

**BYLAW 19-2018**  
**THE MUNICIPALITY OF CENTRAL HURON**

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***Being a bylaw to regulate open air burning including the prevention of the spreading of fires***

WHEREAS Section 2.4.4.4 (1) of the 2015 Ontario Fire Code Ontario Regulation 213/07, prohibits open air burning unless approved or unless such open air burning consists of a small contained fire which is supervised at all times, used to cook food on a grill, barbeque or spit and commensurate with the type and quantity of food being cooked ;

AND WHEREAS Section 7.1 (a) and (b) of the Fire Protection and Prevention Act 1997, as amended, 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.

**AND WHEREAS** Section 128 (1) of the Municipal Act, 2001 S.O. 2001 c. 25 as amended provides a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances,

**AND WHEREAS** Section 391 (1) of the Municipal Act, 2001 S.O. 2001 c. 25 as amended authorizes a municipality to impose fees or charges on persons, for services or activities provided or done by or on behalf of it; for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board.

**AND WHEREAS** Section 425 (1) of the Municipal Act, 2001 S.O. 2001 c. 25 as amended permits municipalities to pass bylaws providing that a person who contravenes a bylaw of the municipality passed under this Act is guilty of an offence.

**AND WHEREAS** Section 436. (1) of the Municipal Act, 2001 S.O. 2001 c. 25 as amended permits the municipality to pass bylaws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a bylaw of the municipality passed under this Act is being complied with:

**AND WHEREAS** section 446. (1) of the Municipal Act, 2001 S.O. 2001 c. 25 gives the municipality the authority under this or any other Act or under a bylaw under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense.

**AND WHEREAS** section 446 (3) of the Municipal Act, 2001 S.O. 2001 c. 25 authorizes the municipality to recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

**AND WHEREAS** the Council of the Municipality of Central Huron deems it appropriate to enact a bylaw to regulate open air burning

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

**1.0 DEFINITIONS**

- 1.1 **"Acceptable Burn Material"** means commercially produced charcoal or briquettes, small amounts of white or brown paper or cardboard used to start a fire, dry seasoned wood that has been generated on the landowners own property, dry wood by-products that have not been chemically treated, painted or stained, purchased fire logs or purchased firewood sold for the purpose of a "Small confined fire"
- 1.2 **"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.

- 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 "Fire Chief/Chief Fire Official" means the Chief Fire Official/Deputy Chief or their designate of the Municipality of Central Huron.
- 1.5 "High Risk Period" means any period of time, when due to extreme dry, high wind or other conditions, there is a higher than normal risk of unwanted spread of fire, as determined by the Ontario Fire Marshal or the Fire Chief/Chief Fire Official, and identified as a High Risk Period.
- 1.6 "Municipality" shall mean The Municipality of Central Huron.
- 1.7 "Officer" means those persons appointed from time to time by Council to enforce bylaws or an officer of the Ontario Provincial Police or the Fire Chief.
- 1.8 "Open Air Burning" means any fire set outdoors which burns Acceptable Burn Materials but does not meet the requirements of a "Recreational fire" under this Bylaw and a permit has been granted.
- 1.9 "Poor Air Quality Day" means any period of time when a Poor Air Quality Advisory has been issued by Environment Canada or other recognized government health or meteorological agency.
- 1.10 "Prohibited Burn Materials" means any material other than as described under "Acceptable Burn Materials." Specifically prohibited under this Bylaw and not to be burned under any circumstances include household waste, human or animal excrement, leaves, grass, treated lumber, insulation, asphalt shingles or other construction materials, commercial by-products such as those generated from wood working, deck building or landscaping businesses, tires, rubber, plastic, styrofoam, petroleum or other potentially toxic waste materials.
- 1.11 "Safe Location" means outdoors and not on a porch or balcony area that is roofed or otherwise covered, or near dry vegetation, or in any other place conducive to unwanted development or spread of fire or explosion, or supported by combustible material. The Safe Location for recreational fires shall be a minimum of 5 metres from any structure and a minimum of 5 metres from adjacent property lines. The safe location for an Open Air Burn shall be a minimum of 30 metres from any structure and a minimum of 30 metres from adjacent property lines. The property line setbacks for a safe location does not apply to campgrounds.
- 1.12 "Recreational Fire" means a small outdoor fire such as a campfire set within a confined area or device such as an outdoor fireplace or fire pit, situated in a "Safe Location" and measuring no more than 0.70 metres (27") in any dimension and supervised at all times and burning Acceptable Burn Material and used for cooking or warmth.
- 1.13 "Open Air Burn Permission" means a document applied for and executed by the Fire Chief or his/her designate to allow an open air burn.

2.0 **GENERAL PROVISIONS FOR ALL FIRES**

- 2.1 Recreational fires are permitted in all areas within the Municipality of Central Huron, Open air burning is prohibited from all Settlement Areas designated as Village/Hamlet and Lakeshore Residential as established in the current Municipality of Central Huron Official Plan and shall comply with the following regulations:
  - (a) No person shall set or maintain a fire unless between the hours of 8:00am and 11:00pm.
  - (b) No person shall set or maintain a fire unless it is in a safe location.

- (c) No person shall set or maintain a fire unless set on the landowners own property.
- (d) No person shall set or maintain a fire unless burning acceptable burn material.
- (e) No person shall set or maintain a fire unless it is under the supervision and control of a responsible person 18 years age or older.
- (f) No person shall leave the property unless the fire is completely extinguished.
- (g) No person shall set or maintain a fire without equipment and sufficient resources available at the burning site to extinguish the fire, in the event that the fire becomes out of control or is causing an adverse effect.
- (h) No person shall set a fire where wind will cause fire, smoke, or ashes 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.
- (i) No person shall allow smoke to blow across a roadway and decrease visibility.
- (j) No person shall set or maintain a fire during a fire ban declared by the Fire Chief or his/her designate.
- (k) No person shall set or maintain a fire during a high risk period or a poor air quality day.
- (l) 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 5 meters.
- (m) No person shall fail to extinguish a fire when ordered to do so by the Fire Chief or his/her designate.
- (n) No person shall harass, obstruct or interfere with anyone authorized or delegated authority to enforce the Bylaw or extinguish fires.

### 3.0 **ADDITIONAL PROVISIONS FOR OPEN AIR BURN**

- 3.1 Open Air Burning set to eliminate Acceptable Burn Materials within unrestricted areas requires a permit and every person shall comply with the following regulations:
  - (a) Apply and be granted permission for an Open Air Burn Permit prior to setting an open air burn.
  - (b) Contact the Fire Chief or his /her designate 90 minutes or greater prior to setting an Open Air Burn.
  - (c) Locate the Open Air Burn at least 5 metres from any combustible ground cover;
  - (d) A Permit shall only be valid for the date indicated on the Permit.
  - (e) No person shall locate, permit or allow an Open Air Burn to be located less than 30 metres from any building, structure, property line, tree, hedge, fence, roadway, overhead wire or any other combustible article.

- (f) A person may conduct an Open Air Burning if it is part of a normal farm practice carried on as part of an agricultural operation, as those terms are defined in the Farming and Food Production Protection Act, 1998, S.O.1998, c.1, on lands zoned for agricultural use, and subject to the conditions set out in this bylaw save and accept applying for a permit.

3.2 The Fire Chief may refuse to issue a Permit:

- (a) If the proposed Open Air Burning would contravene this bylaw; or
- (b) If the owner or permit holder has previously contravened any permit conditions or other provisions of this bylaw.

#### 4.0 EXEMPTIONS

4.1 Open air burns for religious, civic or ceremonial purposes are allowed within urban areas as established in the current Central Huron Official Plan and shall require an open air permit issued by the Fire Chief/Chief Fire Official or their designate, subject to any terms and conditions imposed by the Fire Chief/Chief Fire Official.

4.2 Fire Department employees or employees of the municipality performing their duties for the Municipality under the direction of the Fire Chief(s) or designate for The Municipality of Central Huron and may include supervised training activities.

4.3 Recreational fires for leisure and recreational use in an approved and licensed Recreational Campground provided no burn ban is in place.

4.4 Open air fires within a natural gas or propane appliance that conforms to the Technical Standards and Safety Act, is for outdoor use and is installed with the manufacturer's instructions.

#### 5.0 FIRE BAN

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

#### 6.0 ORDER TO EXTINGUISH FIRES

6.1 Despite any other provision of this bylaw, if on reasonable grounds the Fire Chief has any concerns for safety or non-compliance with this Bylaw, the Fire Chief may at any time order or cause to be extinguished any fire until such time as the Fire Chief determines.

#### 7.0 RESPONSIBILITY FOR COSTS

7.1 Every person who sets a fire in contravention of this bylaw or who fails to extinguish a fire once ordered to do so by the Fire Chief or his/her designate shall, in addition to any penalty provided for herein, be liable to the municipality for all expenses incurred as per the current fees and charges bylaw of the municipality. All costs for the purpose of investigating, controlling and extinguishing any fire set or left to burn including vehicles, manpower and other firefighting costs, and such expenses may be recovered by court action or in a like manner as municipal taxes.

#### 8.0 ENFORCEMENT AUTHORITY

8.1 The Fire Chief or his/her designate or 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 requirement 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.

8.2 The Fire Chief or his designate is hereby authorized to enter, at all reasonable times and upon any property in the Municipality, in order to ascertain whether the provisions of this bylaw are being obeyed. The Fire Chief or his designate is hereby further empowered to enforce or carry into effect the provisions of this Bylaw.

**9.0 OFFENCES AND PENALTY**

9.1 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.

**10.0 SEVERABILITY**

10.1 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.

**11.0 FIRE PERMITS / PERMISSION**

11.1 Open Air Fire Permission may be obtained at the Central Huron Fire Area, in person or by phone @ 519-482-3043 (office) during business hours. Upon inquiry, should the open air burn not fall within the Central Huron Fire Department Area, the Central Huron Fire Chief will be redirected to the appropriate Fire Area by the Chief Fire Official.

**12.0 SHORT TITLE**

12.1 This Bylaw may be referred to as the Open Air Burning Bylaw.

**13.0 REPEAL OF FORMER BYLAWS**

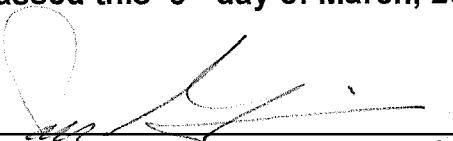
13.1 The Corporation of the Municipality of Central Huron Bylaw 25-2009, as amended, is repealed on the day this bylaw comes into force and effect.

**14.0 EFFECTIVE DATE**

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

**Read a first and second time this 5<sup>th</sup> day of March, 2018.**

**Read a third time and finally passed this 5<sup>th</sup> day of March, 2018.**

  
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**Mayor Jim Ginn**

  
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**Clerk Brenda MacIsaac**

