

Authority: Economic and Community Development
Committee Item EC21.11, as adopted by City of Toronto
Council on May 5 and 6, 2021

CITY OF TORONTO

BY-LAW 482-2021

To amend City of Toronto Municipal Code Chapter 441, Fees and Charges, and Chapter 442, Fees and Charges, Administration of, to address the application and approval process for Open Air Burn Permits.

Whereas under section 8(1) of the City of Toronto Act, 2006 (the "Act"), the City may pass By-laws to provide any service or thing that the City considers necessary or desirable for the public; and

Whereas section 259 of the Act provides that the City may pass by-laws imposing fees and charges on persons for services or activities provided or done by or on behalf of it; and

Whereas under s.7.1 of the Fire Protection and Prevention Act, 1997 (the "FPPA"), council of a municipality may pass by-laws regulating the setting of open air fires, including establishing the times during which open air fires may be set; and

Whereas under s.12 of the FPPA, the Province may make regulations that are considered advisable or necessary for the purpose of establishing a fire code for Ontario governing standards for equipment, systems, buildings, structures, land and premises, as those standards relate to fire safety, including under these regulations requiring the approval of the Fire Marshal or of a prescribed person respecting any method, matter or thing (the "Fire Code"); and

Whereas under s. 2.4.4.4. of the Fire Code, open-air burning as defined is not allowed unless it is approved by a person who is the Municipal Fire Chief or a member of the fire department appointed by the Municipal Fire Chief, or another person appointed by the Fire Marshal; and

Whereas the City has a division, known as Toronto Fire Services, that is the City's "fire department" under the FPPA, and the Fire Chief of Toronto Fire Services is a Municipal Fire Chief under the FPPA; and

Whereas the City, through Toronto Fire Services provides a service of approving open-air burning for purposes of the Fire Code; and

Whereas City of Toronto Municipal Code Chapter 441, Fees and Charges, provides for the imposition of fees for services or activities provided or done by Toronto Fire Services; and

Whereas Council has decided that it is necessary to update the fees and administration of services or activities provided or done by Toronto Fire Services concerning approving open-air burning, and to reflect these changes through amendments Municipal Code Chapters 441, and 442;

The Council of the City of Toronto enacts:

1. Chapter 441, Fees and Charges, is amended by inserting the following after Line 115 of Appendix B - Schedule 1, Fire Services Fees and Charges:

* To unnumbered column *	To Column I	To Column II	To Column III	To Column IV	To Column V	To Column VI
116	Fire Prevention, Inspection & Enforcement	Cultural Fire Authorization, site visit, reviewing plan for approval for compliance with Provincial Legislation open air burning requirements	City Policy	Per application	\$0.00	No

2. Chapter 441, Fees and Charges, is amended by deleting existing lines 95, 96, 97, and 98 of Appendix B - Schedule 1, Fire Services Fees and Charges and substituting the following therefore:

* To unnumbered column *	To Column I	To Column II	To Column III	To Column IV	To Column V	To Column VI
95	Fire Prevention, Inspection & Enforcement	Open Air Burn Permit, site visit, reviewing plan for approval for compliance with Provincial Legislation open air burning requirements	Full Cost Recovery	Per application	\$266.17	Yes
96	Fire Prevention, Inspection & Enforcement	Re-inspection - Inspector conducting Fire Prevention Re-inspection arising from Open Air Burn Permit review	Full Cost Recovery	Per hour or portion thereof	\$95.86	Yes

* To unnumbered column *	To Column I	To Column II	To Column III	To Column IV	To Column V	To Column VI
97	Fire Prevention, Inspection & Enforcement	Re-inspection - Captain conducting Fire Prevention Re-inspection arising from Open Air Burn Permit review	Full Cost Recovery	Per hour or portion thereof	\$115.88	Yes
98	Fire Prevention, Inspection & Enforcement	Re-inspection - District Chief conducting Fire Prevention Re-inspection arising from Open Air Burn Permit review	Full Cost Recovery	Per hour or portion thereof	\$133.09	Yes

3. Chapter 442, Fees and Charges, Administration of, is amended as follows:

- A. By amending Section 442-1 by adding the following definitions in alphabetical order:

CULTURAL FIRE - An open air burn conducted in connection with a specific cultural or religious practice, ceremony, or event;

CULTURAL FIRE AUTHORIZATION - Approval for purposes of compliance with Article 2.4.4.4 of the Ontario Fire Code granted by the Fire Department with respect to open air burning conducted as a Cultural Fire;

OPEN AIR BURN - shall have the same meaning as the phrases "open-air burn" or "open-air burning" as those phrases are used in the Ontario Fire Code;

OPEN AIR BURN PERMIT - Approval for purposes of compliance with Article 2.4.4.4 of the Ontario Fire Code granted by the Fire Department for all other purposes other than specific cultural or religious practices, ceremonies, or events; including, but not limited to, film shoots, private events not associated with a specific cultural or religious practice, ceremony, or event, or general fire pits;

- B. By amending Section 442-2 by adding the following as subsections K and L:

K. Cultural Fire Authorization

- (1) An applicant for a cultural fire authorization shall file with the City the application and other required documents in the form and

manner approved by the Fire Chief prior to the first proposed date for a Cultural Fire, such application and documentation to include the following:

- (a) Name, address and telephone number of the applicant and any other person(s) who may be responsible for the supervision of the cultural fire;
 - (b) Location where cultural fire is to be placed;
 - (c) Site plan illustrating the location of the cultural fire on the location, as well as the distances of all structures located on the property or on neighbouring premises to the proposed location of the cultural fire;
 - (d) Start date for the commencement of cultural fire(s) at the location;
 - (e) Duration of time for which a Cultural Fire Authorization for cultural fire(s) at the location is being requested;
 - (f) the cultural or religious practices, ceremonies, or events to which the cultural fire(s) relate; and
 - (g) Burnable materials to be included in the cultural fire(s).
- (2) The Fire Chief, or any person authorized by him or her to issue a cultural fire authorization under this chapter, shall not issue a cultural fire authorization which exceeds 12 months from the start date of commencement of Cultural Fires with respect to an application.
 - (3) Where an application for a cultural fire authorization inactive or incomplete for six months after it is submitted, the Fire Chief, or any person authorized by him or her to review an application for a cultural fire authorization under this chapter, without further notice, may deem the application to have been abandoned and cancel the application.

L. Open Air Burn Permit

- (1) An applicant for an open air burn permit shall pay the fee prescribed in Chapter 441, Fees and Charges, and file with the City the application and other required documents in the form and manner approved by the Fire Chief prior to the proposed date for the commencement of the open air burn, such application and documentation to include the following:

- (a) Name, address and telephone number of the applicant and any other person(s) who may be responsible for the supervision of each open air burn;
 - (b) Location where each open air burn is to be placed;
 - (c) Site plan illustrating the location of the open air burn on the location, as well as the distances of all structures located on the property or on neighbouring premises to the proposed location of the open air burn;
 - (d) Date of each open air burn;
 - (e) Where there are more than one open air burn scheduled, the person responsible for each open air burn;
 - (f) Purpose for each open air burn; and
 - (g) Burnable materials to be included in the open air burn.
- (2) The Fire Chief, or any person authorized by him or her to issue an open air burn permit under this chapter, shall not issue an open air burn permit which exceeds 6 months from the date of the first open air burn with respect to an application for a specific location.
- (3) Where an application for an open air burn permit inactive or incomplete for six months after it is submitted, the Fire Chief, or any person authorized by him or her to review an application for an open air burn permit under this chapter, without further notice, may deem the application to have been abandoned and cancel the application.
- (4) Where an application for an open air burn permit is abandoned, the application fee is not refundable.

Enacted and passed on June 9, 2021.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)