

# THE CORPORATION OF THE TOWNSHIP OF SOUTHGATE

## BY-LAW NO. 2020-070

Being a by-law to regulate burning in the Township of Southgate as amended by by-law 2023-083.

**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 of 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.

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**Gas-Fired Outdoor Campfire Device** shall mean listed ULC or CSA gas (natural, propane) appliances, which shall not constitute an open air burn or recreational fire under this by-law

**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. ”.

**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.

3.3 Gas-fire outdoor campfire devices are exempt from this by-law.

## **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.

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- 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 It is prohibited to burn the following items: 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 not exceed 1 meter (3 feet) in diameter
- 5.2 A recreational fire shall be a minimum of 3 metres (10 feet) from any combustible material and adjacent property/lot lines.
- 5.3 Only paper or kindling shall be used to start the fire.
- 5.4 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.
- 7.9 Open Air Burn Permits are issued through the Township of Southgate Burn Permit portal located on the Township of Southgate website.
- 7.10 Open Air Burn Permits expire every 60 days and can be renewed through the Township of Southgate Burn Permit portal.

### **8. Exemptions:**

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- 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. Hinder/Obstruct Officer:**

- 9.1 No person shall hinder or otherwise obstruct, nor attempt to hinder or obstruct, either directly or indirectly, an Officer, employee and/or agent of the Municipality in the lawful exercise of a power or duty under this by-law.

**10. Offences and Penalties:**

- 10.1 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.

**11. Enactment:**

- 11.1 By-law No. 84-2008 is hereby repealed.
- 11.2 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 17<sup>th</sup> day of June, 2020.**

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**John Woodbury – Mayor**

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**Lindsey Green – Acting Clerk**

**Corporation of the Township of Southgate**

**Schedule "A" to By-law 2020-070**

Township of Southgate Burn By-law

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

<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>
<b>1</b>	Setting a Fire during a declared Fire Ban	<b>4.1</b>	<b>\$200.00</b>
<b>2</b>	Failure to have a fire under supervision	<b>4.3</b>	<b>\$100.00</b>
<b>3</b>	Set fire which causes nuisance to others	<b>4.5</b>	<b>\$100.00</b>
<b>4</b>	Burn prohibited items	<b>4.9</b>	<b>\$150.00</b>
<b>5</b>	Setting a non confined fire, including but not limited to a grass fire	<b>4.10</b>	<b>\$100.00</b>
<b>6</b>	Burning discarded materials at a construction site	<b>4.11</b>	<b>\$100.00</b>
<b>7</b>	Demolish by burning without prior approval	<b>4.12</b>	<b>\$500.00</b>
<b>8</b>	Conducting an Open-Air Burn without obtaining a permit	<b>7.1</b>	<b>\$200.00</b>
<b>9</b>	Burning without notifying the Dundalk Fire Department	<b>7.4</b>	<b>\$100.00</b>

**Note: The penalty provision for offences listed above is Section 10 of By-law 2020-070, a certified copy of which has been filed.**