



THE CORPORATION OF THE TOWN OF GODERICH

BY-LAW NO. 54 OF 2025

BEING A BY-LAW TO REGULATE THE SETTING OF OPEN FIRES AND TO REPEAL BY-LAW 124 OF 2016

WHEREAS the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended (the "FPPA") provides that a council of a municipality may pass By-laws regulating fire prevention, the prevention of the spreading of fires, and 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 Town of Goderich ("Council") deems it expedient to regulate the setting of open fires, including establishing the times during which open air fires may be set;

AND WHEREAS Council is empowered under Section 128 of the Municipal Act, 2001, c. 25, s. 128 (1), as amended, permits a local municipality to 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 Council considers excessive smoke, smell, and airborne sparks with ember to be or could become or cause public nuisance by creating negative health effects on neighbouring residents, increasing fire exposure hazards, infringing the use and enjoyment of neighbouring properties;

AND WHEREAS the Town has a town-wide yard waste collection program in which yard waste is collected and composted, which program decreases the need to burn yard waste;

AND WHEREAS Council deems it necessary to create set fines at \$125.00;

AND WHEREAS for the purpose of proceedings under Part I of the Provincial Offences Act, the amount of fine set by the court for an offence is such an amount as may be set by the Chief Judge of the Ontario Court (Provincial Division);

AND WHEREAS a copy of the Judge's approved set fine schedule will be attached to this By-law;

NOW THEREFORE BE IT ENACTED as a By-law of The Corporation of the Town of Goderich as follows:

1.0 DEFINITIONS

1.1 For the purpose of this By-law:

"Authorized Container" means a metal drum of not more than 1.21 metres in height and 0.914 metres in diameter which is open on one end and that is covered with a fire screen which prevents the emission of sparks or flames into the atmosphere;

"Barbeque" means a portable or fixed device including a hibachi, a permanent structure designed and intended solely for the cooking of food in the open air and other similar devices designed and intended solely for the cooking of food in the open air, but does not include devices designed for personal warmth, fire pits or recreational fires;

"Burn Permit" means a Permit issued by the Fire Chief authorizing an open air fire;

"Fire Chief" means the person appointed by Town Council to act as Fire Chief for the Town as defined in the Fire Protection and Prevention Act, 1997 or designate;

“Flood Plain” means level land that may be submerged by flood waters;

“Highway” means and includes a common and public highway, street, roadway, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by the general public;

“Municipal Law Enforcement Officer” means a person that has been duly authorized by Council to enforce all municipal By-laws and includes any Police Officer appointed pursuant to the Police Services Act;

“Noxious Materials” includes, not limited to, tires, plastics, rubber products, drywall, demolition waste, construction waste, paint, animal organic waste, vegetable waste, food waste, biomedical waste, tar, asphalt products, battery boxes, pressure-treated wood, creosote-treated wood, and painted wood;

“Open Air Burning” means a fire set outside of a building or structure manufactured for housing a fire;

“Permit” means a Permit issued by the Fire Chief to set a fire in the Open Air for a specified time period;

“Permit Holder” means a person to whom a Permit has been issued by the Fire Chief;

“Permitted Hours” means 11:00 a.m. until 11:00 p.m. local time in the same day;

“Person” means an individual or a corporation;

“Police Officer” means any on-duty member of the Ontario Provincial Police;

“Town” means the Corporation of the Town of Goderich;

“Recreational Fire” means the burning of clean wood products in an outdoor appliance for personal heating, enjoyment, religious ceremony or similar purpose, but does not include a barbeque;

“Strike” means a strike as defined in the Labour Relations Act;

“Yard Waste” includes but is not limited to leaves, brush, grass and vegetation clippings, wood chips, peat moss and other material which contents include the aforementioned.

2.0 GENERAL

2.1 No person shall set, maintain, or permit to be set or maintained, an Open Air Burning except as authorized under this By-law.

2.2 This By-law shall not apply to:

- a) a person using a Barbeque to cook food;
- b) a person using a fire requiring solid fuels in a device installed outside of a building that is used as a source of heat or power for the building or that is ancillary to a manufacturing process;
- c) a person using a device designed to heat pitch or asphalt;
- d) a person using welding equipment;
- e) a person setting or maintaining a fire at a Strike site in a metal 45-gallon drum;

3.0 WHEN OPEN AIR BURNING ALLOWED

3.1 OPEN AIR BURNING ALLOWED – RECREATIONAL FIRES

- (1) A person may conduct an Open Air Burning for a Recreational Fire, subject to the conditions set out in this Part.
- (2) A person conducting Open Air Burning shall comply with the following conditions for Open Air Burning for a Recreational Fire:
 - (a) shall only conduct Open Air Burning from 11:00 a.m. to 11:00 p.m.;
 - (b) shall not use combustible material in the structure that contains a fire;
 - (c) shall contain fire within the structure of non-combustible material at all times;
 - (d) shall not burn or attempt to burn in a metal drum or burn barrel;

- (e) shall not burn or attempt to burn a volume of combustible material greater than 60 centimetres wide by 60 centimetres long by 60 centimetres high;
 - (f) shall locate the Recreational Fire at least 3 metres from any building, structure, property line, tree, hedge, fence, roadway, or other combustible article; and
 - (g) shall locate the Recreational Fire on a non-combustible surface extending beyond the unit to a dimension equal to the height of the small structure containing the fire;
 - (h) shall locate the Recreational Fire at least 5 metres measured from the vertical plane from any overhead wire;
 - (i) Commercially produced charcoal, briquets or clean, or dry, seasoned wood shall only be used;
- (3) A person may conduct Open Air Burning for a Recreational Fire, subject to the conditions set out in Section 3.3.

3.2 BURN PERMITS

Any person may make an application in writing to the Fire Chief for a Burn Permit to authorize Open Air Burning or allow Open Air Burning in an authorized container within the Town of Goderich, in accordance with the provisions of this By-law. Where the applicant is not the owner of the property on which the fire will occur, the applicant shall, with the application, provide written approval of the property owner for a Burn Permit to be issued.

- (1) The Fire Chief may:
- (a) issue a Burn Permit to authorize Open Air Burning or allow Open Air Burning in a container other than an authorized container;
 - (b) revoke or refuse to grant a Burn Permit for Open Air Burning if the owner or occupant of the property or the Permit Holder has contravened the provisions of this By-law or if the owner, occupant, or Permit Holder has not complied with any conditions attached to a Permit for an Open Air Burn that may have been imposed by the Fire Chief on a previous occasion;
 - (c) temporarily suspend a Burn Permit for Open Air Burning where the temporary suspension of the Permit;
 - (i) promotes compliance with the conditions of approval granted.
 - (ii) takes into consideration the conduct of the owner or occupant of the property or Permit Holder.
 - (iii) takes into account public interest.
 - (iv) takes into account the state of the premises, facilities, equipment or vehicle;
 - (v) takes into account whether it is a First, Second, Third, or more breach of the conditions of approval;
 - (vi) takes into account whether the owner or occupant of the property or the Permit Holder surrendered the Permit to the Fire Chief;
 - (vii) the Fire Chief may withdraw a Burn Permit for Open Air Burning if in the Fire Chief's opinion this By-law is being contravened.
- (2) Every Permit is subject to the conditions in this Part of obtaining and continuing to hold a Permit, all of which shall be performed and observed by the applicant or the holder of the Permit:
- (a) the Permit Holder shall produce the Permit on demand to an Officer inspecting the Open Air Burn;
 - (b) shall only conduct the Open Air Burning during daylight hours;
 - (c) appropriate size of fire will be determined by the Fire Chief, and the Permit Holder shall not have a fire larger than permitted;

- (d) shall locate the Open Air Burning at least 50 metres away from any building, structure, property line, tree, hedge, fence, roadway, overhead wire or other combustible article;
 - (e) shall locate the Open Air Burning at least 5 metres from any combustible ground cover;
 - (f) any additional requirements or exemptions the Fire Chief considers necessary in the interest of public safety, or to minimize inconvenience to the general public, or advisable in the circumstances, or to give effect to the objects of this By-law; and
 - (g) the Permit Holder shall indemnify and save harmless The Corporation of the Town of Goderich and its employees from any and all claims, demands, causes of action, costs or damages that the Town may suffer, incur or be liable for resulting from the Open Air Burning as set out in this By-law, whether with or without negligence on the part of the Permit Holder, the Permit Holder's employees, directors, contractors and agents.
- (3) An application for a Permit must be completed on the forms provided by the Town.
 - (4) On the day of the Open Air Burning, the Permit Holder shall notify the Fire Chief.
 - (5) A Permit shall only be valid for the date indicated on the Permit or 7 days after the Permit has been issued, whichever is shorter.
 - (6) The Fire Chief may refuse to issue a Permit:
 - (a) if the proposed Open Air Burning would contravene this By-law; or
 - (b) if the Owner or Permit Holder has previously contravened any Permit conditions or other provisions of this By-law or an Order under this By-law.
 - (7) A person may conduct Open Air Burning with a Permit, subject to the conditions set out in Section 3.2.

3.3 CONDITIONS OF ALL OPEN AIR BURNING

- (1) Every person setting, permitting to be set, maintaining, or permitting to be maintained, an Open Air Burning authorized under this By-law shall comply with the following conditions:
 - (a) shall allow, at any reasonable time, an Officer to inspect the location or proposed location of the Open Air Burning;
 - (b) shall have legal title to the property at which the Open Air Burning is to occur, or the person, or Permit Holder, as the case may be, shall obtain the prior written consent of the person having legal title to the property;
 - (c) shall only burn commercially produced charcoal, briquettes, or clean, dry, seasoned wood;
 - (d) shall not burn Noxious Materials;
 - (e) shall have an effective extinguishing agent of sufficient size and with the capability of extinguishing the Open Air Burning immediately available for use;
 - (f) shall attend, control and supervise the Open Air Burning at all times;
 - (g) shall completely extinguish the Open Air Burning before the site is vacated;
 - (h) shall not conduct Open Air Burning if the wind speed exceeds 15 km per hour;
 - (i) shall not burn if it is rainy or foggy;
 - (j) shall not burn if a Smog Alert has been declared;
 - (k) shall comply with the provisions of the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended;
 - (l) shall protect adjacent properties from the potential spread of fire; and
 - (m) shall not burn on the beach, Town property or flood plain;
- (2) The owner or occupant of the property wherein the Open Air Burning is occurring must give access to the property by the Officer/Fire Chief at all times during Open Air Burning.

4.0 BURN BAN

- 4.1 Notwithstanding the provisions of this By-law, the Fire Chief may institute a burn ban at any time, as may be deemed necessary in the opinion of the Fire Chief and it is in the interests of public safety. No person, organization, partnership, company or group shall be entitled to a Burn Permit during a burn ban.
- 4.2 No person shall Open Air Burn or allow Open Air Burning at any time during a burn ban, and any Burn Permits rendered before the burn ban shall become null and void.

5.0 EXEMPTIONS

- 5.1 The Goderich Fire Department shall be exempt from the provisions of this By-law to educate and train individuals.
- 5.2 No Permit shall be required for:
- (a) A barbeque;
 - (b) A Recreational Fire wholly contained within an outdoor appliance.

6.0 BARBEQUES

- 6.1 Barbeques being used to cook food shall be attended, controlled and supervised at all times by a competent person.
- 6.2 The only approved fuels for use in barbeques are commercially produced charcoal, briquets or other commercial fuels such as natural gas and propane gas that are produced specifically for cooking.
- 6.3 Barbeques shall not be permitted on balconies.

7.0 SCOPE

- 7.1 This By-law shall apply to all land within the geographic limits of the Town of Goderich.

8.0 SEVERABILITY

- 8.1 Should any section of this By-law be declared by a court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding and shall be read as if the offending section or part had been struck out.

9.0 OFFENCES

- 9.1 Any person who contravenes any provision of this By-law is guilty of an offence and liable on conviction to a penalty not exceeding \$5,000 exclusive of costs, and the provisions of the Provincial Offences Act, R.S.O. 1990, c.P.33 as amended, shall apply to the said fine.
- 9.2 In the event of a contravention of any of the provisions of this By-law, the Town, in addition to any other remedies contained herein may enter upon the lands and do such work as is necessary to rectify the breach and all expenses thereof which shall be recoverable from the owner(s) in the same manner and in the same priority as municipal taxes.
- 9.3 A Burn Permit issued under this By-law may be revoked by the Fire Chief if the Permit Holder fails to comply with the requirements of the Permit and/or any of the provisions of this By-law.

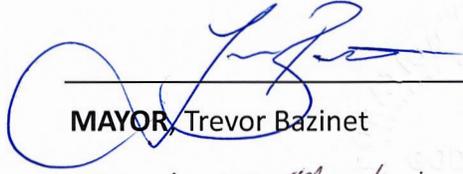
10.0 ADMINISTRATION AND ENFORCEMENT

- 10.1 The Corporation of the Town of Goderich is responsible for the administration of this By-law.
- 10.2 Any Police Officer or Municipal Law Enforcement Officer of the Town designated by Council for the purpose of this Section is authorized to enforce this By-law.

11.0 ENACTMENT

- 11.1 That set fines shall be \$125.00.
- 11.2 That this By-law shall not come into force and effect until June 1, 2025, and will repeal and replace By-law 124 of 2016.
- 11.3 That the Mayor and Clerk are hereby authorized to execute and affix the Corporate Seal.

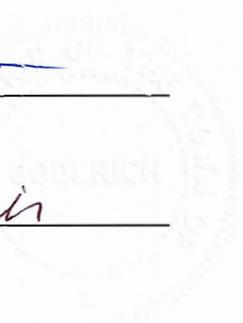
READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 11TH, DAY OF APRIL, 2025.



MAYOR, Trevor Bazinet



CLERK, Andrea Fisher



TOWN OF GODERICH
BY-LAW NO. 54 OF 2025: BEING A BY-LAW TO REGULATE THE SETTING OF OPEN FIRES AND TO
REPEAL BY-LAW 124 OF 2016
SCHEDULE 1

PART I PROVINCIAL OFFENCES ACT

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
1	Open Air Burn outside of permitted hours	S. 3.1(2)(a)	\$125.00
2	Open Air Burning with combustible material	S. 3.1(2)(b)	\$125.00
3	Burn beyond contained structure	S. 3.1(2)(c)	\$125.00
4	Burn in metal drum or burn barrel	S. 3.1(2)(d)	\$125.00
5	Burn or attempt to burn a volume of combustible material greater than 60 cm wide by 60 cm long by 60 cm high	S. 3.1(2)(e)	\$125.00
6	Burn Recreational Fire within 3 metres of building, structure, property line, tree, hedge, fence, roadway or another combustible article	S. 3.1(2)(f)	\$125.00
7	Burn Recreational Fire on a combustible surface	S. 3.1(2)(g)	\$125.00
8	Burn Recreational Fire on a non-combustible surface which does not extend beyond the unit to a dimension equal to the height of the outdoor fire container	S. 3.1(2)(g)	\$125.00
9	Burn Recreational Fire within 5 metres of any overhead wire	S. 3.1(2)(h)	\$125.00
10	Permit Holder fail to produce Permit to inspecting officer	S. 3.2(2)(a)	\$125.00
11	Permit Holder conducts Open Air Burn outside of daylight hours	S. 3.2(2)(b)	\$125.00
12	Permit Holder exceeds permitted size of fire	S. 3.2(2)(c)	\$125.00
13	Permit Holder burn within 50 metres of building, structure, property line, tree, hedge, fence, roadway, overhead wire or another combustible article	S. 3.2(2)(d)	\$125.00
14	Permit Holder burn within 5 metres of combustible ground cover	S. 3.2(2)(e)	\$125.00

15	Permit Holder contravene Fire Chief's requirements or exceptions	S. 3.2(2)(f)	\$125.00
16	Permit Holder fails to notify Fire Chief day of Open Air Burn	S. 3.2(4)	\$125.00
17	Failure to allow officer to inspect Open Air Burning location	S. 3.3(1)(a)	\$125.00
18	Open Air Burning without authority of person having legal title to the property	S. 3.3(1)(b)	\$125.00
19	Burn substances other than commercially provided charcoal, briquettes or clean, dry, seasoned wood	S. 3.3(1)(c)	\$125.00
20	Burn noxious material	S. 3.3(1)(d)	\$125.00
21	Failure to have an effective extinguishing agent immediately available	S. 3.3(1)(e)	\$125.00
22	Failure to attend, control and supervise Open Air Burning	S. 3.3(1)(f)	\$125.00
23	Failure to completely extinguish Open Air Burning	S. 3.3(1)(g)	\$125.00
24	Conduct Open Air Burning during excessive wind speeds	S. 3.3(1)(h)	\$125.00
25	Conduct Open Air Burning while rainy or foggy	S. 3.3(1)(i)	\$125.00
26	Conduct Open Air Burning during declared smog alert	S. 3.3(1)(j)	\$125.00
27	Open Air Burning on beach, town property or flood plain	S. 3.3(1)(m)	\$125.00
28	Burn or allow Open Air Burning during a designated burn ban by the Fire Chief	S. 4.2	\$125.00

The penalty for the offences indicated above is Section 9.1 of By-law 54-2025, a copy of which has been filed.