

**THE CORPORATION OF  
THE TOWNSHIP OF GEORGIAN BAY  
BY-LAW NUMBER 2009-23**

Being an Open Air Burning By-law regulating the setting of open air fires, including establishing the times during which open air fires may be set and to repeal By-Law #2007-70 as amended.

WHEREAS Part 7.1 (1) (b) of the Fire Protection and Prevention Act, 1997, as amended, provides that the Council of a local municipality may pass by-laws regulating the setting of open air fires, including establishing the times during which open air fires may be set: AND WHEREAS the Ontario Fire Code, Section 2.6.3.4. provides that open air burning is not permitted unless approved, or unless such burning consists of a small confined fire, supervised at all times, and used to cook food on a grill or a barbeque:

NOW THEREFORE the Council for the Corporation of the Township of Georgian Bay hereby ENACTS AS FOLLOWS:

**TITLE:**

This by-law shall be known and may be cited as the "Open Air Burning By-Law." In the text of the by-law, it is referred to as "this by-law."

**1. DEFINITIONS**

In this by-law:

- 1.1 "Extinguish" means to put out or quench a fire completely, no smoke, hot or glowing embers are to remain.
- 1.2 "Chief Fire Official" means an Assistant to the Fire Marshal who is the Municipal Fire Chief or a member or members of the fire department appointed by the Municipal Fire Chief under Division C, Subsection 1.1.1.2. of the Ontario Fire Code, 2007.
- 1.3 "Officer" means a Municipal Law Enforcement Officer, Police Officer, Chief Fire Official or Designate.
- 1.4 "Open Air" includes any open place, yard, field or construction area which is not enclosed by a building or structure.
- 1.5 "Owner" means any person, firm or corporation having control over any portion of the building or property under consideration and includes the persons in the building or property.
- 1.6 "Controllable Fire" means a fire that may be extinguished using on site resources.
- 1.7 "Gas-Fired Outdoor Camp Devices" means listed ULC or CSA natural gas and propane appliances which shall not constitute open air burning under this by-law.
- 1.8 "Township" means the Corporation of the Township of Georgian Bay.

**2. GENERAL**

- 2.1 No person shall set or maintain a fire in open air unless a permit has been issued by the Township under this by-law.
- 2.2 A permit obtained under this by-law is valid from April 1<sup>st</sup> to October 31<sup>st</sup> of any given year and a new permit must be obtained each year.
- 2.3 The said permit shall be in accordance with Schedule 'A' attached hereto.

- 2.4 Every person who applies for, receives and signs a fire permit acknowledges an understanding of the rules specified in this by-law and assumes all responsibility and liability.
- 2.5 Every person who has obtained a fire permit shall, each time before burning, call the Muskoka Forest Fire Rating Hotline at 1-877-847-1577 to obtain the Forest Fire Rating (April 1-October 31.)
- 2.6 If the Muskoka Forest Fire Rating is high, all open air burning with a fire permit is strictly forbidden (except a small confined fire for cooking or warmth, which is allowed.)
- 2.7 If the Muskoka Forest Fire Rating is extreme and a fire ban has been issued, ABSOLUTELY NO BURNING OF ANY KIND with or without a permit will be allowed.
- 2.8 No fire shall be permitted without ensuring a person is able to supervise such a fire and that this person is equipped with adequate tools and/or water to extinguish it promptly in the event of danger of the spread of such fire, and this person must be in constant immediate attendance at the specific place where the fire is burning.
- 2.9 The person responsible for the fire shall ensure that the fire is completely extinguished before leaving the specific place where the fire was burning.
- 2.10 No fires shall be permitted between the hours of 1:00 am and 8:00am.
- 2.11 No fire shall exceed 1 cubic metre in size.
- 2.12 A permit obtained under this by-law allows for the burning of brush, leaves and unpainted wood only, in accordance with the other provisions of this by-law.
- 2.13 No more than one controllable fire per residence.
- 2.14 No fire shall contain rubber tires, petroleum or plastic products, shingles, painted wood or other building materials that are known to create extensive smoke.
- 2.15 Every fire shall be at least 10 metres away from any building, structure, hedge, fence, vehicular roadway or overhead wire or obstruction of any kind.
- 2.16 Every person who has obtained a fire permit shall ensure that, while burning, smoke does not blow across roadways, hamper visibility or cause annoyance or irritation to adjacent properties or premises.
- 2.17 Every person who has obtained a permit will ensure that absolutely no burning is carried out when a smog advisory has been issued and is in effect.
- 2.18 Fire permit holders must refrain from burning on days where rain, fog or any other weather conditions prevent readily dispersion of smoke, and when the wind is greater than 20 km per hour.
- 2.19 In the absence of a fire permit being obtained, the owner of property on which a fire has been set or permitted to burn in the open air, shall be deemed to have permitted the fire to burn and assumes all responsibility and liability.
- 2.20 A gas-fired outdoor campfire device is exempt from this by-law, but is subject to conform with Article 2.6.3.4. of the Ontario Fire Code, (i.e. gas barbeques, heatilators, outdoor radiant gas heaters.) Appliances of this nature would also be regulated under the Propane Utilization Code or the Natural Gas Installation Code, depending on the gas being used.

- 2.21 No fire shall be permitted unless it complies with all the relevant provisions of the Environmental Protection Act, R.S.O. 1990, c. E. 19, as amended.
- 2.22 No fire shall be permitted on any land owned by the Township without first having obtained permission to do so from the Chief Fire Official or his/her designate.
- 2.23 A site inspection may be required by the Chief Fire Official prior to issuing the fire permit.

### 3. ENTRY AND INSPECTION

- 3.1 An Officer may, at any time, enter on to land to determine whether this by-law is being complied with.
- 3.2 Every Owner shall permit the Officer to inspect any land for the purposes of determining compliance with this by-law.
- 3.3 Notwithstanding any provision of this by-law, an Officer shall not enter or remain in any room or place actually being used as a dwelling, unless:
- a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and, if refused, may only be made under the authority of a warrant issued under the Provincial Offences Act, R.S.O.1990, as amended.
  - b) a warrant issued under the Provincial Offences Act, R.S.O. 1990, as amended, is obtained.

### 4. OBSTRUCTION

- 4.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this by-law.
- 4.2 Any person who has been alleged to have contravened any of the provisions of this by-law, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of his/her duties.

### 5. FEES

- 5.1 There is no cost for obtaining a fire permit in the Township.
- 5.2 Upon the fire department attending to extinguish an open air fire that is not in accordance with any section of this by-law, the Owner may be responsible to pay fees as set out in the Township's Fee Schedule By-Law, as amended. If the fees are not paid within 30 days of the date of the invoice, the fees will be added to the tax roll and collected the same as property taxes.

### 6. PENALTY

Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction, is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, ch P33, as amended.

### 7. ADMINISTRATION AND ENFORCEMENT

- 7.1 An Officer is hereby vested with the authority of enforcing the provisions of this by-law.

7.2 Any permit issued under this by-law may be revoked if, in the opinion of the Chief Fire Official or his/her Designate or the Municipal Law Enforcement Officer, the user is in contravention of this by-law.

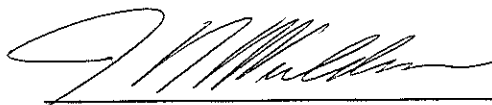
#### 8. VALIDITY AND SEVERABILITY

Every provision of this by-law is declared to be severable from the remainder and if any provision of this by-law shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder.

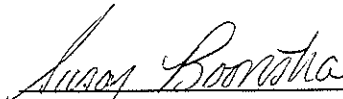
#### 9. EFFECTIVE DATE

This by-law shall come into full force and effect upon final approval by Mayor and Council, at which time By-Law #2007-70 is hereby repealed in its entirety at that time.

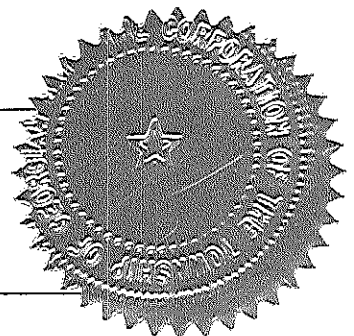
READ and finally passed this 16<sup>th</sup> day of March, 2009.



James R. Walden, MAYOR



Susan Boonstra, CLERK



**SCHEDULE "A"**  
**TO BY-LAW 2009-23**  
The Corporation of the Township of Georgian Bay

OPEN AIR BURN PERMIT

Applicant name: \_\_\_\_\_ Permit #: \_\_\_\_\_  
Home address: \_\_\_\_\_ Date: \_\_\_\_\_  
Burning location: \_\_\_\_\_ Phone number: \_\_\_\_\_

Note: Before burning, call 1-877-847-1577 for the Muskoka Fire Rating. Permits are valid from April 1<sup>st</sup> to October 31st and will be approved at the discretion of the Chief Fire Official or Designate.

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**MINISTRY OF THE ENVIRONMENT GUIDELINES**

- **Burn only dry materials, as per the Open Air Burning By-Law #2009- .**
- **Don't burn petroleum products, plastics, rubber or anything that will cause excessive smoke.**
- **Keep at least 10 metres from buildings.**
- **Burn less than one cubic metre of material at a time.**
- **Stay with the fire at all times.**
- **Don't burn on days where smoke will blow across roadways and hamper driving visibility.**
- **Don't burn on days where rain, fog or any weather condition prevents the proper dispersion of smoke.**
- **Always have proper extinguishment tools on site.**
- **On days when the Ministry of the Environment issues an Air Quality Index warning,( a smog alert), ALL OUTDOOR BURNING IS PROHIBITED.**

**ABSOLUTELY NO BURNING PERMITTED when the Fire Danger Rating is HIGH or EXTREME.**

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I have read and understand the above conditions for approval of open air burning. I agree to pay the following rates should the Township of Georgian Bay Fire Department be dispatched to the burn site to extinguish an out of control hazardous fire or a fire not conforming to these conditions. The rate charged shall be a minimum of \$350.00 per fire apparatus for every hour or part thereof that the fire department is on site to extinguish the fire. The Chief Fire Official, his Designate or the Municipal Law Enforcement Officer has the right to revoke an issued permit upon receipt of any complaint or violation of any part of the permit.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Fire Official or Designate

\_\_\_\_\_  
Date