

THE CORPORATION OF THE TOWNSHIP OF McGARRY

BY-LAW 98 - 08

A By-law Respecting the Control of Fires
within the Township of McGarry

WHEREAS the Municipal Act RSO 1990 Chapter M 45 Section 210 (35) authorizes the municipality to pass by-laws regulating the control of fires.

AND WHEREAS Section 2.6.3.4 of the Ontario Fire Code RSO 1990 states Open Air Burning shall not be permitted unless approved or unless such consists of small confined fire, supervised at all times and used to cook food on a grill or a B.B.Q.

AND WHEREAS the Council of the Corporation of the Township of McGarry deems it desirable and necessary for the protection of its citizens to enact a by-law respecting the control, and management of fires.

NOW THEREFORE the Council of the Corporation of the Township of McGarry enacts as follows:

1. For the purpose of this by-law the following definitions shall apply:
 - a) Provincial Offences Officer: any member of the McGarry Fire Department designated as a Provincial Offences Officer to enforce this by-law.
 - b) Special Constable: means a person appointed or employed by the Ontario Provincial Police .
 - c) Fire: igniting any substance to cause it to burn such as garbage, grass, wood or any combustible liquid or material.
 - d) Owner: any person who owns a house, apartment or commercial business, farm, or person in charge of such building or property.
 - e) Corporation: means the Corporation of the Township of McGarry.
 - f) Municipality: means the Corporation of the Township of McGarry.
 - g) Police: means the Ontario Provincial Police.

2. Fires - Residential Property

- a) Between April 1 and October 31 fires are permitted only for cooking or warmth and only in approved containers and small open fires to a maximum of one (1) metre in diameter and only for cooking and warmth and only within boundaries of the Townsite and within McGarry Park.

No fires of any kind is permitted outside the McGarry Townsite boundaries, or in open fields or on Crown Land or near combustible substances.

Only restricted and controlled burning for cooking or warmth is permitted and only within the restricted boundaries.

All other fires are prohibited.

- b) Fires between November 1 and March 31 shall be in an approved container complete with a spark resister top and shall be approved by the Fire Chief or his designate for the Township of McGarry prior to igniting any fires.
- c) No fire shall be within 5 metres of any other combustible material or buildings.

3. Fires - Commercial Property and Rural Properties

- a) Fires on a commercial or rural property must first have the fire container and spark resister top approved by the Fire Chief of the McGarry Fire Department.
- b) No fire shall be within 5 metres of any other buildings or combustible materials.

4. Fires - Safety

- a) All fire scenes shall be equipped with safety equipment such as water and/or portable Fire Extinguisher (A,B,C), rakes or any tool necessary for safety.
- b) No owner or person shall have a fire unless supervised at all times by a person who has reached the age of majority.

5. Enforcement

- a) Any Offence committed in contravention of this By-Law shall be enforced by a Provincial Offences Officer, a Special Constable and/or a Police Officer.
- b) For the purposes of this By-Law members of the McGarry Fire Department are deemed to be Provincial Offences Officers.

6. Offences

- a) For the purposes of this By-Law the following shall be offences to which a set fine shall be assessed in accordance with Schedule "A" attached hereto:
 - I) Have fire during prohibited time period (Section 2 (a))
 - ii) Fire not in approved container (Section 2 (b))
 - iii) Fire within 5 metres of a combustible material or building (Section 2 ©)
 - iv) Have fire during prohibited time period (Section 3 (a))
 - v) Fire not in approved container (Section 3 (a))
 - vi) Fire within 5 metres of combustible material or buildings (Section 3 ©)
 - vii) Have unsupervised Fire (Section 4)
 - viii) Unsafe Fire (Section 4 (a))
- b) Notwithstanding Article 5 (a) any person upon prosecution and found contravening any provisions of this by-law is liable upon conviction to a fine in any calender year of:
 - \$ 50.00 for the First Offence
 - \$ 100.00 for the Second Offence
 - \$1,000.00 for the Third Offenceand not greater than Two Thousand Dollars (\$2,000.00) exclusive of costs recoverable pursuant to the provisions of the Provincial Offences Act RSO 1990 Chap. P.53.

