

## **Corporation of The Municipality of South Huron**

### **By-Law 25-2025**

#### **Being a by-law to regulate burning including prevention of the spreading of fires.**

Whereas Section 11(2).6 of the Municipal Act, S.O. 2001, as amended, provides that a municipality may pass by-laws respecting the health, safety and well-being of persons; and

Whereas the Fire Protection and Prevention Act, 1997, S.O. 1997, CHAPTER 4, Section 7.1 provides that council of a municipality may pass by-laws regulating fire prevention, including the prevention of the spreading of fires and regulating the setting of open-air fires, including establishing the times during which open air fires may be set; and

Whereas Council of the Corporation of the Municipality of South Huron deems it expedient to regulate burning including prevention of the spreading of fires;

Now therefore Council of the Corporation of the Municipality of South Huron enacts as follows:

#### **1. Definitions**

For purposes of this by-law the following definitions shall apply:

“Clean Wood” means any wood not treated or covered with any foreign material such as paint, or petroleum product or other flammable or toxic material.

“Council” means the Council of the Corporation of the Municipality of South Huron.

“Fire Chief” means the Chief Fire Official(s) that represents the Municipality of South Huron Fire Department or that persons designate for the purpose of enforcing this By-law.

“Fire Department” means those stations covering the Exeter, Dashwood and Grand Bend service areas within the Municipality of South Huron.

“Fire Permit” means a permit to burn issued by the Fire Chief.

“Flying Lantern” means a small hot air balloon or other device designed to carry an open flame as an airborne light, also known as sky lanterns/balloons, Chinese lanterns, wish lantern, sky candle & fire balloon.

“Municipality” means the Corporation of the Municipality of South Huron.

“Open Air Burning” means any fire out-of-doors in an open place, yard, field or construction area, which is not enclosed by a building or structure,

“Out of control” means a fire that cannot be extinguished by the person who ignited it or caused it to be ignited, and fire services are required to extinguish the fire.

“Person” means the owner or tenant or one who has possession or control of a property in the Municipality of South Huron.

“Recyclable Product” means cardboard, newsprint, metal, steel and aluminum food and beverage containers and cans, glass containers and bottles, polyethylene terephthalate (PET) containers, and any other material designated by the Corporation through the recycling multi-material curbside collection program.

“Rural Area” means all areas so designated in the Municipality of South Huron Official Plan.

“Small, confined fire” means a self-contained fire not exceeding 1 meter (3 feet) in height or diameter and burning only clean wood or charcoal and supervised at all time.

## 2. Permission to Burn

Permission to burn may be obtained by contacting the Fire Chief at 519-235-1981.

## 3. Prohibitions

- 3.1 No gas or propane barbecue or open burning of any kind shall be permitted on balconies of buildings.
- 3.2 No open-air burning shall be permitted without a Fire Permit unless such burning consists of a small, confined fire used to cook food on a grill or a barbecue and which is under the supervision and control, at all times, of a responsible person 16 years of age or older.
- 3.3 No open-air burning shall be located closer than 10 metres (33 feet) to any building, structure, property line, fence, road, overhead wires or obstruction of any nature.
- 3.4 No person shall set a fire where wind conditions will cause fire, smoke, or ashes to:
  - a) Create smoke or odor to such an extent as to cause discomfort to persons, create a health hazard, or cause loss of enjoyment of the normal use of property in the immediate area;
  - b) Blow across a roadway and decrease visibility;

c) Pose a threat or danger to any adjacent property.

- 3.5 No person shall burn petroleum products, plastics, rubber, household waste and/or building materials or any other material which creates toxic smoke or obnoxious odors in violation of the requirements of the Ministry of the Environment, Air Quality Branch or any other Provincial or Federal legislation. This restriction is not limited to open air burning but also includes enclosed heating and incinerating devices.
- 3.6 In a rural area, no person shall kindle, maintain or cause to be kindled or maintained any open burning larger than 3 metres (10 feet) in diameter without prior notification to the Fire Chief.
- 3.7 No person shall set a fire unless it is under the supervision and control of a responsible person, 16 years of age or older, from the time of lighting until the fire is completely extinguished.
- 3.8 No fire may be set during a fire ban declared by the Fire Chief.
- 3.9 No person shall ignite or release an ignited Flying Lantern within the Municipality of South Huron.

#### 4. Exemptions

- 4.1 The provisions of this by-law shall not pertain to Operations and Fire Department employees while performing their duties for the Municipality under the direction of the Fire Chief and may include the following activities:
- a) Fires set for training sessions under specific permission, supervision and control of the Fire Chief
  - b) Fire extinguisher safety demonstrations under specific permission, supervision and control of the Fire Chief.

#### 5. Notifying Fire Officials

- 5.1 Where an "open air burning permit" is provided by the Fire Chief such persons shall at least one hour before igniting such fire, notify the appropriate fire department of their plans to ignite such fire.
- 5.2 After notification to the Fire Chief, a fire may be permitted under the following conditions:
- a) Burning shall be confined to daylight hours.

- b) Fire shall be limited to the burning of dry or untreated wood provided that the fire is at all times attended and supervised by a responsible person, 16 years of age or older, from the time of lighting until the fire is completely extinguished.
- c) Equipment and resources shall be available at the burning site to extinguish the fire in the event that the fire has the potential to get out of control or is causing an adverse effect.
- d) There shall be a space free and clear of combustible material and dry vegetation around the perimeter of the fire for a radius of at least 3 metres (10 feet).
- e) All reasonable steps are taken to keep the fire under control.

5.3 Where an approved “open air burning” takes place, and before leaving the site of the fire, the person responsible shall extinguish the fire and notify the appropriate fire department accordingly.

## 6. Fire Ban or Fire Risk Emergency

- 6.1 The Fire Chief may declare a “Fire Ban or Fire Risk Emergency” if conditions exist which pose a safety concern within the Municipality.
- 6.2 At the discretion of the Fire Chief, any and all open fires within the Municipality may be banned until such “Fire Ban or Fire Risk Emergency” is removed.

## 7. Penalties and Costs

- 7.1 Every person who sets a fire in the open air without first obtaining an “open air burning permit”, if required, and providing notice as set out in this By-law, or without adhering to the conditions set out in this By-law shall be responsible for the set fine as indicated in Schedule “A” to this by-law plus the cost of dispatching fire equipment to the site to investigate, respond to or extinguish said fire or bringing it under control in accordance with the Municipal Fees and Charges By-Law. This shall include personnel, vehicles, equipment, apparatus, or other firefighting costs that may occur.
- 7.2 If a set fire gets out of control and fire services are dispatched to the fire site to extinguish the fire, the person who ignited the fire shall be liable for the cost of fire services provided.
- 7.3 Every person who sets a fire shall be responsible for any damage to property or injury to persons that may result from the said fire.

7.4 Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act and may also be subject to fines or prosecution under The Ontario Fire Code.

7.5 Any person who is guilty of an offence under this by-law may, if permitted under the POA as amended, pay a set fine, and the Chief Judge of the Ontario Court, Provincial Division, shall be requested to establish set fines as set out in Schedule "A" to this by-law.

8. Enforcement Authority

The Fire Chief and the Municipal Law Enforcement Officer serving the Municipality are responsible for enforcement of this By-law and are authorized to order any person to extinguish any fire when there is a breach of any part of this by-law or any regulations of the Ontario Fire Code or where in their opinion there is a danger of such fire spreading or otherwise endangering life or property.

9. Provincial Legislation

Nothing in this by-law shall supersede or waive the requirements of any Provincial Legislation and/or Regulation.

10. By-Laws Repealed

This by-law repeals and replaces By-law #5-2002, By-law #50-2003, and By-law #37-2007 and #51-2008 and any other amendments.

11. This by-law shall come into full force and take effect upon the date of final passing.

Read a first and second time this 7<sup>th</sup> day of April, 2025.

Read a third and final time this 7<sup>th</sup> day of April, 2025.

George Finch, Mayor

Alex Wolfe, Clerk

OFFICE OF THE REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE  
WEST REGION

80 DUNDAS STREET, 10<sup>th</sup> FLOOR, UNIT L  
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL  
COUR DE JUSTICE DE L'ONTARIO  
RÉGION DE L'OUEST

80, RUE DUNDAS, 10<sup>e</sup> ÉTAGE, UNITÉ L  
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292  
FAX/TÉLÉCOPIEUR (519) 660-3138

May 26, 2025

Municipality of South Huron

Greetings,

**Re: Set Fines - Provincial Offences Act – Part 1 By-law 25-2025, Burn By-Law**

Enclosed herewith is the Part 1 original Order and original schedule of set fines for the above referenced Bylaw, the Bylaw indicated in the schedules.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

Please ensure that a copy of the said documents is forwarded to your local Provincial Offences Court together with a certified copy of the Bylaw.

Yours truly,

A handwritten signature in cursive script that reads "Ted Graham".

M. Edward Graham  
Regional Senior Justice  
Ontario Court of Justice  
Encl.

/tz

**ONTARIO COURT OF JUSTICE**

**PROVINCIAL OFFENCES ACT**

**PART I**

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and **By-law 25 - 2025 of the Municipality of South Huron** attached hereto are the set fines for those offences. This Order is to take effect May 26, 2025.

Dated at London this 26<sup>th</sup> day of May 2025.

A handwritten signature in black ink that reads "Ted Graham". The signature is written in a cursive, flowing style.

M. Edward Graham  
Regional Senior Justice  
Ontario Court of Justice

**Schedule “A”****The Municipality of South Huron****Part I Provincial Offences Act****By-Law #25-2025- Burn By-Law**

<b>Item</b>	<b>Short Form Wording</b>	<b>Provision Creating or Defining Offence</b>	<b>Set Fine</b>
1	Gas or propane barbecue or burning on balconies of buildings	3.1	\$250.00
2	Failure to obtain a burn permit.	3.2	\$250.00
3	No open air burning shall be located closer than 10 metres (33 feet) to any building, structure, property line, fence, road, overhead wires or obstruction of any nature.	3.3	\$250.00
4	Setting a fire where wind conditions will cause fire, smoke, or ashes to: a) Create smoke or odor to such an extent as to cause discomfort to persons, create a health hazard, or cause loss of enjoyment of the normal use of property in the immediate area; b) Blow across a roadway and decrease visibility; c) Pose a threat or danger to any adjacent property.	3.4	\$250.00
5	Burning prohibited materials.	3.5	\$500.00
6	Setting or allowing any open burning larger than 3 metres (10 feet) in diameter without prior notification to the Fire Chief	3.6	\$250.00
7	Failure to provide constant supervision of fire by person over age 16	3.7	\$250.00
8	Setting or allowing fire to burn during a declared fire ban.	3.8	\$500.00
9	Ignite/release an ignited Flying Lantern within the Municipality of South Huron.	3.9	\$250.00
10	Allowing fire with approved burn permit to burn outside of daylight hours	5.2 (a)	\$250.00
11	Failure to provide adequate means of extinguishing fire	5.2 (c)	\$250.00
12	Failure to supply a space free and clear of combustible material and dry vegetation around the perimeter of the fire for a radius of at least 3 metres (10 feet)	5.2 (d)	\$250.00

“NOTE: The general penalty provision for the offences indicated above is Section 7 of By-Law 25-2025, a certified copy of which has been filed.”