



OFFICE CONSOLIDATION

Open Fires By-Law 91-94

A by-law for prescribing the time during which fires may be set in the open air and the precautions to be observed by persons setting out fires under The Municipal Act, Section 210 (35), R.S.O. 1990, c.M.45

(Amended by By-law 215-2023)

THE COUNCIL of the Corporation of the City of Brampton ENACTS as follows:

DEFINITIONS

In this by-law:

1. "Ceremonial/Sacred Fire" means an Open Air Fire carried out by Indigenous peoples as part of or in observance of a ceremonial or sacred service. **(By-law 215-2023)**

"Fire Chief" means the Chief of the Fire Department of The Corporation of the City of Brampton, or his designate.

"Open air" means any open place, yard, field or construction area which is not enclosed by a building or structure.

2. The Fire Chief shall be responsible for administration and enforcement of this by-law.
3. (1) No person shall set or maintain a fire in open air unless he has a permit issued by the Fire Chief under this by-law or falls within exemption set out in Section 4.

- (2) Where a permit has been obtained under subsection (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 ten (10) metres from any building , structure, hedge, fence, vehicular roadway or overhead wire or obstruction of any kind or nature whatsoever;
 - (c) if the wind velocity is greater than twenty-four (24) kilometres per hour;
 - (d) ensuring that a person competent to supervise such fire and to extinguish it promptly in the event of danger of the spread of such fire is in constant immediate attendance at the specific place where the fire is burning;
 - (e) without ensuring such fire is completely extinguished before leaving the specific place where the fire was burning;
 - (f) unless there is a space free and clear of combustible material around the perimeter of such fire of at least five (5) metres;
 - (g) where that fire contains rubber tires, plastic products or other building materials that are known to create extensive smoke; and
 - (h) unless he complies with all the relevant provisions of the Environmental Protection Act, R.S.O., 1990, c.E.19, as amended.

4. No person shall set or maintain a fire in the open air unless:

- (1) the fire is to be used for the purpose of cooking and providing that:
- (a) a distance of not less than five (5) metres is maintained between the fire and any building structure, fence, hedge, vehicular roadway or overhead wire or obstruction of any kind or nature whatsoever;
 - (b) the requirements of clauses (c), (d), (e) and (f) of subsection (2) of Section 3 are complied with;
 - (c) the fire is not more than 0.5 square metres in area and is not more than 0.5 metres in height; AND
 - (d) the fire is set and confined in a metal or masonry container with a metal screen on top having a mesh of not larger than one-half inch;

or

- (2) The fire is a Ceremonial/Sacred Fire.

(By-law 215-2023 – section 4)

5. (1) A person who intends to set or maintain a fire in the open air space on a specified day or days may be issued a permit for one (1), seven (7) or twenty-eight (28) days provided that the fire is not more than one (1) square metre in area and does not exceed one (1) metre in height.
- (2) A person who intends to set or maintain a fire in the open air for disposal of vegetable matter or vegetation on farm lands which is normal and incidental to farming purposes may be issued a permit to cover the period of the proposed fire.
6. Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offence Act.
7. No permit is required to set or maintain a Ceremonial/Sacred Fire at an approved City location. **(By-law 215-2023)**
8. The Fire Chief is hereby delegated the authority to approve locations and requirements for setting and maintaining of Ceremonial/Sacred Fires. **(By-law 215-2023)**

Read a First, Second and Third Time and Passed in Open Council, this 9th day of May, 1994.

THE CORPORATION OF THE CITY OF BRAMPTON

Original Signed by: Peter Robertson, Mayor

Original Signed by: Leonard J. Mikulich, City Clerk