

OFFICE CONSOLIDATION

Town of Gravenhurst

The Burning Control By-law 2005-208 and Amendments Thereto

For accurate references by-law 2005-2008 and amendments thereto should be consulted

1. This by-law may be cited as the "Burning Control By-law".

2. **DEFINITIONS**

In this by-law:

"Barbeque" means a masonry constructed unit or a commercially manufactured metal frame for cooking food.

"Bonfire" means a fire in open air used specifically for warmth and/or cooking.

"Class A Combustibles" means combustible materials such as wood, cloth and paper.

"Incinerator" means an enclosed device used for burning.

"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.

3. The owner shall be responsible for carrying out the provisions of this by-law and any other legislation in respect to open air burning.

4. The owner shall ensure there is no open air burning which includes a fire in a yard incinerator or a bonfire for warmth and/or cooking when a restricted fire zone is declared by the Ministry of Natural Resources or a total fire ban is declared by the Chief Fire Official or his designate or by the Muskoka Association of Fire Chiefs. **(amended by 2010-61)**

5. **ABSOLUTE PROHIBITION**

No person shall set or permit a fire to burn neither in open air nor in a yard incinerator on properties located on highways listed in Schedule "A" to this by-law. **(amended by 2010-26)**

6 **EXEMPTION**

- (1) For the purpose of this by-law a barbeque is exempted and a bonfire for warmth and/or cooking is exempted if the owner or person complies with sections 6(2), 6(3) or 6(4). **(amended by 2010-61)**
- (2) No owner shall have or permit a bonfire consisting of wood and flame where the combined measurement is greater than 75 cm (30 inches) in diameter and/or 90 cm (36 inches) in height.
- (3) No owner shall have or permit a bonfire for the purpose of warmth and/or cooking on land with a structure:
 - a) unless the site of the fire is bare rock or other non-combustible material;
 - b) unless attended at all times by a responsible person until out.
 - c) unless there is a supply of water at the ready, sufficient to control the fire;
 - d) unless the fire is at least two metres from any flammable material;
 - e) unless the space above the two metre area around the fire is at least three metres from vegetation.

(amended by 2010-61)

- (4) No person shall have or permit a bonfire for the purpose of warmth and/or cooking on land without a structure:
 - a) unless the site of the fire is bare rock or other non - combustible material;
 - b) unless attended at all times by a responsible person until out.
 - c) unless the fire is at least one metre from any flammable material;
 - d) unless the space above the one metre area around the fire is at least three meters from vegetation.

(amended by 2010-61)

7. **CHIEF FIRE OFFICIAL**

Open air fires may be set in all areas of the Municipality except those prohibited under section 5. The open air fires are approved by the Chief Fire Official, provided that section 8 of this by-law are complied with. Failure to comply with section 8 of this by-law will void the Chief Fire Official's consent.

8.(1) **BURNING REGULATIONS**

No person shall set a fire in open air or permit a fire to burn:

- a) using materials other than Class A combustibles;
- b) on any travelled portion of any common and public highway;
- c) on any asphalt surface;
- d) within 15 metres of a structure or vehicle;
- e) unless attended to by a responsible person until out;
- f) without having apparatus, equipment, personnel and a supply of water at the ready, sufficient to control the fire;
- g) under conditions whereby the wind may carry or expand the fire to another part of the lot on which the fire is located, or to another lot;
- h) in such a manner and condition that the smoke therefrom impairs the vision of a motorist at a distance of 150 metres or less;
- i) including a fire in a yard incinerator from April 1st of each and every year to October 31st of each and every year except from 2 hours before sunset through the night to 2 hours after sunrise;
- j) unless placed in a single pile less than 2 metres in diameter and less than 2 metres high. Notwithstanding the generality of this clause, the Chief Fire Official or his designate may upon application extend the size of the pile to be burned;
- k) within 2 metres of flammable materials;
- l) within 5 metres of any forest ;or
- m) in a yard incinerator unless enclosed and covered by screen mesh with openings less than 5 millimetres.

- (2) In addition to the requirements written in section 8(1), no owner shall set a grass fire or permit a grass fire to burn:
 - a) in an area greater than 1 hectare (2.5 acres) unless a fire permit has been issued by the Ministry of Natural Resources;
 - b) where the flaming edge is greater than 30 metres;
- (3) Notwithstanding the generality of the foregoing contractors may burn during the restricted hours, in permitted areas upon applying for and receiving a fire permit from the Ministry of Natural Resources to do so.
- (4) Other types of open air burning not covered by this by-law must have the appropriate permit(s) issued by the Ministry of Natural Resources and/or the Ministry of Environment and Energy.
- (5) Upon the request of any officer mentioned in section 9 (1) the owner shall produce the written approval of the Chief Fire Official and/or any permits issued by the Ministry of Natural Resources and/or the Ministry of Environment and Energy.

9. **FIRES TO BE EXTINGUISHED**

- (1) Every owner to whom this By-law applies shall comply with every direction of the Chief Fire Official or his designate, the Chief Municipal Law Enforcement Officer or a Municipal Law Enforcement Officer and immediately cease any action prohibited. For the purpose of this by-law all officers mentioned above may enter upon any lands.
- (2) Open air fires in contravention of this by-law are not approved by the Chief Fire Official and shall be extinguished.
- (3) Where the person does not comply to the directive to extinguish the open air fire, the Chief Fire Official, his firefighters, fire trucks and any other fire equipment may enter upon the land where the fire is located to extinguish the fire.
- (4) Upon the fire department attending to extinguish the open fire, whether it has since been extinguished or not, the owner will be

responsible to pay fees as established in the Fees and Services Charge By-law.

10. **PENALTY**

- (1) Every person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine as provided for in the Provincial Offences Act.
 - (2) In addition to the penalties prescribed in subsection I, applications may be made for an order under S.427 or S.442 of the Municipal Act, R.S.O. 2001, c.25 to restrain further violations.
11. This by-law shall come into force and take effect on the date of its final passing. On that date by-law 97-67 and amendments thereto are hereby repealed.

READ A FIRST, SECOND and THIRD TIME and finally passed this 20 day of December 2005.

 (John W. Klinck)
Mayor

 (Candace Thwaites)
Clerk

revised May 19, 2010

CORPORATION OF THE TOWN OF GRAVENHURST

**BY-LAW 2005-208
as amended by by-law 2010-**

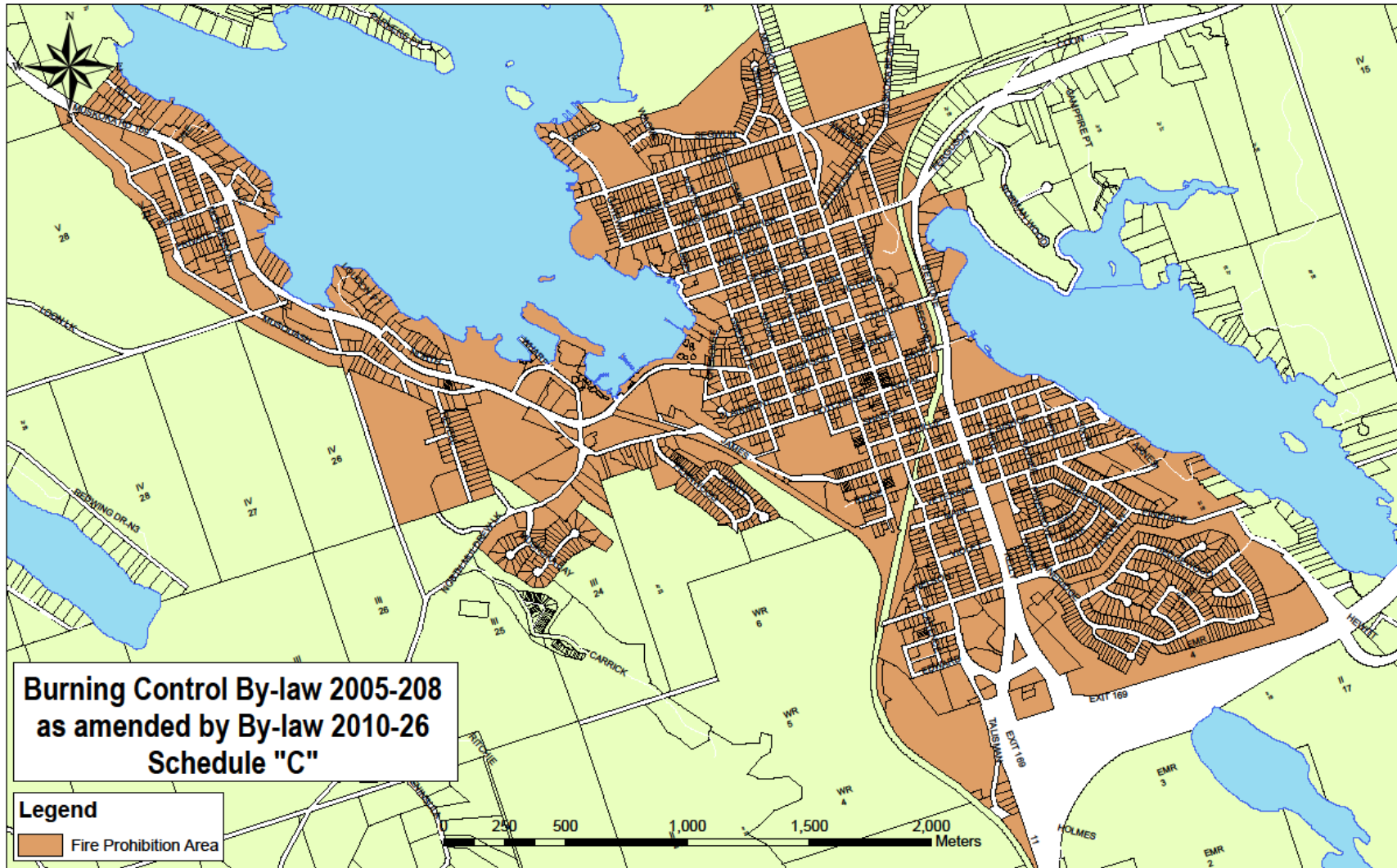
SCHEDULE 'A'

Highway:	Property Assigned 911 Addresses On Highway:
Abbey Lane	All properties
Arne's Drive	All properties
Austiin Street	All properties
Bakery Lane	All properties
Bay Street (Muskoka Road 169)	From Muskoka Road (Muskoka Road #18) to and including #1170 at Musquash Road
Baypoint Court	All properties
Bethune Drive South (Muskoka Road #169)	From Highway 11 to Brock Street
Bethune Drive North (Muskoka Road 41)	From Brock Street (Muskoka Road #169) to and including #412 Bethune Drive.
Bishop Street	All properties
Blueberry Lane	All properties
Breakwater Court	All properties
Brock Street	All properties
Brown Street	All properties
Burnett Street	All properties
Caroline Street	All properties
Centennial Drive	All properties
Cherokee Lane	All properties
Church Street	All properties
Clairmont Drive	All properties
Clarence Street	All properties
Crescent Drive	All properties
David Street	All properties
Dungey Street	All properties
Edward Street	All properties
Elder Street	All properties
Emma Street	All properties
Fairview Drive	All properties
Farquhar Street	All properties

Highway:	Property Assigned 911 Addresses On Highway:
Fernwood Drive	All properties
Fifth Street	All properties
First Street North	All properties
First Street South	All properties
Fourth Street	All properties
Fraser Street	All properties
Gateway Drive	All properties
George Beard Lane	All properties
George Street	All properties
Gillan Drive	All properties
Grace Court	All properties
Greavette Street	All properties
Hahne Drive	All properties
Harvie Street	All properties
Hedgewood Lane	All properties
Hill Lane	All properties
Hill Street	All properties
Hotchkiss Street	All properties
Hughson Street	All properties
Isaac Street	All properties
Islander Drive	All properties
James Street East	All properties
James Street West	All properties
John Street North	All properties
John Street South	All properties
Kelly Drive	All properties
Kingswood Drive	All properties
Lofty Pines Crescent	All properties
Lofty Pines Drive	All properties
Lorne Street	All properties
Loudon Point Road	All properties
Louise Street	All properties
Main Street	All properties
Margaret Street	All properties
Mary Street North	All properties
Mary Street South	All properties
McNeice Laneway	All properties
McPherson Street	All properties
Moody Drive	All properties
Muskoka Bay Boulevard	All properties

Highway:	Property Assigned 911 Addresses On Highway:
Muskoka Beach Road (District Road 17)	From Winewood Avenue to and including #295.
Muskoka Bay Boulevard	All properties
Muskoka Beach Road (District Road 17)	From Winewood Avenue to and including #295.
Muskoka Road North (Muskoka Road 18)	From Brock Street (Muskoka Road #169) to Lofty Pines Drive
Muskoka Road South (Muskoka Road 18)	All properties
Musquash Road	All properties
Nelson Street	All properties
North Muldrew Lake Road	From Bay Street (Muskoka Road #169) to and including #1037.
North Street	All properties
Old Muskoka Road	All properties
One Road	All properties
Oriole Crescent	All properties
Park Lane	All properties
Pearl Drive	All properties
Peter Street	All properties
Phillip Street East	All properties
Phillip Street West	All properties
Pinedale Lane	All properties
Pinedale Road	From Bethune Drive (Muskoka Road #169) to and including #887.
Pinegrove Street	All properties
Pineridge Gate	All properties
Pratt Crescent	All properties
Private Street	All properties
Rayner Street	All properties
Readman Street	All properties
Red Maple Court	All properties
Revell Street	All properties
Ridge Road	All properties
Royal Street	All properties
Sarah Street North	All properties
Sarah Street South	All properties
Second Street	All properties
Segwun Boulevard	All properties
Sharpe Street East	All properties
Sharpe Street West	All properties

Highway:	Property Assigned 911 Addresses On Highway:
Sixth Street	All properties
Springwood Crescent	All properties
Steamship Bay Road	All properties
Stonehedge Close	All properties
Talisman Drive	All properties
Third Street	All properties
Twigs End	All properties
Two Road	All properties
Veteran's Way	All properties
Victoria Street	All properties
Violet Street	All properties
Wagner Street	All properties
Walton Road	All properties
Wanda Miller Road	All properties
Waome Lane	All properties
Wapaska Crescent	All properties
Watson Lane	All properties
Westwind Court	All properties
Wharf Road	All properties
Winewood Avenue East	All properties
Winewood Avenue West	All properties
Woodman's Chart	All properties
Woods Hollow	All properties



March 17th, 2010

Corporation of the Town of Gravenhurst

