

**THE CORPORATION OF THE
TOWNSHIP OF GEORGIAN BAY**

BY-LAW 2019-18

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 Georgian Bay

WHEREAS pursuant to Section 7.1 (1) (a) and (b) 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;

AND WHEREAS The Municipal Act, 2001, S.O. 2001, c25 s. 130. Permits a municipality to regulate matters for the purposes related to the health, safety, and well being of the inhabitants of the municipality;

AND WHEREAS staff are able to update the schedules to reflect required changes/housekeeping that may be legislated by the Ontario Court of Justice (Provincial Division).

AND WHEREAS the Council of the Corporation of the Township of Georgian Bay deems it essential to regulate the setting of open air fires.

NOW THEREFORE the Council of the Corporation of the Township of Georgian Bay enacts as follows:

1. Short Title: The short title of this by-law is the "Burning By-law"
2. Definitions:
 - a. "**Campfire**" means a small contained open air fire ignited for cooking or warmth.
 - b. "**Class "A" Combustibles**" means natural material such as wood, paper or anything that leaves an ash.
 - c. "**Extinguish**" means to put out or quench a fire completely, no smoke, hot or glowing embers are to remain.
 - d. "**Fire Chief**" means the Fire Chief of the Township or Georgian Bay and/or their designate.
 - e. "**Fire Danger Ratings**" means

- i. **LOW:** No open air burning is allowed between January 1st and December 31st without a permit. Fires must abide by all stipulations set out in this burning by-law.
 - ii. **MODERATE:** Burn with caution; No open air burning is allowed between January 1st and December 31st without a permit. Fires must abide by all stipulations set out in this burning by-law.
 - iii. **HIGH:** No open air burning is allowed unless being used solely for the purpose of cooking or warmth. Burn Permits will not be issued. Fireworks are banned
 - iv. **EXTREME:** Total Fire Ban; No open air burning is permitted including for cooking or warmth. All current permits are suspended and fireworks are banned
- f. **"Hazardous Materials"** means hazardous wastes and hazardous recyclable materials with properties such as flammability, corrosiveness, inherent toxicity, or hazardous to human health or the environment.
 - g. **"Non-Recreational Fire"** means any open air burning that it is not recreational and or a fire that is more than 1 meter in diameter and 1 meter in height.
 - h. **"Officer"** means a Municipal Law Enforcement Officer, Police Officer, Chief Fire Official or Designate.
 - i. **"Open Air Fire"** means an outdoor fire that is not controlled by a manufactured device.
 - j. **"Out of Control Fires"** means a fire that can not be extinguished using the resources onsite and or requires the Fire Department to extinguish the fire.
 - k. **"Owner"** means the registered owner of, or anyone with a leasehold interest in a property.
 - l. **"Permit"** means an open air burning permit issued by the Corporation of The Township of Georgian Bay and authorized by the Fire Chief, or their designate.
 - m. **"Recreational Fire"** means a small, controlled and contained fire for the purpose of cooking, warmth or personal enjoyment, that is less than one meter in diameter and one meter in height.
 - n. **"Supervision"** means to be in constant visual contact of the fire until fully extinguished.

- o. **"Township"** means the Corporation of the Township of Georgian Bay.
 - p. **"Yard waste"** includes not limited to grass, leaves, trees, brush trimmings, spent flowers, garden plants, weeds, pine needles, hay, straw and sawdust.
3. General Prohibitions (ALL FIRES)
- a. No person shall set or maintain an **open air fire** unless a **permit** has been issued by the **township** under this by-law;
 - i. A **permit** obtained under this by-law is valid from January 1st and December 31st of any given year and a new permit must be obtained each year;
 - ii. The said **permit** shall be in accordance with Schedule "B" attached hereto;
 - b. No person shall set a fire or a permit a fire to be set unless said fire is under constant **supervision** and controlled from the time of lighting until it is totally **extinguished**;
 - c. No person shall set or **permit** a fire that burns material other than **class "A" combustibles**;
 - d. No person shall burn any kitchen garbage, treated or painted lumber/construction materials or materials made/or containing rubber, plastic, tar, or other **hazardous material**;
 - e. No person shall set a fire or permit a fire that causes a nuisance;
 - f. Every person conducting an open air burn shall only burn clean, dry seasoned wood or **yard waste**.
 - g. No person shall set a fire or permit a fire to burn:
 - i. On land on which the person setting such fire, or permitting such fire, is not the registered **owner**, without written permission of the registered owner;
 - ii. On a highway, park, walkway, public land or upon any vacant or other land owned by the Township without first having permission from the **Fire Chief** ;
 - h. No person shall allow or permit a fire to become **out of control**;
 - i. No person shall burn in such a manner that conditions from the smoke therefrom impairs the vision of a motorist at a distance;
 - j. No person shall set or permit a fire unless they have adequate means of **extinguishment** available onsite and within

proximity to the fire to extinguish the fire within a reasonable time frame;

- k. **Open air fires** are not permitted when the wind velocity exceeds 16km/hour (10 miles/hour), as per the Environment Canada Website;
 - l. Notwithstanding the exceptions set out in Part 8 of this by-law, the **Fire Chief** may declare a total ban against open air fire when environmental conditions or local circumstances make such fire hazardous.
 - m. No person shall set or permit an open air fire during a declared fire ban and when the **fire danger rating** is set to **extreme**.
4. Non Recreational Burning (Bonfires)
- a. The fire shall not be located within 15 meters, (50 feet), from any building, vehicle, structure, hedge, fence, road or overhead wire or combustible obstruction of any kind;
 - b. There must be space of at least 4.5 meters, (15 feet) free and clear of combustible material around the perimeter of such fire;
 - c. The dimensions of the fire shall not exceed 2 meters, (6 feet) in diameter and 2 meters (6 feet), in height, any person who wishes to set a fire larger than these dimensions must first obtain permission from the Fire Chief or his designate.
 - d. No person shall set a fire or permit a **non recreational fire** (bonfire) when the **fire danger rating** for the Township is **high** or **extreme**.
5. Recreational Open Air Fires (Campfires)
- a. The fire shall not be located closer than 6 meters,(20 feet), from any building vehicle, structure, hedge, fence, road or overhead wire or obstruction of any kind;
 - b. The fire shall not exceed 1 meters (3 feet), in diameter and 1 meter (3 feet) in height;
 - c. **Recreational fires** (campfires) are not permitted when the **fire danger rating** is **extreme**.
6. Barbeques and Gas Fired Outdoor Appliances and Fireworks
- a. No person shall barbeque unless the barbeques is **supervised** at all times.
 - b. No person shall use a gas fired outdoor appliance unless the appliance is **supervised** at all times

- c. No person shall use an outdoor appliance that has not been approved by the underwriters laboratories of Canada (ULC) or the Canadian Standards Association (CSA).
 - d. No person shall set or permit fireworks to be set off when the **fire danger rating** in the Township is **high**
 - e. No person shall set or permit **fireworks** to be set off when the **fire danger rating** in the Township is **extreme**.
- 7. The **Fire Chief** or **Officer** or a **member of the Georgian Bay Fire Department** are authorized to order any person to **extinguish** a 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 their opinion, there is a danger of such fire spreading or otherwise endangering life or property and the person shall comply with any such order;
- 8. The Georgian Bay Township Fire Department is exempt from this by-law with respect to open air burning for the purpose educating and training individuals;
- 9. The **Fire Chief** may revoke a permit or approval for open air burning if the provisions of this by-law are not being adhered to;
- 10. The **Fire Chief** may prohibit open air burning if the person or applicant, occupant or owner has contravened the provisions of this by-law in the past, or any conditions for open air burning on a previous occasion;
- 11. The **Fire Chief** may attach such conditions as the Fire Chief deems appropriate to any permit approval;
- 12. Any **By-law officer** appointed by the Corporation of the Township of Georgian Bay is hereby authorized to enforce the provisions of this by-law pursuant to the Provincial Offences Act.
- 13. The **Fire Chief** may declare a total ban against outdoor burning when atmospheric conditions or local circumstance make such fires hazardous. Public service announcements notifying the public that a fire ban is in affect may be made on local radio stations, television stations and social media outlets. **Fire danger rating** signs shall be utilized to advertise the ban throughout the Township.
- 14. During conditions when the **fire danger rating** is **high** or **extreme** burn **permits** will not be issued to the public, until such a time as the **fire danger rating** has been reduced to **moderate** or **low**.
- 15. Penalty
 - a. Upon the fire department being dispatched to the burn site for an out of control fire, or a hazardous fire, or a fire not

conforming with the conditions of this by-law, whether the fire is extinguished or not, the owner will be responsible to pay fees as established in The Township of Georgian Bay current user fee by-law as amended from time to time.

- b. The Township may recover the remedial costs incurred under Section 15. (a). or by action, or by adding to the tax roll and collecting them in the same manner as taxes in accordance with section 446 of the Municipal Act.
- c. Prior to recovering costs under section 15 (b), the Township may invoice the owners requesting voluntary payment of those remedial costs.
- d. Every person who contravenes any 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, c. p. 33.

16. Severability

If a court in a competent jurisdiction declares any provision or part of this by-law to be invalid or unenforceable for any reason whatsoever, then the particular provision or part thereof shall be deemed to be severed from the remainder of the by-law and shall be valid and enforceable to the fullest extent permitted by law, unless the court makes an order to the contrary.

17. Repeal

Upon the date the set fines are approved by the Chief Justice of the Ontario Court of Justice, By-law 2009-23 and any amendments thereto shall be repealed.

Read and finally passed this 7th day of March 2019.

Peter Koetsier, Mayor

Jessica Gunby, Clerk

**THE CORPORATION OF THE
TOWNSHIP OF GEORGIAN BAY**

**Schedule "A" to Burning By-law 2019-18
Part 1 Provincial Offences Act**

Item	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1.	Burn without a current fire permit	3 (a)	\$250
2.	Failing to supervise fire	3 (b)	\$250
3.	Burning Kitchen Garbage	3 (d)	\$250
4.	Burning treated or painted lumber	3 (d)	\$250
5.	Burning construction materials	3 (d)	\$250
6.	Burning materials containing rubber	3 (d)	\$250
7.	Burning materials containing plastic	3 (d)	\$250
8.	Burning materials containing tar	3 (d)	\$250
9.	Burning hazardous materials	3 (d)	\$250
10.	Fire causing a nuisance	3 (e)	\$250
11.	Burning other than clean dry wood/ yard waste	3 (f)	\$250
12.	Burning on township land without permission	3 (g)	\$250
13.	Allowing or permitting out of control fires	3 (h)	\$500

14.	Creating smoke conditions as to impair motorist vision	3 (i)	\$250
15.	Failing to provide adequate means of extinguishment	3 (j)	\$250
16.	Burning during windy conditions	3 (k)	\$250
17.	Burn during a fire ban	3 (m)	\$500
18.	Burning too close to a building	4 (a)	\$250
19.	Burning too close to a vehicle	4 (a)	\$250
20.	Burning too close to a structure	4 (a)	\$250
21.	Burning too close to a hedge	4 (a)	\$250
22.	Burning too close to a fence	4 (a)	\$250
23.	Burning too close to a road	4 (a)	\$250
24.	Burning too close to an overhead wire	4 (a)	\$250
25.	Burning too close to obstruction of any kind	4 (a)	\$250
26.	Burning too close to combustible materials	4 (b)	\$250
27.	Burning area too large	4 (c)	\$250
28.	Bonfire during high danger rating	4 (d)	\$250
29.	Burning too close to a building	5 (a)	\$250
30.	Burning too close to a vehicle	5 (a)	\$250
31.	Burning too close to a structure	5 (a)	\$250

32.	Burning too close to a hedge	5 (a)	\$250
33.	Burning too close to a fence	5 (a)	\$250
34.	Burning too close to a road	5 (a)	\$250
35.	Burning too close to an overhead wire	5 (a)	\$250
36.	Burning too close to obstruction of any kind	5 (a)	\$250
37.	Burning area too large	5 (b)	\$250.00
38.	Fail to supervise barbeque	6 (a)	\$250
39.	Fail to supervise gas fired outdoor appliance	6 (b)	\$250
40.	Set off fireworks during high fire danger rating	6 (d)	\$250
41.	Set off fireworks during fire ban	6 (e)	\$500
42.	Failing to extinguish fire when ordered	7	\$500

NOTE: the general penalty provision for the offences listed above is section 15.d of the Bylaw 2019-18, a certified copy of which has been filed

The Corporation of the
Township of Georgian Bay

SCHEDULE "B" to Burning By-law 2019-18
OPEN AIR BURN PERMIT

Property Owner Name _____ Permit #: _____

Burn Location/Civic Address: _____ Date: ____/____/____

Mailing Address: _____ Phone number: _____

Note: Before burning, check the current fire rating on our website: www.gbtownship.ca or call 1-877-847-1577 for the Muskoka Fire Rating or call the Georgian Bay Fire Department at 1-705-538-2765. Permits are valid from January 1st to December 31st and will be approved at the discretion of the Chief Fire Official or Designate.

BURNING GUIDELINES

- **Review and abide by Burning By-law 2019-18.**
 - **Burn only class "A" combustible materials**
 - **Don't burn kitchen garbage, treated or painted lumber/construction materials or materials made/or containing rubber, plastic, tar, or other hazardous material**
 - **Campfires must no greater than 1 cubic meter and bonfires must be no greater than 2 cubic meters.**
 - **Fires must be under constant supervision and controlled at all times.**
 - **Do not burn on days where smoke will blow across roadways and hamper driving visibility.**
 - **Always have proper extinguishment tools on site.**
 - **If the Fire Chief, officer or a member of the fire department deems a fire to be in contravention of the burning by-law, the fire shall be extinguished.**
 - **NO non recreational fires (bonfires), fireworks, are allowed when the fire danger rating is HIGH**
- ABSOLUTELY NO BURNING or FIREWORKS ARE PERMITTED when the Fire Danger Rating is 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 for an out of control hazardous fire or a fire not conforming to the conditions set out in burning by-law 2019-18. The current Ministry of Transportation rate charged shall be a minimum of \$477.00 per fire apparatus for every hour or part thereof that the fire department is on site. 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 Township of Georgian Bay Burning By-law 2019-18. I understand that charges could be laid for contravening by-law 2019-18.

Signature of Applicant

_____/_____/_____
Date

Chief Tony Van Dam
Chief Fire Official or Designate

_____/_____/_____
Date