

By-law Number 2026-37**A By-law to Regulate the Setting and Maintaining of Fires within
the Fire Region of the Township of South Frontenac**

Whereas subsection 7.1(1) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended, provides that a council of a municipality may pass By-laws for regulating the prevention of the spreading of fires and the setting of open fires including times during which they may be set;

Whereas subsection 11(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes a municipality to pass By-laws respecting the health, safety and well-being of persons, the protection of persons and property, and the economic, social and environmental well-being of the municipality, including respecting climate change;

Whereas the regulation of fires will contribute to the health, safety and well-being of the inhabitants of the municipality, the protection of persons and property within the municipality, and the economic, social and environmental well-being of the municipality;

Whereas 30.2 of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended, provides that a municipality may pass By-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of the municipality and for the use of the municipality's property, including property under its control;

Whereas section 121 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may prohibit and regulate the setting off of fireworks;

Whereas section 391 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality may pass By-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of the municipality and for the use of the municipality's property, including property under its control;

Whereas section 425 of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that a municipality may pass a by-law providing that a person who contravenes a by-law of the municipality passed under this Act is guilty of an offence;

Whereas section 429, subsection (4), of the *Municipal Act, 2001*, S.O. 2001, c.25, provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act;

Whereas Section 446(2) provides that the municipality may enter upon land at any reasonable time for the purpose of remedial action under subsection (1);

Whereas Section 446(3) and (4) provides that the municipality may recover the costs of doing a matter or thing under subsection (1) 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;

Whereas [O. Reg. 43/26](#): Wildland Fire Management (the "**Regulation**") declares certain lands within the Township of South Frontenac to be within the provincial Fire Region, to which the *Wildland Fire Management Act*, R.S.O. 1990, c. F.24 and the Regulation apply;

Whereas pursuant to an agreement with the Ministry of Natural Resources under section 21 of the *Wildland Fire Management Act*, R.S.O. 1990, c. F.24, the Township of South Frontenac is required to control open air burning in a coordinated fashion through bylaws or a municipal fire permit system;

Whereas the Council of The Corporation of the Township of South Frontenac deems it necessary and desirable to enact such a By-law to regulate fires in areas of the Township that are within the provincial Fire Region; and

Therefore Be It Resolved That A By-law to Regulate the Setting of Fires within the Fire Region of the Township of South Frontenac is hereby enacted as follows:

1. Definitions

1.1 For the purposes of this By-law,

“Administrative Monetary Penalty” means a fine administered pursuant to the Administrative Monetary Penalties By-Law;

“Administrative Monetary Penalties By-Law” means the Corporation of the Township of South Frontenac By-Law Number 2022-70, “A By-Law to Impose Administrative Monetary Penalties on Violations of Municipal By-Laws”, as amended or replaced from time to time;

“Agricultural Fire” means a Fire that is set solely for the purpose of burning wood, tree limbs, branches, grass or leaf litter as part of a farming operation;

“Adult” shall mean an individual of at least sixteen years of age;

“Adverse Effect” means one or more of the following, as determined by the Fire Chief:

- (a) impairment of the quality of the natural environment for any use that can be made of it,
- (b) injury or damage to Property, or plant or animal life,
- (c) harm or material discomfort to any person,
- (d) a detrimental effect on the health, or the impairment of the safety of any person,
- (e) loss of enjoyment of normal use of Property, or
- (f) interference with the normal operation of any business;

“Dangerous Condition” means any condition as determined by the Fire Chief or an Officer that increases the risk of the spread of a Fire;

“Fees and Charges By-law” means Municipality of South Frontenac By-law Number 2024-59, “A By-law to Establish Fees and Charges to be Collected by The Corporation of the Township of South Frontenac”, as amended from time to time;

“Fire Chief” means the person appointed under Section 6 of the *Fire Protection and Prevention Act* as Fire Chief for the Township of South Frontenac, or their designate;

“Fire Season” means the period from the 1st day of April to the 31st day of October in each year or as determined by the Minister of Natural Resources;

“Fire Region” shall mean any area of land within the Township of South Frontenac declared a fire region under O. Reg. 43/26: Wildland Fire Management.

“Fire Protection and Prevention Act” means the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, (FPPA) as amended, and the regulations enacted thereunder, as amended from time to time, or any successor legislation;

“Fireworks” shall include consumer fireworks, display fireworks, special effect pyrotechnics, fireworks accessories, and novelty devices regulated under the Explosive Regulations made pursuant to the *Explosives Act*, R.S.C 1985, c. E-17, as amended and includes one single item;

“Flying/floating lantern” means a small hot air balloon made of treated paper or any other material, with an opening at the bottom and propelled by an open flame, allowing the balloon to rise and float in the air while ignited;

“Highway” means a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles, and includes the area between the lateral property lines thereof; and, except as otherwise provided, includes a portion of a highway;

“Level 1 Burn Ban” means a period of time declared by the Fire Chief during which the setting of fireworks is prohibited and during which certain conditions, as prescribed in this By-Law or established by the Fire Chief from time to time, apply to Open Air Fires;

“Municipality” means the Corporation of the Township of South Frontenac;

“Nuisance Fire” means a Fire that causes smoke, odour and/or airborne sparks or embers, alone or in combination, that is likely to, or does, disturb others, reduce visibility on a Highway or private driveway, and/or create a dangerous condition, and/or produce an adverse effect, inconvenience, or discomfort to others in the vicinity of the Fire;

“Officer” means any person who has been assigned the responsibility of administering and enforcing this By-law and includes the Fire Chief or designate, Fire Inspector, Assistant to the Fire Marshal as defined in section 11 of the *Fire Protection and Prevention Act*, Municipal Law Enforcement Officer, Provincial Offences Officer, and an Officer of the Ontario Provincial Police (O.P.P.) or other police force assisting the O.P.P., or a wildland fire compliance officer as defined under the *Wildland Fire Management Act*, R.S.O. c. F.24.;

“Fire” means any type of outdoor fire, including a wildland fire, a campfire, a fire on a charcoal barbecue or an outdoor wood burning furnace or stove as defined in the *Wildland Fire Management Act*,

“Person” means any individual, association, firm, partnership, corporation, agent or trustee and the heirs or executors of a person to whom the context can apply according to law;

“Prohibited Conditions” mean the following conditions:

- (a) wind speeds exceed 25 kilometers per hour, as determined and published by Environment and Climate Change Canada;
- (b) A smog alert/smog watch/smog advisory has been declared by Environment and Climate Change Canada and remains in effect; or
- (c) drought or dry weather conditions exist that increase the risk of a burn escaping containment and becoming a wildfire;
- (d) unavailability of Fire Response due to staffing shortage, staff fatigue, and out of service equipment such as forestry hose;

“Prohibited Materials” means combustible material, including but not limited to: rubber, rubber products, plastic, plastic products, polyethylene terephthalate, polystyrenes (Styrofoam), waste petroleum products, rubbish, demolition materials, metal, tires, rubber, plastic, fiberglass, cloth, asphalt products, shingles, insulation, electrical wiring, painted or treated wood, furniture, synthetic fabrics, composite wood waste, residential waste (such as food scraps, diapers and household trash), commercial, industrial, manufacturing, or construction waste, flammable or combustible liquids, oils, paints, solvents, batteries, acids, chemicals, explosives, radioactive, infectious, and other hazardous materials, and any material prohibited by the *Environmental Protection Act*, R.S.O. 1990, c. E. 19, as amended, but shall not include untreated wood and wood fiber products, such as non-laminated paper, cardboard and boxboard, brush, tree limbs, leaves, and branches;

“Property” includes a building or structure or part of a building or structure, and includes the lands appurtenant thereto and all mobile homes, mobile buildings or mobile structures and vacant land;

“Restricted Fire Zone” shall mean any part of a Fire Region declared by the Minister of Natural Resources to be a restricted fire zone under the *Wildland Fire Management Act*, R.S.O. 1990, c. F.24.

“Total Fire Ban” means a period of time declared by the Fire Chief during which the setting of fireworks and all Fires is prohibited.

“Wildland Area” means any forest, woodland, prairie, savannah, brush, shrubland, peatland, agricultural land or grassland, but does not include a cultivated garden or lawn and does include any highway, road, trail, waterway or other transportation corridor running through the wildland area;

“Wildland Fire Management Regulation” shall mean O. Reg. 43/26: Wildland Fire Management under the *Wildland Fire Management Act*, R.S.O. 1990, c. F.24, as

amended from time-to-time.

- 1.2 Except where expressly otherwise stated in this By-Law, the definitions prescribed in the Wildland Fire Regulation and the *Wildland Fire Management Act*, R.S.O. 1990, c. F.24 shall apply to this By-Law.

2. Administration

- 2.1 The Fire Chief shall be responsible for the administration of this By-law.
- 2.2 The Fire Chief may declare a Level 1 Burn Ban or Total Fire Ban at any time, including outside of the Fire Season. The declaration of the ban and any accompanying restrictions shall be made by publication on the Township website and upon such publication all persons within the Township shall be deemed to have notice of the declaration.

3. Application

- 3.1 This By-law applies to all persons and Property within the Fire Region.
- 3.2 Every person that owns Property within the Township of South Frontenac, and every officer or director of a corporation that owns Property within the Township of South Frontenac, has a duty to take all reasonable care to prevent occupants and users of the Property from breaching the provisions of this By-law, and
 - (a) Every person who has a duty under this section and who fails to carry out that duty is guilty of an offence, and
 - (b) A director or officer of a corporation is liable to a conviction under this section whether or not the corporation has been prosecuted or convicted.

4. Interpretation

- 4.1 Nothing in this By-law shall be deemed to authorize any fire, burning or other act that is in contravention of the Wildland Fire Regulation, the *Environmental Protection Act*, R.S.O. 1990, c. E.19, the *Wildland Fire Management Act*, R.S.O. 1990, c. F.24, the *Fire Protection and Prevention Act*, or other federal or provincial statute, or any regulation made thereunder.
- 4.2 In the event of any conflict between the provisions of this By-law and any statute or regulation described in section 4.1 above, the said act or regulation shall govern. In the event of any conflict between the provisions of this By-law and any other municipal By-law, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.
- 4.3 Without limiting the generality of section 4.2, the issuance of a permit under provincial law shall not exempt the permitholder from any provision of this By-Law, except where explicitly prescribed by law or where compliance with the By-Law makes it impossible to comply with the provincial permit.

5. General Prohibitions

- 5.1 No Person shall cause or permit a Fire to be set except in accordance with the provisions of this By-law.
- 5.2 No Person shall cause, permit or maintain the burning of Prohibited Materials in a Fire.
- 5.3 No Person shall cause or permit a Fire to be set in Prohibited Conditions.
- 5.4 No Person shall cause or permit a Fire to be set during a Level 1 Burn Ban except for the purposes of cooking or obtaining warmth and in accordance with Sections 11-21 of the Wildland Fire Management Regulation and any restrictions imposed by the Fire Chief.
- 5.5 No Person shall cause or permit a Fire to be set during a Total Fire Ban.
- 5.6 No Person shall cause or permit fireworks to be set off during a Level 1 Burn Ban or Total Fire Ban.
- 5.7 No Person shall cause or permit a fire to become or remain a Nuisance Fire.

- 5.8 No Person shall use, or cause or permit the use of a Flying/floating Lantern at any time.
- 5.9 No person shall do or fail to do anything in relation to the setting of a fire or operation of equipment, machinery or vehicles that is contrary to the Wildland Fire Management Regulation, and the generality of this provision shall not be limited by any other provision of this by-law.

6. Restrictions on Starting, tending and extinguishing fires

- 6.1 No person shall start a fire outdoors unless conditions will allow the fire to burn safely from start to extinguishment.
- 6.2 No person who starts a fire outdoors or is in charge of a fire outdoors shall leave the fire without leaving a responsible person in charge of the fire.
- 6.3 A person who starts a fire outdoors or, if the person who started the fire is not present, a person in charge of a fire outdoors shall take all necessary steps to tend the fire, keep the fire under control and extinguish the fire before leaving the site.
- 6.4 Sections 6.2 and 6.3 do not apply to a person who is burning a slash pile in accordance with a plan that has been approved by the Ministry of Natural Resources.

7. Restrictions on Fires outside Restricted Fire Zone during Fire Season

- 7.1 No person shall set a Fire during a Fire Season in area outside a Restricted Fire Zone except in accordance with the following sections 7.2, 7.3, 7.4, and 7.5.

Burning piled wood, brush, leaves or discarded wood by-products

- 7.2 A person may start or tend a Fire during a Fire Season in area outside a Restricted Fire Zone if,
- (a) the person is burning piled wood, brush, leaves or discarded wood by-products;
 - (b) a responsible person is available to tend the fire until it is extinguished;
 - (c) the material is burned in a single pile that is less than two metres in diameter and less than two metres high;
 - (d) the fire is started not earlier than two hours before sunset and is extinguished not later than two hours after sunrise the following day;
 - (e) the fire is at least two metres from any flammable materials; and
 - (f) the person tending the fire has tools or water adequate to contain the fire within the fire site.

Fires in Incinerators

- 7.3 A person may start or tend a Fire during a Fire Season in area outside a Restricted Fire Zone in an incinerator if,
- (a) the person is burning wood, brush, leaves or discarded wood by-products;
 - (b) the incinerator is an enclosed device constructed entirely of non-combustible material;
 - (c) the incinerator is at least five metres from any naturally occurring flammable materials in a wildland area;
 - (d) the incinerator is at least two metres from any other flammable materials; and
 - (e) the outlet of the incinerator is covered with a screen having a mesh size of not more than five millimetres.
- 7.4 A person who starts a fire outdoors in an incinerator or is in charge of a fire outdoors in an incinerator shall ensure that a responsible person monitors the fire until it is extinguished.

Agricultural Fires

- 7.5 A person may start or tend an Agricultural Fire during the Fire Season in area outside a Restricted Fire Zone on property they lawfully occupy, or on other property with the permission of the person who has lawful occupation of the property on which the fire is started, if:
- (a) South Frontenac Fire & Rescue shall be contacted in a manner prescribed by the Fire Chief as outlined on the Township website at least three business days prior to the setting of an Agricultural Fire to determine upon inspection whether approval shall be granted to permit the Agricultural Fire;
 - (b) The fire is set at a distance of no less than 90 metres (295 feet), or at such greater distance as may be specified by the Fire Chief, from any building, hedge, fence, overhead wire, trees, or other combustible material, or a lot line;
 - (c) The material to be burned shall not exceed 6 metres (20 feet) in height, 6 metres (20 feet) in width and 6 metres (20 feet) in length or as otherwise approved by the Fire Chief
 - (d) The fire is started not earlier than two hours before sunset and is extinguished not later than two hours after sunrise the following day; and
 - (e) A responsible person is available to tend the fire until the fire is extinguished;
 - (f) The person tending the fire has tools or water adequate to contain the fire within the fire site.

8. No Fires in Restricted Fire Zone

- 8.1 No Person shall cause or permit a Fire to be set in a Restricted Fire Zone, except in accordance with a permit issued by the Ministry of Natural Resources or in accordance with sections 8.2 and 8.3 of this By-Law.
- 8.2 Notwithstanding anything in this By-law to the contrary, a person may start or tend a Fire outdoors outside a Restricted Fire Zone for the purposes of cooking or obtaining warmth in accordance with sections 11-16 of the Wildland Fire Management Regulation.
- 8.3 Notwithstanding anything in this By-law to the contrary, a person may start or tend a Fire outdoors in a Restricted Fire Zone for the purposes of cooking or obtaining warmth in accordance with sections 17-21 of the Wildland Fire Management Regulation.

9. Restrictions on Equipment During Fire Season

- 9.1 No person shall operate equipment, vehicles or machinery except in accordance with Part VI of the Wildland Fire Management Regulation.

10. Restrictions on Industrial Operations During Fire Season

- 10.1 Every owner or operator of an industrial operation carried out in a wildland area in the Fire Region during a Fire Season shall comply with Part VII of the Wildland Fire Management Regulation.

11. Enforcement and Obstruction

- 11.1 No person shall obstruct or hinder or attempt to obstruct or hinder an Officer or other authorized employee or agent of the Township in the exercise of a power or the performance of a duty under this By-law.
- 11.2 Where an Officer has reasonable grounds to believe that an offence under this By-law has been or is being committed on a Property, the Officer and any authorized employee or agent of the Township of South Frontenac may, upon producing proper identification, enter the Property at any reasonable time for the purpose of carrying out an inspection to determine whether this By-law is being complied with.
- 11.3 For the purposes of an inspection under section 11.2, an Officer may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require the name, address and proof of identity from any person concerning a matter related to the inspection; and
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

- 11.4 Without limiting the generality of section 11.1, failure to provide proof of identification satisfactory to the Officer when requested to do so pursuant to Subsection 11.3 of this By-law shall constitute obstruction of a Municipal By-law Enforcement Officer under Section 11.1 for the purposes of the inspection.
- 11.5 The foregoing inspection powers shall be interpreted so as to be consistent with the powers of entry provided under Part XIV the *Municipal Act, 2001*.
- 11.6 The provisions of this By-law may be enforced by an Officer as defined in this By-law.

12. Extinguishing Any Fire

- 12.1 An Officer may direct any person to extinguish any Fire where the Officer has reasonable grounds to believe that the Fire is in contravention of this By-law, the Wildland Fire Regulation, or the *Wildland Fire Management Act*.
- 12.2 Where the action taken by such person pursuant to 12.1 is, in the opinion of the Fire Chief or Officer not adequate, the Fire Chief may take such action as he or she considers necessary to control and extinguish the fire.
- 12.3 No action or other proceeding for damages shall be instituted against a Fire Chief, Officer, firefighter, a fire inspector, an assistant to the Fire Marshal, the Deputy Fire Marshal, the Fire Marshal, or a person acting under his or her authority, or any other person directed by the Fire Chief pursuant to section 12.1 or 12.2, for any act done in good faith in the execution or intended execution of his or her power or duty or for any alleged neglect or default in the execution in good faith of his or her power or duty.

13. Costs of Action Regarding Fires

- 13.1 The Owner(s) of Property shall be responsible for any and all extraordinary costs and expenses of any action(s) taken by the Fire Chief pursuant to section 12.1 and/or section 12.2 of this By-law with respect to responding to, controlling or extinguishing an Fire on that Property that is caused by, or results from, a contravention of this By-law, or is caused by or results from the failure to comply with any of the provisions of this By-law or the terms and conditions issued pursuant to this By-law.
- 13.2 For the purposes of section 13.1 of this By-law, extraordinary costs and expenses include, but are not limited to: the costs and expenses related of any actions related to the burning of Prohibited Materials or in Prohibited Conditions; the costs and expenses of multiple responses to the same address due to contraventions of this By-law; the costs and expenses related to the spread of a Fire onto property owned by the Municipality, and other impacted properties including to repair or replace damaged property.
- 13.3 The costs and expenses in section 13.1 of this By-law shall be assessed in accordance with the Municipality's Fees and Charges By-law and are payable to the Municipality.
- 13.4 If costs or expenses are assessed against an Owner under this By-law, the Municipality shall deliver an invoice to each such Owner and the Owner shall pay the fee within thirty (30) days of receipt of the invoice or as may be otherwise specified on the invoice.
- (a) The invoice shall explain how the owner can dispute the invoice with the Fire Chief; and
 - (b) Upon receiving a written statement disputing the invoice, then the Fire Chief shall make a determination as to the validity of the fees and provide written reasons.

- 13.5 The Municipality may deliver such invoice personally, by registered mail, or by regular mail to the Owner(s)'s last known address.
- 13.6 Receipt of the invoice shall be deemed to have occurred:
- (a) on the date of delivery, if delivered personally;
 - (b) three (3) business days after the date of mailing, if delivered by registered mail to an address within the Municipality;
 - (c) five (5) days after the date of mailing, if delivered by registered mail to an address outside of the Municipality;
 - (d) five (5) days after the date of mailing if delivered by regular mail to an address within the Municipality;
 - (e) seven (7) days after the date of mailing if delivered by regular mail to an address outside of the Municipality.
- 13.7 If any amount payable under this By-law remains unpaid after thirty (30) days of receipt of the invoice, the Municipality may add such amount to the tax roll for any Property for which all the Owners are responsible and may collect the amount in the same manner as municipal taxes or through the use of other legal means as deemed appropriate.

14. Offence and Penalty Provisions

- 14.1 Every person who contravenes any provision of this By-law is guilty of an offence and all offences under this By-law are designated as continuing offences.
- 14.2 A person who is convicted of a first offence under this By-law is liable, for each day or part of a day that the offence continues to a maximum fine of no more than \$5,000. The total of all daily fines imposed for the continuing offence may exceed \$100,000.
- 14.3 A person who is convicted of a second or subsequent offence under this By-law, for each day that the second or subsequent offence continues, to a maximum fine of no more than \$10,000. The total of all daily fines imposed for the second or subsequent continuing offence may exceed \$100,000.
- 14.4 Every Person who contravenes any provision of this By-law shall, upon issuance of a Penalty Notice, be liable to pay to the Township of South Frontenac an Administrative Monetary Penalty, and the Administrative Monetary Penalty By-law applies to each Administrative Monetary Penalty issued pursuant to this By-law.
- 14.5 If a Person is required to pay an Administrative Monetary Penalty under Section 14.4 in respect of a contravention of this By-law, the Person shall not be charged with an offence in respect of the same contravention.
- 14.6 If an administrative penalty imposed under this By-law is not paid within 15 days after the day that it becomes due and payable, the Treasurer may add the administrative penalty to the tax roll for any property in the Township for which all of the owners are responsible for paying the administrative penalty, and collect it in the same manner as municipal taxes.
- 14.7 If this By-law is contravened and a conviction entered, the court in which the conviction was entered or any court of competent jurisdiction may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

15. Schedules

15.1 The following Schedules are attached to and form part of this By-law:

- a) Schedule A: Reference Map of Fire Region

15.2 The text of the Wildland Fire Regulation and any plan or map referenced therein shall prevail to the extent of any conflict with the mapping in Schedule “A”.

16. Validity

16.1 Should a court of competent jurisdiction declare any provision, or any part of any provision, of this By-law to be invalid or of no force and effect, the provision or part shall be deemed severable from this By-law and it is the intention of Council that the remainder of the By-law survive and be applied and enforced in accordance with its terms to the extent possible under law.

17. Short Title of By-law

17.1 This By-law may be referred to as the “Fire Region Burning By-Law”.

18. Commencement

18.1 This By-law shall come into force and take effect on the date of its passing.

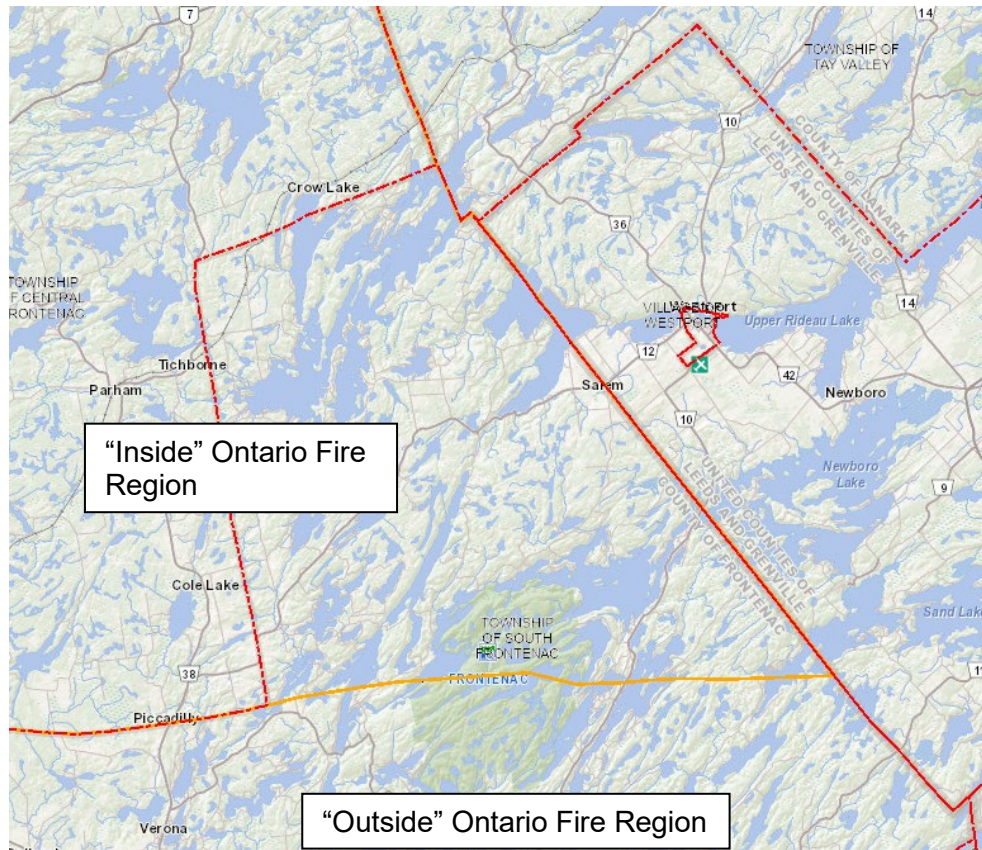
Given First and Second Readings: Tuesday, June 2, 2026

Given Third Reading and Passed: Tuesday, June 2, 2026

James Thompson, Clerk

Ron Vandewal, Mayor

Schedule A



Note: The Orange Line depicts the boundary of the Ontario Fire Region.

Note: Bedford District of the Township of South Frontenac is located within the Ontario Fire Region.