

# THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

## BY-LAW NUMBER 2009 - 45

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 7.1 of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended, a Council of a municipality may pass by-laws, regulating fire prevention, including 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;

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

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.
  - 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.
  
3. 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.
  
4. 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 7 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.

5. 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. During the active fire season (April 1<sup>st</sup> to October 31<sup>st</sup>) fires 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 7 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.
  - h. Fireworks shall be used in accordance with the manufacturer's instructions and shall only be discharged when the Fire Danger Rating reflects "Low" or Moderate" conditions and when the wind velocity does not exceed 16 kph (10 mph).
6. 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.
7. The *Fire Chief* may declare a total ban against outdoor burning when atmospheric conditions or local circumstances make such fires hazardous; this includes the discharge of fireworks. Public Service Announcements notifying the public that a Fire Ban is in affect shall be made on local radio and television stations. Posters advertising the ban will be posted at the Township Office and all Post offices within the township.
8. 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.
9. 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.
10. This by-law shall not apply to portable barbecue appliances or fire pits for cooking.
11. The Fire Chief may authorize exceptions to the requirements listed in this by-law and may assess cost recovery action in accordance with the Township Fee By-law if fire department resources are utilized as a result of the exceptions.
12. That By-law 2001-167, 2003-71, and 2006-46 be and the same are hereby repealed.

Read a first, second and third time and finally passed this 7th day of April, 2009.

Original signed by Deputy Mayor Karen Ellis  
Karen Ellis, Deputy Mayor

Original signed by Cheryl Mortimer, Clerk  
Cheryl Mortimer, Clerk

**THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES  
BY-LAW NO. 2009-45**

**Being a by-law to regulate the setting of fires,  
prevent the spreading of fires, and to establish a fire permit system.**

**Part I Provincial Offences Act**

<b>Item</b>	<b>COLUMN 1 SHORT FORM WORDING</b>	<b>COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE</b>	<b>COLUMN 3 SET FINE</b>
1.	Contractor - Burn during windy conditions	4 (e)	\$50.00
2.	Burn during windy conditions	5 (f)	\$50.00
3.	Contractor - Burn too close to building	4 (b)	\$50.00
4.	Contractor - Burn too close to structure	4 (b)	\$50.00
5.	Contractor - Burn too close to hedge	4 (b)	\$50.00
6.	Contractor - Burn too close to fence	4 (b)	\$50.00
7.	Contractor - Burn too close to road	4 (b)	\$50.00
8.	Contractor - Burn too close to overhead wire	4 (b)	\$50.00
9.	Contractor - Burn too close to obstruction of any kind	4 (b)	\$50.00
10.	Contractor - Burn too close to combustible material	4 (c)	\$50.00
11.	Burn too close to building	5 (b)	\$50.00
12.	Burn too close to structure	5 (b)	\$50.00
13.	Burn too close to hedge	5 (b)	\$50.00
14.	Burn too close to fence	5 (b)	\$50.00
15.	Burn too close to road	5 (b)	\$50.00
16.	Burn too close to overhead wire	5 (b)	\$50.00
17.	Burn too close to obstruction of any kind	5 (b)	\$50.00
18.	Contractor - Burn area too large	4 (f)	\$50.00
19.	Burn area too large	5 (c)	\$50.00
20.	Burn within restricted times	5 (d)	\$50.00
21.	Contractor - Ignite open air fire without a current fire permit.	3	\$150.00
22.	Contractor - Fail to supervise fire.	4 (a)	\$250.00
23.	Fail to supervise fire.	5 (a)	\$250.00
24.	Contractor - Burn during drought or dry conditions.	4 (d)	\$250.00
25.	Burn during drought or dry conditions.	5 (e)	\$250.00
26.	Fail to extinguish fire when ordered.	6	\$250.00
27.	Contractor – Allow or permit out of control fires.	4 (g)	\$300.00
28.	Allow or permit out of control fires.	5 (g)	\$300.00

**NOTE** - The penalty provision(s) for the offence(s) indicated above in Section 9 of By-law 2009-45 of The Corporation of The Township of Muskoka Lakes.