

**THE CORPORATION OF THE TOWNSHIP OF SOUTHGATE**  
**BY-LAW NO. 84-2008**

being a by-law to regulate burning in the Township of Southgate

**WHEREAS** the Municipal Act, 2001, c25, s130 states, a municipality may regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety and well being of the inhabitants of the municipality;

**WHEREAS** the Fire Protection and Prevention Act, 1997, S.O. 1997 c4, Section 7.1(1) a Council of a municipality may pass by-laws

- (a) regulating fire prevention including the prevention of the spreading of fires;
- (b) regulating the setting of open air fires including establishing the times during which open air fires may be set.

**AND WHEREAS** the Council of the Corporation of the Township of Southgate deems it necessary and advisable to pass a by-law pursuant to the above section;

**NOW THEREFORE the Council of the Corporation of the Township of Southgate enacts as follows:**

**1. Definitions:**

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

- 1.1 **“Chief Fire Official(s)”** shall mean the Fire Chief of the Fire Department in Dundalk or area in Southgate serviced by another Fire Department, or their designate.
- 1.2 **“approved”** means approved by the Chief Fire Official.
- 1.3 **“municipality”** shall mean the Corporation of the Township of Southgate.
- 1.4 **“open air”** means any open place, field, yard or construction area which is not enclosed by a building or structure.
- 1.5 **“campfire”** means a small fire set in a fire pit or tire rim or other device designed to burn firewood for cooking or warmth and shall not exceed 1 metre (3.3 feet) in diameter.

**2. Prohibitions:**

Any person wishing to set an open air fire must obtain a permit “Schedule A” and no person shall set a fire or allow a fire to burn except in accordance with the following provisions:

- 2.1 no fire may be set during a ban declared by the Chief Fire Official(s).
- 2.2 the fire shall not, in any way cause discomfort, danger, irritation and or nuisance for other persons.
- 2.3 no person shall set a non confined fire, including but not limited to a grass fire.
- 2.4 no person shall burn household waste, garbage, refuse, leaves or treated wood products, shingles, plastic, tires, petroleum products or any other toxic substance that creates excessive smoke or odour.
- 2.5 a fire shall not be closer than 10 m (33’) from a roadway, building, structure, or overhead wires.

- 2.6 equipment and resources must be at the burning site to control and prevent the fire from causing an adverse effect.
- 2.7 all fires must be under the constant supervision and control of at least one competent person (18 years or older).
- 2.8 no person shall ignite a fire that has a base greater than 5 metre in diameter (16.5 feet).
- 2.9 no person shall burn discarded materials at a construction site
- 2.10 no person shall attempt to demolish by burning, any structure or building without first obtaining the approval of the Chief Fire Official
3. All persons setting an open air fire shall be responsible for any damage to property or injury to persons occurred by the said fire and may be liable for the cost of emergency services being dispatched to the scene.
  - 3.1 a farmer who intends to dispose by burning chaff or other vegetable matter on farmlands which is normal and incidental to farming purposes will be required to notify the Fire Department each day of the proposed fire and shall be exempt from Section 2.3.
4. The Chief Fire Official(s) servicing the Township of Southgate is authorized to to order any person to extinguish any fire when there is a breach of any portion 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.
5. Where any person sets an open air fire not contained, such person shall at least one hour before igniting such fire advise the appropriate Fire dispatch of their intention to light such fire and shall identify the location and time for such fire. If this requirement is not complied with and fire services are dispatched, the offending person may be liable for the cost of fire services.
6. The Chief Fire Official(s) may cancel a permit at any time.
7. Every person who contravenes any portion of the provisions of this by-law is guilty of an offence and upon conviction thereof shall be liable to a penalty as set out in Section 61 of the Provincial Offences Act, R.S.O. 1990, c.p.33 or any successor thereof.
8. This by-law shall not pertain to employees of the Township of Southgate in the performance of their duties.
9. This by-law shall not pertain to campfires, supervised at all times and used to cook food on a grill or barbeque.
10. By-laws Proton 16-81, Dundalk 24-97, and Southgate 30-02, 23-04 & 31-05 are hereby repealed.
11. This by-law shall come into force and effect on December 10, 2008.

**Read a first, second and third time and finally passed this 10 day of December, 2008.**

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Mayor, Don Lewis

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Clerk, Carol Watson

**Corporation of the Township of Southgate**

**Provincial Offences Act  
Part 1**

**SCHEDULE “B”**

**BY-LAW 84-2008**

**TO REGULATE BURNING**

**VIOLATIONS AND FINES**

<b>Item</b>	<b>Column 1 Short Form Wording</b>	<b>Column 2 Provision Creating or Defining Offence</b>	<b>Column 3 Set Fine</b>
1	Burning without obtaining a permit	2	\$200.00
2	Setting fire during fire ban	2.1	200.00
3	Fire being a nuisance to others	2.2	100.00
4	Setting a non confined fire, including but not limited to a grass fire	2.3	100.00
5	Burning shingles, plastics, tires, petroleum products or any other toxic substances that creates excessive smoke or odour	2.4	150.00
6	Failure to have fire under supervision	2.7	100.00
7	Burning without notifying fire department	5	100.00
8	Demolish by burning (no approval)	2.10	500.00

**Note: The penalty provision for the offences listed above is section 7 of By-law 84-2008, a certified copy of which has been filed.**