

THE CORPORATION OF THE TOWNSHIP OF SOUTHGATE

BY-LAW NO. 2020-XXX - DRAFT

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

Whereas the Municipal Act, S.O. 2001, Chapter 25, as amended, Section 5 (3), states that municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas the Municipal Act, S.O. 2001, Chapter 25, Section 11 (2) states, a municipality may pass by-laws for the purposes related to the health, safety and well being persons of the municipality; and

Whereas the Fire Protection and Prevention Act, S.O. 1997, Chapter 4, Section 7.1(1) states, 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 sections related to the regulation of burning in the Township of Southgate;

Now Therefore be it resolved that the Corporation of the Township of Southgate hereby enacts as follows:

1. Definitions:

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

Approved shall mean approved by the Chief Fire Official of the Township of Southgate or their designate.

Burn Barrel means a metal barrel not exceeding 205 litres (45 imperial gallons)

Chief Fire Official shall mean the appointed Fire Chief of the Township of Southgate or their designate.

Extinguishing Agent shall mean a material used with a fixed, automatic, or portable fire extinguishing system to suppress or put out fires, that includes water or a fire extinguisher.

Municipality shall mean the Corporation of the Township of Southgate.

Open Air Burn shall mean any fire greater than 1 metre (3 feet) in diameter.

Permit shall mean an approved permit for Open Air burning, issued by the Fire Chief Official or their designate, attached hereto as "Schedule A".

Recreational Fire shall mean a small fire set in a fire pit or tire rim or other device designed to burn firewood and shall not exceed 1 metre (3 feet) in diameter.

2. Chief Fire Official

2.1 The Chief Fire Official or their designate may at any time and without notice:

- a) Revoke any issued open-air burn permit.
- b) Order any persons to extinguish any fire or cause such a fire to be extinguished where 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 and the persons shall comply with any such order.

3. Burn Ban

- 3.1 The Chief Fire Official may at any time and without notice, declare a total ban against outdoor burning in the Municipality when atmospheric conditions or local circumstances make such fire hazardous.
- 3.2 If the Chief Fire Official issues a burn ban in the Municipality, any approved open air permits are deemed automatically suspended until such time that the burn ban is lifted.

4. General Provisions for all Fires:

Any persons who set or maintain a fire in the Municipality shall comply with the following provisions:

- 4.1 No fire shall be set in the Municipality during a burn ban declared by the Chief Fire Official.
- 4.2 No person shall permit any individual under the age of 18 to be in the care and control of a fire.
- 4.3 The fire shall be under the care and control of an individual from the time of lighting until it is completely extinguished.
- 4.4 Appropriate extinguishing agents shall be on-hand at all times during the preparation of the fire, while the fire is underway, and until the fire is fully and completely extinguished.
- 4.5 The fire shall not in any way cause discomfort, danger, irritation and/or nuisance for other residents including smoke entering a neighboring residence or building or across a highway.
- 4.6 Should the Fire Department be dispatched to a complaint regarding public safety or nuisance, the Fire Department will have the discretion to determine compliance with this by-law and this discretion shall be final.

- 4.7 Anyone who lights a fire in the Municipality shall be responsible and liable for any damage to property or injury to persons resulting from the fire and may be liable for the cost of emergency services being dispatched to the scene.
- 4.8 No person shall release sky lanterns in the Municipality.
- 4.9 No person shall burn household garbage, tires, paint, asphalt products, roofing materials, chemical waste, rubber, coated wire, plastic, combustible cylinders, aerosol cans and petroleum-based products.
- 4.10 No person shall set a non-confined fire, including but not limited to a grass fire.
- 4.11 No person shall burn discarded materials at a construction site.
- 4.12 No person shall attempt to demolish by burning, any structure or building without first obtaining the approval of the Chief Fire Official.

5. Recreational Fires:

Recreational Fires do not require an approved permit and all persons setting or maintaining a recreational fire or cooking fire shall comply with the following provisions:

- 5.1 A recreational fire shall be a minimum of 3 metres (10 feet) from any combustible material and adjacent property/lot lines.
- 5.2 Only paper or kindling shall be used to start the fire.
- 5.3 Leaves, compostable material, and yard waste shall not be burned in urban areas.

6. Burn Barrels:

Burn Barrels do not require an approved permit and shall comply with the following provisions:

- 6.1 No person shall use a Burn Barrel within an urban area, unless in the instances of a strike or lockout and are located on an industrial or commercial property under constant supervision, at the strike or lockout location.
- 6.2 A Burn Barrel shall be in sound condition with vent holes punched in the side for ventilation, drainage holes in the bottom with the adequate clearance from surrounding vegetation or structures.

7. Open Air Burns:

- 7.1 No person shall set or maintain an open air burn larger than 1 metre (3 feet) in a diameter without an approved permit issued by the Chief Fire Official or their designate.

- 7.2 Permits shall not be issued to property owners who reside within the urban areas of the Municipality unless approved by the Chief Fire Official.
- 7.3 Permits shall only be issued to property owners, or to an agent with written permission from the property owner.
- 7.4 All persons setting an open air fire shall advise the Dundalk Fire Department of their intention to start an open air fire and shall identify the location of such fire.
- 7.5 No person shall ignite a fire that has a base greater than 5 metres in diameter (16.5 feet).
- 7.6 A fire shall not be closer than 10 metres (33 feet) from a roadway, building, structure, overhead wires or trees.
- 7.7 Equipment and an extinguishing agent must be at the burning site to control and prevent the fire from causing an adverse effect.
- 7.8 No person shall plan, set, light or maintain an open air burn except ½ hour after sunrise and be extinguished ½ hour before sunset.

8. Exemptions

- 8.1 To seek an exemption to provisions within this by-law persons must contact the Chief Fire Official.
- 8.2 This by-law shall not pertain to employees of the Township of Southgate in the performance of their duties.

9. Offences and Penalties

- 9.1 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 fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

10. Enactment

- 10.1 By-law No. 84-2008 is hereby repealed.
- 10.2 This by-law shall come into force and effect on the date of passing.

Read a first, second and third time, and finally passed this 17th day of June, 2020.

John Woodbury – Mayor

Lindsey Green – Acting Clerk

Corporation of the Township of Southgate

Schedule "A" to By-law 2020-XXX

Township of Southgate Burn By-law

**Part 1 Provincial Offences Act
Short Form Wording**

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Conduction an Open Air Burn without obtaining a permit	7.1	\$200.00
2	Setting a Fire During a declared Fire Ban	4.1	\$200.00
3	Any fire being a nuisance to others	4.5	\$100.00
4	Setting a non confined fire, including but not limited to a grass fire	4.10	\$100.00
5	Burning household garbage, tires, paint, asphalt products, roofing materials, chemical waste, rubber, coated wire, plastic, combustible cylinders, aerosol cans and petroleum-based products	4.9	\$150.00
6	Failure to have a fire under supervision	4.3	\$100.00
7	Burning without notifying the Fire Department	7.4	\$100.00
8	Burning discarded materials at a construction site	4.11	\$100.00
9	Demolish by burning without prior approval	4.12	\$500.00

**Note: The penalty provision for offences listed above is
Section 9 of By-law 2020-XXX, a certified copy of which has been filed.**

Corporation of the Township of Southgate

Schedule "B" to By-law 2020-XXX

Application and Permit for an Open Air Fire

Permit # YEAR -

Name of Applicant

Telephone Number

Emergency # & Road name

Location of Fire (Con, Lot, Former Twp)

Fax number or email to send permit

Date Issued: _____

Expiry date: **December 31, YEAR**

Please read the Burn By-law (By-law 2020-XXX) before burning.

Material to be burned: _____

Type of extinguishment available: _____

Dept that services your area: _____

Conditions Re: Setting of Open Air Fires

1. By signing this application, the applicant agrees to abide by the terms and conditions as set out in By-law 2020-XXX.
2. No fire shall be ignited until the Dundalk Fire Department has been notified.
3. The Chief Fire Official or their designate may cancel this permit at any time.
4. The fire must be completely extinguished before left unattended.
5. No burning is allowed before sunrise and after sunset.

I, the undersigned, do agree to comply with the conditions and provisions of By-law 2020-XXX and agree to assume all responsibility for any damages occurring from the fire for which this permit is issued.

Date

Applicant Signature

Fire Chief or Designate
Signature

Before You Burn:

Please call the **Dundalk Fire Department** at 519-923-2402 and leave a voice message with the location of your fire before you conduct an open air burn.