  - (b) A Person who intends to set or maintain a fire in the open air on a specified day or days may be issued a permit provided that the volume of material burned does not exceed the volume set out and allowed in the permit.
  - (c) A Person who intends to set or maintain a fire in the open air on a specified day for disposal of vegetable matter or vegetation on farm lands which is normal and incidental to farming purposes, shall obtain a permit of a maximum of five (5) days and will be required to notify the Fire Department on each of the days he/she intends to burn.

- (d) A Person who intends to set or maintain a fire in the open air for recreational purposes on private or Town-owned property with permission, shall obtain a permit and will be required to notify the Fire Department on the day that he/she intends to burn.
5. No fire in the open air shall be maintained when the wind is in such a direction or intensity to cause any or all of the following:
  - (a) the possible spread of the fire to neighbouring building(s) or properties;
  - (b) a decrease in the visibility on any highway or roadway; or
  - (c) any odour to such an extent or degree so as to cause discomfort to the persons residing in the immediate area.
6. No Person (being the owner or tenant in possession of lands within the Town and having started a fire thereon) shall allow a fire to burn on such lands unless the Person is in possession of a permit issued in respect of that fire.
7. The fee for the issuance of a Burning Permit shall be \$50.00 per permit. A Burning Permit is valid for 5 days from the date of issuance.
8. Notwithstanding Section 2 above, the Chief Fire Official may revoke any or all permits issued for fires, or refuse to issue any permit where, in the opinion of the Chief Fire Official, the ability to control the fire is hampered by the existence in or near the proposed site of a Dangerous Condition.
9. The owner or owners, tenant or tenants, and agent or agents in possession of property upon which a fire burns and for which no permit has been obtained, or for which said permit was obtained upon the supplying of false information to the Chief Fire Official and any person who fails to comply with provisions of this By-law or who fails to extinguish a fire once notification to do so has been given to him by the Chief Fire Official shall, in addition to any penalty provided for herein, be liable to the Town for all expenses reasonably incurred for the purpose of controlling and extinguishing of any fire so set or left to burn and such expenses may be recovered by court action or in a like manner as taxes.
10. If any court of competent jurisdiction finds that any of the provisions of this By-law are ultra vires of the jurisdiction of the Council to pass or are invalid for any reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the By-law.

11. Any Person who contravenes any provision of this By-law is guilty of an offence and subject to a penalty pursuant to the Provincial Offences Act R.S.O. 1990, c. P.33 as amended.
12. Schedule "A" attached hereto, hereby forms part of this By-law.

**MARKHAM**

FEE \$50.00

PAID

EXEMPT

101 Town Centre Boulevard  
Markham, Ontario L3R 9W3  
Fire Prevention (905) 415-7521  
Fire EMERGENCY 9-1-1

**PERMIT FOR FIRE IN OPEN AIR  
(VALID FOR 5 DAYS ONLY)**

Permission is hereby granted to:

Name: \_\_\_\_\_ Date of Fire: \_\_\_\_\_

Address: \_\_\_\_\_

Location of Fire: \_\_\_\_\_

Materials to be burned: \_\_\_\_\_

Shall not exceed \_\_\_\_\_ m<sup>2</sup> (\_\_\_\_\_ ft<sup>2</sup>) at any one time.

Fire protection equipment and resources available shall include sufficient personnel and equipment such as rakes, shovels, backhoes, bulldozers, front-end loaders, or water on-site required to control a fire. Subject to the following regulations extracted from the Town of Markham By-law # \_\_\_\_.

1. No person shall set or maintain a fire in the open air:
  - (a) between sunset and sunrise;
  - (b) at a distance of less than 15 metres (49.2 feet) from any building, structure, hedge, fence, vehicular roadway of any kind or nature or overhead wiring;
  - (c) at a distance of less than 15 meters (49.2 feet) from any property line;
  - (d) unless there is a space clear and free of combustible material around the perimeter of the fire of at least 9 meters (29.5 feet);
  - (e) unless it is under his/her constant watch and control from the time of the lighting, up to and until it is totally extinguished;
  - (f) when the wind direction and velocity is likely to create a dangerous condition;
  - (g) with the aid of flammable or combustible liquid or accelerants of any kind;
  - (h) unless he/she complies with all the provisions of the relevant Provincial Laws and Regulations and Municipal By-laws.
2. Every person who contravenes or fails to comply with any provision of the by-law is guilty of an offence under the Provincial Offences Act, R.S.O. 1990,C.p.33.

Remarks: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Fire Official (or designate)

\_\_\_\_\_  
Date