



AD AUGUSTA PER ANGSTA

# BURNING PERMIT APPLICATION

Corporation of the Township of Fauquier-Strickland

## Personal Information

1) Contact

2) Property Owner – Full Name

3) Address

4) Telephone

## Open Burning Site Information

5) Burn Site Address

6) Type of Fuel Burned

7) Has suitable fire protection equipment been provided? Yes \_\_\_\_\_ No \_\_\_\_\_

**Note: Suitable fire protection equipment: water source capable of extinguishing the fire, appropriate hand tools to include a shovel, rake, hoe.**

8) Describe the purpose of the burn: Recreational Burning \_\_\_\_\_ Land clearing \_\_\_\_\_  
Other \_\_\_\_\_

**If other, please describe:** \_\_\_\_\_  
\_\_\_\_\_

9) Provide the date(s) and time(s) when the burning is anticipated to take place (if other than annual permit):  
\_\_\_\_\_  
\_\_\_\_\_

10) I have read the Open Air Burning By-law (see reverse), and I understand the rules/regulations?

Yes \_\_\_\_\_ No \_\_\_\_\_

I, certify that the information set forth above is true and complete.

I realize that the Fauquier-Strickland Fire Department, after this request, may determine that the open burning is not allowed under its regulations, or may impose certain requirements as part of approval of my request, and shall not be allowed under its regulation, or may impose certain requirements as part of approval of my request, and shall notify me to that effect once they make such a determination.

In addition, I realize that no open burning shall be conducted in an area where an alert, warning, or emergency is in effect and that submission of this notification of intent does not exempt me from compliance with any other provincial or local regulation or ordinance.

Unless burning is specifically prohibited, persons planning an open burn (other than an approved camp fire or Bar-B-Que) should obtain an "Application for Open Burning" form and comply with By-law #2018- and all of its schedules. Remember that persons burning materials of any kind at any time are responsible for damage that may result because of the burning activity. In addition, persons involved in burning activity may be responsible for costs in extinguishing a fire that is out of control or, in the opinion of the Fire Department, is unsafe.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Fire Department Section

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_

Comments (if any):  
\_\_\_\_\_  
\_\_\_\_\_

**FROM BY-LAW 2019-41**

**Section 2. Permit Procedure**

- 2.2 Any person eighteen years of age or over, who is or who has been authorized in writing by the owner or occupant of a property within the municipality, may apply for a Permit to conduct an open air burning.
- 2.3 The person to whom a Permit is granted shall be present in person at all times during which the burn is being conducted and cleaned up, and shall be responsible for the manner in which the same are carried out.
- 2.4 The municipal office or Fire Department shall not issue a Permit under this section where it is of the opinion that the proposed site at which the open air burning is to be conducted is not suitable for that purpose.
- 2.5 No Permit shall be issued unless the Fire Department has carried out an inspection of the proposed site to determine whether the burn can be safely conducted without nuisance or risk to neighbouring properties, the proof of which shall lie on the applicant.
- 2.6 A Permit issued under this section is valid on the date of issue and for the balance of the calendar year in which the permit is issued and is subject to fees set out in the attached fee schedule (Schedule "G").
- 2.7 A Permit issued under this By-law is not transferable.
- 2.8 Where any holder of a Permit fails or refuses to comply with a term or condition to which the Permit is subject, the Fire Department shall immediately revoke the Permit and send a written notice of that revocation to the Permit holder and of the occupant of the site at which the fire was to be conducted, if not the same person.
- 2.9 The Fire Department may require an applicant for a Permit under this By-law to provide such information as the Fire Chief considers necessary or advisable in his or her reasonable discretion to allow the Fire Department to make an informed decision as to whether or not to grant a Permit under this By-law, and where that information is not provided in the form and manner required, the Fire Department may refuse to issue that Permit.
- 2.10 Open air burning is not permitted when the wind speed exceeds number 3 on the beaufort scale, and any other steps shall be taken as may be reasonably necessary to prevent the fire from getting beyond control or causing damage or becoming a danger to life and/or property.
- 2.11 Smoke may not obscure roads and homes; sparks may not travel to nearby homes.
- 2.12 Open air burning is permitted at ground level only.
- 2.13 The person tending the fire shall have a pressured water source adequate to contain the fire within the fire site.
- 2.14 Open air fires are not permitted if the Fire Chief Official has declared a ban on open air fires during high or extreme fire hazard.
- 2.15 Where a Provincial or Federal ministry issues restrictions or total bans on open air burning, these directives shall supersede this by-law until such time as the restriction or ban has been lifted by the appropriate authorities.

**Recreational Burning Requirements**

No person shall start or tend a fire outdoors for recreational purposes unless all of the following conditions are met:

- a) The person is burning commercially produced charcoal, briquettes, clean wood, brush, leaves or discarded wood by-products **not including** pressure treated wood or creosote treated wood;
- b) The material is burned is a single pile that is less than 4 feet in diameter and less than 2 feet high;
- c) Open burnings shall be confined to open burning devices or to a pit no larger than 4 feet by 4 feet in size and no more than 8 inches of the containment area shall be above grade with a maximum depth of 16 inches. The fire shall be totally confined within the open burning device or pit at all times;
- d) The fire is started not earlier than 10 a.m. in the morning and extinguished not later than 6:00 a.m. the next day or earlier;
- e) Fires will only be permitted in the rear yard;
- f) Fuel for burning shall not be stored closer than 10 feet from any fire source;
- g) No person shall set open air fires to material substance that are prohibited under the Environmental Protection Act, which may include but are not limited to the following:
  - i. Kitchen garbage;
  - ii. Materials made of or containing rubber, plastics, tar, paint;
  - iii. Materials/substances that may emit and are noxious, poisonous or pollutes, including PCB's and any other chemicals.
- 2.17 **Open Air Burning – Land Clearing**

No person shall start or tend a fire outdoors for open air burning unless all of the following conditions are met:

  - a) The Fire Department is to be notified one week prior to burning. Please call 705-339-2521;
  - b) A Land Clearing Fire Permit is required and will be valid for 7 days at a cost of \$25.00
  - c) Burning is to be between 10:00 a.m. and 6:00 p.m., and shall only be permitted between October 31<sup>st</sup> and March 31<sup>st</sup>;
  - d) Dry brush is the only material that can be burned;
  - e) Burning to be at least 45 metres from adjacent property, structures, roads, highway or wooded areas and steps must be taken to ensure that smoke caused by an open burn does not have a negative impact;
  - f) The fire must not exceed 3 metres in length, by 3 metres in width, by 2 metres in height;
  - g) Burning to be supervised by an adult AT ALL TIMES;
  - h) Fire must be completely extinguished prior to burn site being vacated;
  - i) Any other steps shall be taken as may be reasonably necessary to prevent the fire from getting beyond control or causing damage or becoming a danger to life and/or property.

**Section 3. Conduct of Open Air Burning**

- 3.1 All persons setting an open-air fire in the Municipality must first apply for a fire permit from the municipal office signed by either the Clerk Treasurer Administrator, Deputy Clerk Treasurer or from the Chief Fire Official.
- 3.2 Every person to whom a Permit is issued under section 3.1 shall:
  - a) Produce the Permit on demand to persons authorized to enforce this By-law;
  - b) Permit the inspection by the Fire Department of any site where the fire is being, is proposed to be, or has been conducted;
  - c) Comply with all guidelines governing the conduct of the open air burning, and such directions as may be given by a member of the Fire Department with respect to the fire.
- 3.3 So long as an open air fire is burning, the site of that fire shall be kept under continual surveillance by a person eighteen years of age or older.
- 3.4 No person shall conduct an open air burning in a manner that creates a nuisance, taking into account all associated noise, smoke, sparks and other dangers relating to the spread of fire, the risk of explosion, and risk of death, injury and damage to property inherent in the conduct of fire.
- 3.5 A person who conducts an open air burning shall use reasonable care to ensure that the site of the fire is not accessible to children.

**Section 4. Offences**

- 4.1 No person shall carry out, or permit a person to carry out on property of which he or she is the owner or occupant, any open air burning unless that person is the holder of a current Permit authorizing that burning to take place.
- 4.2 Section 4.1 does not apply where the open air burning consists of a small, confined fire, supervised at all times, and used to cook food on a grill or a barbecue.
- 4.3 No person shall carry out open air burning in an unsafe manner, or in a manner consistent with any terms and conditions applicable to the Permit issued under this By-law.
- 4.4 Every person who contravenes any provision of the By-law is guilty of an offence, and upon conviction, is liable to the penalties specified by Section 61 of the *Provincial Offences Act, R.S.O. 1990*, Chapter P.33.

**Section 5. Enforcement**

- 5.1 The Fire Chief and every member of the Fire Department designated as an Assistant to the Fire Marshall are authorized to enforce this by-law.
- 5.2 From time to time, the Fire Chief may approve all such forms as may be contemplated under this By-law, including forms of Permit and applications for Permit, and an applicant for any Permit under this By-law shall use the appropriate form of application and provide all information required thereon.
- 5.3 Should the Fire Department be dispatched to a complaint regarding public safety due to fire hazard, the Fire Department will have the discretion to determine compliance with this by-law and his decision shall be final.
- 5.4 **Order to Extinguish Unapproved Fires**
  - (a) when made aware of a prohibited open air burning not authorized under this by-law, the Fire Chief shall order the land owner or occupant to immediately extinguish the fire;
  - (b) the owner or occupant of land on which a prohibited open air burning is located, shall immediately extinguish the fire upon being ordered to do so by the Fire Chief;
  - (c) Should any land owner or occupant fail to extinguish a prohibited open air burning when ordered to do so by the Fire Chief, the Fire Chief may take action to have the fire extinguished, and the person who owns or occupies the land on which the open air burning is located shall be responsible for any and all costs incurred by the Fire Department in its efforts to extinguish the fire in accordance with the set fine schedule to this by-law;
  - (d) on the third attendance in any calendar year to a particular municipal address, the Fire Department shall immediately take whatever steps are necessary to extinguish a fire that is an open air burning found not to be in compliance with this by-law. The person who owns or occupies the land on which the open air burning is located shall be responsible for any and all costs incurred by the Fire Department in its efforts to extinguish the fire in accordance with the fees set out in the set fine schedule attached to this by-law.
- 5.5 In addition to any fines or penalties established elsewhere in accordance with the by-law, the person or persons responsible for setting or maintaining, or permitting to be set or maintained, an open air fire shall be liable to the Township by way of a fee or charge, as calculated in accordance with Schedule "F" to this by-law, on account of those costs and expenses incurred by the Township in:
  - (a) investigating and responding to a complaint made to the Town or the Fire Department by any person acting reasonably and in good faith, which complaint results from setting and/or maintenance of the open air fire and, in the opinion of the Chief Fire Official or the Chief Fire Official's designate, smoke or emissions from such open air fire were causing or had caused actual discomfort to the complainant; and
  - (b) the dispatching of Fire Department vehicles and fire-fighting personnel for the purpose of controlling or extinguishing the open air fire.
- 5.6 **Collection of Costs**

The Township of Fauquier-Strickland has the right to collect any unpaid costs as authorized by this by-law by adding such charges to the tax roll where they may be collected in a like manner as municipal taxes in accordance with section 434.2 of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended.

**A full copy of this by-law may be obtained at the Municipal Office or our website at [www.fauquierstrickland.com](http://www.fauquierstrickland.com)**