

**Corporation of the Municipality of South Huron
By-law #51-2008**

“Being a by-law to regulate burning including prevention of the spreading of fires and to rescind and replace By-law #5-2002, By-law #50-2003 and By-law #37-2007.”

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:

Definitions:

1. 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 person’s designate for the purpose of enforcing this By-law.

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

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

“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:

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

3. Prohibitions:

- 3.1 No 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.
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 a maximum fine of \$100 plus the cost of dispatching fire equipment to the site to investigate, respond to or extinguish said fire or bringing it under control. 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.

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.

11. Force and Effect:

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

Read a first and second time 2008

Read a third time and finally passed 2008

Ken Oke, Mayor

Sandra Strang, Clerk