

**THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES**

**BY-LAW NO.2001-167**

As Amended by By-Law 2003-71

Being a by-law to regulate the setting of fires, prevent the spreading of fires, and to establish a fire permit system for The Township of Muskoka Lakes

WHEREAS pursuant to Section 210 (35) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, Councils may pass by-laws for prescribing for the whole or any part of the municipality the times during which fires may be set in the open air, and the precautions to be observed by persons setting out fires.

1. Short Title: This by-law may be called the "Burning By Law".
2. Definitions:
  - 2.1 Contractor: Means one who undertakes to execute work for compensation.
  - 2.2 Fire Chief: Means the Fire Chief of the Township of Muskoka Lakes or his or her designate.
  - 2.3 Open Air Fire: Means an outdoor fire that is not controlled by a mechanical device.
  - 2.4 Out of Control Fires: Means a fire that require the Fire Department to respond to extinguish.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES HEREBY ENACTS AS FOLLOWS:

1. No *contractor* shall set or maintain a fire in the open air without a *valid permit* from the Township of Muskoka Lakes from April 1 to October 31 inclusive. From November 1 to March 31 inclusive, *contractors* may set or maintain a fire without a permit.
2. Where a permit has been issued to a contractor by the Township of Muskoka Lakes, or when burning is carried out during the period from November 1 to March 31 inclusive, the contractor shall comply with the following regulations:
  - a) The fire must be under constant supervision and controlled from the time of lighting until it is totally extinguished.
  - b) The fire must be located no closer than 15 metres, (50 feet), from any building, structure, hedge, fence, road or overhead wire or obstruction of any kind.
  - c) There must be a space of at least 4.5 metres, (15 feet) free and clear of combustible material around the perimeter of such fire.
  - d) The fire shall not be burned during periods of dry conditions or drought or when a ban has been declared pursuant to Section 5 of this by-law.
  - e) The fire shall not be burned when the wind velocity exceeds 16 kph, (10mph).
  - f) The dimensions of the fire shall not exceed 3 metres, (10 feet), in diameter or 2 metres, (6 feet), in height.
  - g) No person shall allow or permit a fire to become out of control.

3. No permit is required for small confined fires set by persons who are not contractors, for the purpose of burning environmentally acceptable waste. Any person burning such a fire shall comply with the following regulations:
  - a) The fire must be under constant supervision and control from the time of lighting until it is totally extinguished.
  - b) The fire shall be located no closer than 6 metres, (20 feet), from any building, structure, hedge, fence, road or overhead wire or obstruction of any kind.
  - c) The fire shall not exceed 1 metre, (3 feet), in diameter or 1 metre, (3 feet), in height. Burning of ground vegetation shall not exceed 1 hectare (2.5 acres) and the flaming edge shall not be more than 30 metres (100 feet) in length.
  - d) The fire shall only be set 2 hours before sunset and totally extinguished 2 hours after sunrise.
  - e) The fire shall not be burned during periods of dry conditions or drought or when a ban has been declared pursuant to Section 5 of this by-law.
  - f) The fire shall not be burned when the wind velocity exceeds 16 kph, (10 mph).
  - g) No person shall allow or permit a fire to become out of control.
4. The *Fire Chief* or designate is authorized to order any person to extinguish any fire or to cause such fire to be extinguished when there is a breach of any of the provisions of this by-law or where, in his opinion, there is a danger of such fire spreading or otherwise endangering life or property and the person shall comply with any such order.
5. The *Fire Chief* may declare a total ban against outdoor burning when atmospheric conditions or local circumstances make such fires hazardous. Bans against burning shall be advertised on the local radio and television stations. Posters advertising the ban will be posted at the Township Office and all Post Offices within the township.
6. The *Fire Chief*, Deputy Fire Chief, Assistant Deputy Fire Chief and By-law Enforcement Officers are hereby authorized to enforce the provisions of this By-law pursuant to the Provincial Offences Act.
7. Every person who contravenes or fails to comply with any provision of this by-law is guilty of an offence and on conviction is liable to a fine pursuant to the Provincial Offences Act.
8. This by-law shall not apply to portable barbecue appliances or fire pits for cooking.
9. That By-law 98-21 and By-law 98-127 be and the same are hereby repealed.

Read a first and second time this 11<sup>th</sup> day of March, 2002.

Read a third time and finally passed this 11<sup>th</sup> day of March, 2002.

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Mayor Susan Pryke

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J.W. McDivitt, Clerk Administrator

## THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

### BURNING BY-LAW - SET FINE SCHEDULE (FOR BY-LAW NO. 2001-167) Part I Provincial Offences Act

Item	SHORT FORM WORDING	OFFENCE CREATING PROVISIONS	SET FINE INCLUDING COSTS
1.	Contractor - Burn during windy conditions	2 (e)	\$50.00
2.	Burn during windy conditions	3 (f)	\$50.00
3.	Contractor - Burn too close to building	2 (b)	\$50.00
4.	Contractor - Burn too close to structure	2 (b)	\$50.00
5.	Contractor - Burn too close to hedge	2 (b)	\$50.00
6.	Contractor - Burn too close to fence	2 (b)	\$50.00
7.	Contractor - Burn too close to road	2 (b)	\$50.00
8.	Contractor - Burn too close to overhead wire	2 (b)	\$50.00
9.	Contractor - Burn too close to obstruction of any kind	2 (b)	\$50.00
10.	Contractor - Burn too close to combustible material	2 (c)	\$50.00
11.	Burn too close to building	3 (b)	\$50.00
12.	Burn too close to structure	3 (b)	\$50.00
13.	Burn too close to hedge	3 (b)	\$50.00
14.	Burn too close to fence	3 (b)	\$50.00
15.	Burn too close to road	3 (b)	\$50.00
16.	Burn too close to overhead wire	3 (b)	\$50.00
17.	Burn too close to obstruction of any kind	3 (b)	\$50.00
18.	Contractor - Burn area too large	2 (f)	\$50.00
19.	Burn area too large	3 (c)	\$50.00
20.	Burn within restricted times	3 (d)	\$50.00
21.	Contractor - Ignite open air fire without a current fire permit.	1	\$150.00
22.	Contractor - Fail to supervise fire.	2 (a)	\$250.00
23.	Fail to supervise fire.	3 (a)	\$250.00
24.	Contractor - Burn during drought or dry conditions.	2 (d)	\$250.00
25.	Burn during drought or dry conditions.	3 (e)	\$250.00
26.	Fail to extinguish fire when ordered.	4	\$250.00
27.	Contractor – Allow or permit out of control fires.	2 (g)	\$500.00
28.	Allow or permit out of control fires.	3 (g)	\$500.00

**NOTE** - The penalty provision for the offences listed above in Section 7 of By-law 2001-167 of The Corporation of The Township of Muskoka Lakes, a certified copy of which has been filed.

# THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

## BY-LAW NUMBER 2003-71

Being a by-law to amend By-law 2001-167, being a by-law to regulate the setting of fires, prevent the spreading of fires and to establish a fire permit system for The Township of Muskoka Lakes.

**Whereas** the Council of the Corporation of the Township of Muskoka Lakes passed By-law 2001-167 on March 11, 2002 to regulate the setting of fires, prevent the spreading of fires and to establish a fire permit system for the Township of Muskoka Lakes;

**And Whereas** the Council of the Corporation of the Township of Muskoka Lakes deems it expedient to amend By-law 2001-167;

**Now Therefore** the Council of the Corporation of the Township of Muskoka Lakes enacts as follows:

1. That Section 1. and Section 2. of By-law 2001-167 be amended by replacing the "Ministry of Natural Resources" with the "Township of Muskoka Lakes" for the issuance of a permit.

Read a first and second time this 26th day of May, 2003.

Read a third time and finally passed this 26th day of May, 2003.

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Mayor Susan Pryke

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J.W. McDivitt, Clerk Administrator

# THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

## BY-LAW NUMBER 2006-46

Being a by-law to amend By-law 2001-167, being a by-law to regulate the setting of fires, prevent the spreading of fires and to establish a fire permit system for The Township of Muskoka Lakes.

**Whereas** the Council of the Corporation of the Township of Muskoka Lakes passed By-law 2001-167 on March 11, 2002 to regulate the setting of fires, prevent the spreading of fires and to establish a fire permit system for the Township of Muskoka Lakes;

**And Whereas** the Council of the Corporation of the Township of Muskoka Lakes deems it expedient to amend By-law 2001-167;

**Now Therefore** the Council of the Corporation of the Township of Muskoka Lakes enacts as follows:

1. That the following definition be added to Paragraph 2. (Definitions) of By-law 2001-167:

“2.5 Permit: Means an Open Air Burning Permit issued by the Corporation of the Township of Muskoka Lakes and authorized by the Fire Chief.”

2. That the paragraph indicated in Section 6. of By-law 2001-167 be removed and replaced with the following paragraph:

“Any By-law Enforcement Officer appointed by the Corporation of the Township of Muskoka Lakes is hereby authorized to enforce the provisions of this By-law pursuant to the Provincial Offences Act.”

Read a first, second and third time and finally passed this 23 day of May, 2006.

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Mayor Susan Pryke

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Cheryl Mortimer, Clerk