

THE CORPORATION OF THE TOWNSHIP OF LAKE OF BAYS
BY-LAW NUMBER 2013-032

BEING A BY-LAW TO AMEND BY-LAW 2013-003, TO PRESCRIBE THE
PARAMETERS FOR OUTDOOR BURNING WITHIN THE TOWNSHIP OF
LAKE OF BAYS (OUTDOOR BURNING BY-LAW)

WHEREAS pursuant to section 7 of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, Council may pass by-laws to regulate outdoor burning with the Municipality of the Township of Lake of Bays;

AND WHEREAS pursuant to Part XII, section 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25, a municipality may pass by-laws providing that a person who contravenes a by-law of the Municipality passed under this Act is guilty of an offence;

AND WHEREAS: pursuant to Part XII, section 391 of the *Municipal Act, 2001*, S.O. 2001, c. 25 without limiting sections 9, 10 and 11, those sections authorize a municipality to impose fees or charges on persons, (a) for services or activities provided or done by or on behalf of it; (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and (c) for the use of its property including property under its control

AND WHEREAS pursuant to Part XIV, section 429, subject to subsection (4), of the *Municipal Act, 2001*, S.O. 2001, c.25, a municipality may establish a system of fines for offences under a by-law of the municipality passed under this Act;

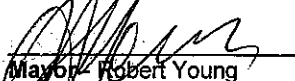
AND WHEREAS: pursuant to Part XIV, section 446 (1) if a municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense.

- (2) For the purposes of subsection (1), the municipality may enter upon land at any reasonable time
- (3) The municipality may recover the costs of doing a matter or thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

NOW THEREFORE the Council of the Corporation of the Township of Lake Of Bays hereby enacts as follows:

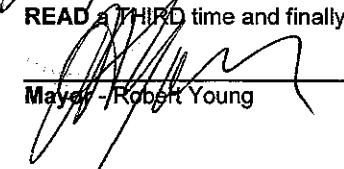
1. That Part 2 – General Prohibitions, subsection 2.3 shall be amended to read:
 - 2.3 Notwithstanding the exceptions set out in Parts 3, 4, 5 and 6 of this By-law, the Chief Fire Official may declare a total ban against open air burning and the setting off of fireworks when atmospheric conditions or local circumstances make such fires hazardous. No person shall burn during a declared fire ban. Bans against burning shall be advertised through the local media.
2. That Schedule A – Set Fines attached hereto be adopted and forming a part hereof.
3. That No part of this by-law shall come into force and take effect until Schedule "A" is approved and filed by the Regional Senior Justice, pursuant to Provincial Offences Act, Part 1 – A copy of this approval is attached and hereto forms part of this By-law

READ a FIRST and SECOND time this 12th day of March, 2013.


Mayor - Robert Young


Clerk - Michelle Percival Carrie Sykes

READ a THIRD time and finally passed this 12th day of March, 2013.


Mayor - Robert Young


Clerk - Michelle Percival Carrie Sykes

The Corporation of the Township of Lake Of Bays

SCHEDULE "A" – Set Fines

By-law 2013-003 as amended: Outdoor Burning

Item #	Short Form Wording	Provision Creating or Defining Offences	Set Fine
1.	Burning outside during prohibited hours	2.1	\$ 300.00
2.	Burning contrary to permitted hours	2.2	\$ 300.00
3.	Burning during fire ban	2.3	\$ 300.00
4.	Failure to comply with permission /approval conditions	4.2	\$ 500.00
5.	Failure to extinguish fire when ordered to do so	4.5	\$ 500.00
6.	Recreational burning in fire pit larger than permitted	5.1	\$ 300.00
7.	Recreational burning adversely affecting other persons	5.2	\$ 300.00
8.	Recreational burning of materials not permitted	5.3	\$ 300.00
9.	Recreational burning of oversized wood	5.4	\$ 300.00
10.	Recreational burning within 6 metres (19.5 ft.) of adjacent property	5.5	\$ 300.00
11.	Recreational burning within 6 metres (19.5 ft.) of combustible structure	5.6	\$ 300.00
12.	Recreational burning without extinguishing device	5.7	\$ 300.00
13.	Failure to supervise recreational burning	5.8	\$ 300.00
14.	Recreational burning during high winds or during a smog alert	5.9	\$ 300.00
15.	Failure to take reasonable precautions during recreational burning	5.10	\$ 300.00
16.	Failure to extinguish fire or comply when ordered during recreational burning	5.11	\$ 500.00
17.	Failure by owner to ensure compliance during recreational burning	5.12	\$ 300.00
18.	Non-recreational burning of burn pile larger than permitted	6.1	\$ 300.00
19.	Non-recreational burning of materials not permitted	6.2	\$ 300.00
20.	Non-recreational burning of materials other than dry wood or permitted yard waste	6.3	\$ 300.00
21.	Non-recreational burning of yard waste within 100 metres (300 ft.) of a dwelling unit	6.4	\$ 300.00
22.	Non-recreational burning adversely affecting other persons	6.5	\$ 300.00
23.	Failure to supervise non-recreational burning	6.6	\$ 300.00

The Corporation of the Township of Lake Of BaysSCHEDULE "A" – Set Fines

By-law 2013-003 as amended: Outdoor Burning

Item #	Short Form Wording	Provision Creating or Defining Offences	Set Fine
24.	Non-recreational burning without fire extinguisher	6.7	\$ 300.00
25.	Non-recreational burning during high winds or smog alert	6.8	\$ 300.00
26.	Failure to take reasonable precautions during non-recreational burning	6.9	\$ 300.00
27.	Failure to extinguish fire or comply when ordered during non-recreational burning	6.10	\$ 500.00
28.	Failure by owner to ensure compliance during non-recreational burning	6.11	\$ 500.00
29.	Failure to extinguish fire creating hazard when ordered to do so	7.3	\$ 500.00

NOTE: The general penalty provision for the offences listed above is Section 10 of By-law 2013-003, as amended, a certified copy of which has been filed.