



COMMITTEE OF THE WHOLE AGENDA REPORT

TO: Mayor Furniss and Members of Committee of the Whole

MEETING DATE: February 15, 2018

SUBJECT: Burning By-law 2018-16

RECOMMENDATION 1: That The Committee of the Whole recommend to Township Council that the Current Burning By-law 2009-45 be repealed and Burning By-law 2018-16 be enacted.

<u>APPROVALS:</u>	Date	Signature
Submitted By: Douglas Holland, FPO/EM	Feb 11, 2018	<u>Original signed by: D. Holland</u>
Acknowledged By: Richard Hayes, Fire Chief	Feb 11, 2018	<u>Original signed by: R. Hayes</u>
Acknowledged By: Steve McDonald, CAO	Feb 11, 2018	<u>Original signed by: S. McDonald</u>

EXECUTIVE SUMMARY:

For the Committee of the Whole to recommend to Township Council that the Current Burning By-law 2009-45 be repealed and Burning By-law 2018-16 be enacted.

ORIGIN: Fire Department

BACKGROUND: The Township of Muskoka Lakes currently has a burning by-law in place. The purpose of the burning by-law is to ensure that any open air fires within the Township are done safely and in accordance with the rules and regulations passed by Council.

The Fire Department has responded to many open air fires where the owner has lit inappropriate combustible materials such as treated wood, plastics, rubber, and other hazardous materials. The current By-Law does not provide the necessary enforcement strategy to prevent, and manage these incidents. Therefore, there is no ability to educate the public, control such fire, and enforce the by-law against such fires.

This draft Burning By-Law has been updated to include:

- additions to the definitions,
- changing language to ensure proper compliance,
- allow residents the opportunity to purchase day-time burning permits for specific needs, and
- provides further public education by incorporating the Fire Danger Ratings within the by-law.

FINANCIAL: There will be no financial impact to the revision of the Township of Muskoka Lakes Burning By-law

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

BY-LAW NUMBER 2018-16

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 (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 the Council of the Corporation of the Township of Muskoka Lakes deems it essential to regulate the setting of open air fires.

NOW THEREFORE the Council of the Corporation of the Township of Muskoka Lakes enacts as follows:

1. Short Title: The short title of this By-law is the "Burning By-law".
2. Definitions:
 - a) "**By-law Officer**" Means the Township of Muskoka Lakes By-law Officer(s) and/or their designate, and includes any other employee of the Township designated by Council to carry out duties specified in this By-law.
 - b) "**Fire Chief**" Means the Fire Chief of the Township of Muskoka Lakes and/or their designate.
 - c) "**Forest Fire Ratings**" Means:
 - i. **LOW**: No day time burning is allowed between April 1st and October 31st without a permit. Fires shall only be set 2 hours before sunset and totally extinguisher 2 hours after sunrise.
 - ii. **MODERATE**: No day time burning is allowed between April 1st and October 31st without a permit. Fires shall only be set 2 hours before sunset and totally extinguisher 2 hours after sunrise.
 - iii. **HIGH**: No daytime burning is allowed between April 1st and October 31st without a permit. Permits will not be sold. Fireworks is banned. Fire shall

only be set 2 hours before sunset and totally extinguished 2 hours after sunrise. Campfires for cooking and warmth only are permitted.

- iv. **EXTREME:** Total Fire Ban, no open burning is permitted including for cooking and warmth, all current permits are suspended and Fireworks are banned.
 - d) **“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.
 - e) **“Open Air Fire”** Means an outdoor fire that is not controlled by a manufactured device.
 - f) **“Out of Control Fires”** Means a fire that requires the Fire Department to respond to extinguish.
 - g) **“Permit”** Means an Open Air Burning Permit issued by the Corporation of the Township of Muskoka Lakes and authorized by the Fire Chief, or designate.
 - h) **“Small Fire”** Means a fire not exceeding 1 metre, (3 feet), in diameter and 1 metre, (3 feet), in height
 - i) **“Supervision”** Means to be in constant visual contact of the fire until fully extinguished.
 - j) **“Yard Waste”** includes but not limited to grass, leaves, trees, brush trimmings, spent flowers, garden plants, weeds, pine needles, hay, straw and sawdust.
 - k) **“Zoning By-law”** Means the Township of Muskoka Lakes Comprehensive Zoning By-law 2014-14 and any successor thereof.
3. No person shall set and maintain a fire in the open air, from April 1 to October 31 inclusive, without a valid **permit** obtained from the Township of Muskoka Lakes. From November 1 to March 31 inclusive, persons may set and maintain a fire without a permit.
4. **Permits** will be issued for Properties denoted to be within the Township of Muskoka Lakes Comprehensive **Zoning By-law** listed as R1, R2, R3, R4, WR1, WR2, WR3, WR4, WR5, WR6, WR7 WR8, RM1, RM2, and RuRH, but will be restricted in size conforming to Section 6 (c) of this By-law.
5. Where a **permit** has been issued to a person by the Township of Muskoka Lakes, or when burning is carried out during the period from November 1 to March 31 inclusive, persons setting such a fire 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 shall not be located within 15 metres, (50 feet), from any building, vehicle, structure, hedge, fence, road or overhead wire or combustible 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. Open air fires are not permitted when a fire ban has been declared pursuant to Section 12 of this by-law;
 - e. Open air fires are not permitted when the wind velocity exceeds 16 kph, (10mph), as per the Environment Canada website;
 - f. Burning in such a manner that conditions from the smoke therefrom impairs the vision of a motorist at a distance;
 - g. The dimensions of the fire shall not exceed 3 metres, (10 feet), in diameter or 2 metres, (6 feet), in height;
 - h. No person shall allow or permit a fire to become out of control;
 - i. No person shall burn any kitchen garbage, treated or painted lumber/construction materials or materials made/or containing rubber, plastic, tar, or other **hazardous materials**;
 - j. Every person conducting an open air burn shall only burn clean, dry seasoned wood or **yard waste**; and
 - k. Persons shall have adequate means of extinguishment available on site and within proximity to the fire to extinguish the fire within a reasonable timeframe.
6. No permit is required for **small** confined fires set by persons for the purpose of burning environmentally acceptable combustible material. Persons setting 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 not be located closer than 6 metres, (20 feet), from any building, vehicle, 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 1st to October 31st) fires shall only be set 2 hours before sunset and totally extinguished 2 hours after sunrise;
 - e. Open air fires are not permitted when a fire ban has been declared pursuant to Section 12 of this by-law;
 - f. Open air fires are not permitted when the wind velocity exceeds 16 kph, (10 mph), as per the Environment Canada website for the area;

- g. Burning in such a manner that conditions from the smoke therefrom impairs the vision of a motorist;
 - h. No person shall allow or permit a fire to become out of control;
 - i. No person shall burn any kitchen garbage, treated or painted lumber/construction materials or materials made/or containing rubber, plastic, tar, or other **hazardous materials**;
 - j. Every person conducting an open-air burn shall burn only clean, dry seasoned wood or **yard waste**; and
 - k. Persons shall have adequate means of extinguishment available on site and within proximity to the fire to extinguish the fire within a reasonable timeframe
7. The **Fire Chief** or the **Bylaw Officer** 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 Fire Department is exempt from the provisions of this By-law with respect to open air burning, set, or conducted, for the purpose of educating and training individuals.
9. The **Fire Chief** may revoke 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. The **Fire Chief** may declare a total ban against outdoor burning when atmospheric conditions or local circumstances make such fires hazardous. Public Service Announcements notifying the public that a Fire Ban is in affect shall be made on local radio stations, television stations, and social media outlets. Forest Fire Rating Signs shall also be utilized to advertise the ban throughout the township.
13. During conditions when **Forest Fire Ratings** are **high** or **extreme** burn permits will not be sold to the public, until such time as the **Forest Fire Rating** has been reduced to **moderate** or **low**.
14. Any **By-law 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.

15. 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.
16. This By-law shall not apply to barbecue appliances, fire pits designed with cooking grates, or any other device approved by the **Fire Chief** designed for cooking.
17. That By-law 2009-045 be hereby repealed.

Read a first, second and third time and finally passed this ___ day of ___, 2018.

Don Furniss, Mayor

Cheryl Mortimer, Clerk

DRAFT

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

BY-LAW NO. 2018-XXX

**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

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	\$300.00
2.	Failing to supervise fire	5 (a)	\$300.00
3.	Burning too close to building	5 (b)	\$300.00
4.	Burning too close to a vehicle	5 (b)	\$300.00
5.	Burning too close to structure	5 (b)	\$300.00
6.	Burning too close to hedge	5 (b)	\$300.00
7.	Burning too close to a Fence	5 (b)	\$300.00
8.	Burning too close to road	5 (b)	\$300.00
9.	Burning too close to overhead wire	5 (b)	\$300.00
10.	Burning too close to obstruction of any kind	5 (b)	\$300.00
11.	Burning too close to combustible materials	5 (c)	\$300.00
12.	Burning during a fire ban	5 (d)	\$1000.00
13.	Burning during windy conditions	5 (e)	\$300.00
14.	Creating smoke conditions as to impair motorist vision	5 (f)	\$300.00
15.	Burning area too large	5 (g)	\$300.00
16.	Allowing or permitting out of control fires.	5 (h)	\$800.00
17.	Burning kitchen garbage	5 (i)	\$300.00
18.	Burning treated or painted lumber of construction materials	5 (i)	\$300.00
19.	Burning materials containing rubber	5 (i)	\$300.00
20.	Burning materials containing plastic	5 (i)	\$300.00
21.	Burning materials containing tar	5 (i)	\$300.00

22.	Burning hazardous materials	5 (i)	\$400.00
23.	Burning other than clean dry wood	5 (j)	\$300.00
24.	Failing to provide adequate means of extinguishment	5 (k)	\$300.00
25.	Failing to supervise fire	6 (a)	\$300.00
26.	Burning too close to building	6 (b)	\$300.00
27.	Burning too close to a vehicle	6 (b)	\$300.00
28.	Burning too close to structure	6 (b)	\$300.00
29.	Burning too close to hedge	6 (b)	\$300.00
30.	Burning too close to a Fence	6 (b)	\$300.00
31.	Burning too close to road	6 (b)	\$300.00
32.	Burning too close to overhead wire	6 (b)	\$300.00
33.	Burning too close to obstruction of any kind	6 (b)	\$300.00
34.	Burning area too large	6 (c)	\$300.00
35.	Burning within restricted times	6 (d)	\$300.00
36.	Burning during a fire ban	6 (e)	\$1000.00
37.	Burning during windy conditions	6 (f)	\$300.00
38.	Creating smoke conditions as to impair motorist vision	6 (g)	\$300.00
39.	Allowing or permitting out of control fires.	6 (h)	\$800.00
40.	Burning kitchen garbage	6 (i)	\$300.00
41.	Burning treated or painted lumber of construction materials	6 (i)	\$300.00
42.	Burning materials containing rubber	6 (i)	\$300.00
43.	Burning materials containing plastics	6 (i)	\$300.00
44.	Burning materials containing tar	6 (i)	\$300.00
44.	Burning hazardous materials	6 (i)	\$400.00
46.	Burning other than clean dry wood	6 (j)	\$300.00
47.	Failing to provide adequate means of extinguishment	6 (k)	\$300.00
48.	Failing to extinguish fire when ordered.	7	\$500.00