

BYLAW 25-2009
THE MUNICIPALITY OF CENTRAL HURON

BEING A BYLAW TO REGULATE BURNING INCLUDING THE PREVENTION OF THE SPREADING OF FIRES

WHEREAS Section 7.1 (a) and (b) of the Fire Protection and Prevention Act 1997, as amended by Section 475 of the Municipal Act. S.O. 2001, authorizes Municipal Councils to pass bylaws regulating fire prevention, including the prevention of the spreading of fires and regulating the setting of open air fires, including the times during which open fires may be set.

NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF CENTRAL HURON ENACTS AS FOLLOWS:

DEFINITIONS

1. For purposes of this bylaw the following definitions shall apply:
 - 1.1 “Chief Fire Official(s)” shall mean the Fire Chief(s) or their designate as appointed by the Municipality of Central Huron
 - 1.2 “Municipality” shall mean The Municipality of Central Huron.
 - 1.3 “Burning” means any fire out doors in an open place, yard, field or construction area which is not enclosed by a building or structure, and/or solid fuel burning appliances installed either indoors or outdoors.
 - 1.4 “Approved Installation” means a structure, including but not limited to, a barbecue, an outdoor enclosed masonry cooking area designed for solid fuels, gas fired outdoor fireplaces, but does not include a steel barrel or wheel rim.
 - 1.5 “Clean Wood” means any wood not treated or covered with any foreign material such as paint, or petroleum products or other flammable or toxic material.
 - 1.6 “Small confined fire” means a self-contained fire in an “approved installation” not exceeding 1 meter (3 feet) in height or diameter burning only clean wood or charcoal and supervised at all times.
 - 1.7 “Officer” means those persons appointed from time to time by Council to enforce bylaws or an officer of the OPP or the Fire Chief.
 - 1.8 “Permit” means a document applied for and executed by the Fire Chief or his designate.

PROHIBITIONS

2. No person shall set an open air fire without approval unless such burning consists of a small, confined fire, supervised at all times, and used to cook food on a grill or a barbecue.
 - 2.1 No person shall set or maintain a fire unless it is under the supervision and control of one responsible person 16 years age or older from the time of lighting until the fire is completely extinguished.
 - 2.2 No person shall set or maintain a fire without equipment and resources 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.

- 2.3 No person shall set a fire where wind will cause fire, smoke, or ashes to:
- (a) Create smoke or odor to such an extent as to cause discomfort to persons, or a hazard to health, or cause loss of enjoyment of normal use of property in the immediate area.
 - (b) Blow across a roadway and decrease visibility.
- 2.4 No person shall set or maintain a fire during a fire ban declared by the Chief Fire Official or designate.
- 2.5 No person shall set or maintain a fire unless there is a space free and clear of combustible material and dry vegetation around the perimeter of fire for a radius of at least 3 meters (10 feet).
- 2.6 No person shall set or maintain a fire closer than 10 metres (33 feet) from any building, structure, property line, fence, road allowance or overhead wires or obstruction of any nature.
- 2.7 No person shall burn petroleum products, plastics, rubber or other materials that create toxic smoke or odors; not limited to household waste and/or building materials or materials that produce obnoxious odors to the surrounding neighborhood or violate 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.
- 2.8 No person shall set an outdoor fire in excess of a 2 meter x 2 meter x 2 meter (6ft x 6ft x 6ft) area without first obtaining a permit.

EXEMPTIONS

3. The provisions of this bylaw shall not pertain to small confined fires for the sole purpose of cooking, burning only clean wood or charcoal and supervised at all times as well as barbecue's burning charcoal, propane or natural gas.
- 3.1. Operations and Fire Department employees while performing their duties for the Municipality under the direction of the Director of Operations or the Fire Chief(s) or designate for The Municipality of Central Huron and may include supervised training activities.
- 3.2 Small contained campfires for leisure and recreational use in an approved and licensed Recreational Campground.

NOTIFYING FIRE OFFICIALS

4. Where an open air permit ("Schedule B" attached hereto) is required, such person shall, at least one hour before igniting such fire, notify the appropriate fire department of their plans to light such fire. Such person shall also advise the appropriate fire department when the fire has been extinguished.

FIRE BAN

5. The Chief Fire Official(s) or their designate, should weather conditions or other circumstances require such action, may issue a Fire Ban in and no person shall set a fire or allow a fire to burn.

PENALTIES AND COSTS

- 6 Any person who lights or ignites a fire in the open air or allows or causes a fire to be lit in the open air without an open air burning permit, if required, will be also liable for the cost of fire services being dispatched to the fire site.
- 6.1 If the fire services are dispatched to the fire site and upon their arrival the fire is out of control and cannot be extinguished by the person who ignited it or caused it to be ignited and the fire services are required to extinguish the fire, the person who ignited the fire will be liable for the cost of fire services.

7. ENFORCEMENT AUTHORITY

The Chief Fire Official(s) or their designate and the Municipal Law Enforcement Officer servicing the Municipality are responsible for the enforcement of this bylaw and are authorized to order any person to extinguish any fire when there is a breach of any portion of this bylaw 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.

8. PENALTY PROVISIONS

- (a) Every person who contravenes the provisions of this Bylaw is guilty of an offence and upon conviction thereof is liable to a penalty as provided for in Section 61 of the Provincial Offences Act as amended from time to time.

9. ENACTMENT

Severability

If a court of competent jurisdiction should declare any section or part of a section of this bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the bylaw and it is hereby declared that the remainder of the bylaw shall be valid and shall remain in force.

10. FIRE PERMITS

Open Air Fire Permits may be obtained at the Central Huron Fire Area, in person or by phone @ 519-482-3043 (office) or 519-525-6530 (cell). Upon inquiry, should the open air burn not fall within the Central Huron Fire Department Area, the permit applicant will be redirected to the appropriate Fire Area by the Chief Fire Official.

11. EFFECTIVE DATE

This bylaw shall come into force and effect upon final passing thereof.

12. REPEAL OF FORMER BYLAWS

Bylaw 6-1987 for the former Town of Clinton, Bylaw 28-1998 for the former Township of Goderich, and Bylaw 6-1999 for the Township of Hullet are hereby repealed. Any other bylaws found to be inconsistent with this bylaw are hereby repealed.

*Read a first and second time this 8th day of June, 2009.
Read a third time and finally passed this 8th day of June, 2009.*



Reeve Bert Dykstra



Clerk Brenda MacIsaac

PART 1 PROVINCIAL OFFENCES ACT
The Corporation of the Municipality of Central Huron
Bylaw 25-2009 to Regulate Burning

Item	Column 1 Short form wording	Column 2 Offence creating provision	Column 3 Set Fine
1.	Fail to have a small confined fire	Sec. 2	\$200.00
2.	Fail to supervise fire at all times	Sec 2.1	\$200.00
3.	Fail to use fire for cooking	Sec 2	\$200.00
4.	Fail to keep fire under control at all times	Sec 2.1	\$200.00
5.	Fail to have equipment available to extinguish fire	Sec 2.2	\$200.00
6.	Fail to prohibit discomfort to any person	Sec 2.3(a)	\$200.00
7.	Fail to prohibit loss of enjoyment of property	Sec 2.3(a)	\$200.00
8.	Fail to prohibit smoke across the roadway	Sec. 2.3 (b)	\$200.00
9.	Set fire during fire ban	Sec. 2.4	\$200.00
10.	Fail to have 10ft clearing around fire	Sec 2.5	\$200.00
11.	Set fire closer than 10 m from any building	Sec 2.6	\$200
12.	Set fire closer than 10m from any property line	Sec 2.6	\$200.00
13.	Set fire closer than 10m from any fence	Sec 2.6	\$200.00
14.	Set fire closer than 10m from any road	Sec 2.6	\$200.00
15.	Set fire closer than 10m from any over head wires	Sec. 2.6	\$200.00
16.	Set fire closer than 10m from any obstruction	Sec. 2.6	\$200.00
17.	Set fire burn material that create toxic smoke	Sec 2.7	\$200.00
18.	Burn materials that produce obnoxious odors to the surrounding neighborhood	Sec 2.7	\$200.00
Penalty provisions for the offences indicated above is Section 8(a) of Bylaw 25-2009 a certified copy of which has been filed.			

Schedule "B"
To Bylaw 25-2009
For the Municipality of Central Huron



Municipality of Central Huron

Permit to Conduct a Non Recreational Open Air Burn

Name: _____ Date: _____

Address: _____ Tel: _____

Location of fire: _____

Description: _____

Date of Proposed burn: _____ Alternate date in the event of _____

Materials to be burned: _____

Exposures: _____

The person responsible for this permit must telephone The Central Huron Fire Department office (519) 482-3043 or cell (519) 525-6530 on a daily basis prior to the start of burning and upon completion of burning for that day. Should the open air burn not fall within the jurisdiction of the Central Huron Fire Department Area, the permit applicant will be redirected to the appropriate Fire Area Chief.

Fire protection equipment and resources available shall include sufficient personnel and equipment such as shovels, backhoes, bulldozers, front-end loaders, or water on site required to control a fire. Regulations and precautions as prescribed in the Burning Bylaw 25 -2009 of the Municipality of Central Huron must be observed. Every person who contravenes or fails to comply with any provision of Bylaw 25-2009, is guilty of an offence under the Provincial Offences Act.

Signature of Applicant _____ Date: _____

For Office use only:

Inspected: Yes No Date: _____

Recommendations: _____

Special Conditions or Environmental Concerns if any: _____

Approved by Central Huron Chief Fire Official (or designate): Yes No

Signature: _____ Date: _____

Chief Fire Official/designate

Personal information on this form is collected under the authority of the Freedom of Information Act and will be used for the purpose of enforcing the provisions of the current Open Air Burning Bylaw.