

CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN

BY-LAW NO. 2016-36

Being a by-law to establish Open Air Burning Procedures.

**WHEREAS** under the authority granted in Section 7.1 of the Fire Protection and Prevention Act, S.O. 1997, as amended, Chapter 4, Municipal Councils may establish open air burning by-laws to regulate the setting of fires, including establishing the times during which open air fire may be set.

**AND WHEREAS** Section 391(1) of the Municipal Act, S.O. 2001, Chapter 25, a municipality may pass by-laws imposing fees or charges on any class or persons for services or activities provided or done by or on behalf of it.

**AND WHEREAS** the Ontario Fire Code Part 2 Section 2.6, Article 2.6.3.4. states open air burning shall not be permitted unless approved or unless such burning consists of a small, confined fire, supervised at all times, and used to cook food on a grill or barbeque.

**NOW THEREFORE** the Council of the Municipality of Markstay-Warren enacts as follows:-

1. For the purposes of this by-law, the following definitions shall apply:-
  - a) "Agricultural Waste" shall include any animal fecal deposits or manure, and animal carcasses;
  - b) "Approved" means as approved by the Chief Fire Official or his/her designate;
  - c) "Campfire" means a small contained fire supervised at all times and used to cook food or to provide warmth, and is attended at all times.
  - d) "Chief Fire Official" means the assistant to the Fire Marshal who is the Municipal Fire Chief or a member or members of the fire department appointed by the Municipal Fire Chief.
  - e) "Domestic Waste" shall include kitchen waste, food, scraps, cloth, rags, clothing, plastics and any other materials which contents include any of the aforementioned.
  - f) "Fire Chief" means the Fire Chief employed by the Corporation of the Municipality of Markstay-Warren.
  - g) "Fire Season" between the hours of eight o'clock in the evening (8:00 p.m.) and eight o'clock in the morning (8:00 a.m.) from January 1 to December 31. With the exception of the months of November 1st – March 31<sup>st</sup>. Burning may commence at 12:00 p.m. to 08:00 a.m.
  - h) "Incinerator" means an enclosed device used to burn approved refuse and detailed in Schedule 'A' of this by-law.
  - i) "Industrial Waste" shall include used automobile and truck bodies, tires, oil, grease, paint, cloth, rags, plastics, explosives and any part there of or other material which contents include any of the aforementioned;
  - j) "Restricted fire zone" shall mean when from time to time it is deemed necessary to control when open air burning is allowed. Notwithstanding any section in this by-law, if a **RESTRICTED FIRE ZONE** is imposed by any Ministry of the Government of the Province of Ontario and/or the Municipal Fire Chief or his designate because of a high fire hazard, permits will not be issued, and any existing permits shall be declared null and void.
  - h) "Open burning" Open burning is defined as "*any outdoor fire that that does not burn within a container equipped with a chimney or stack.*" Open burning activities are regulated by the Fire Code and open burning is also regulated by this Municipal By-Law and enforced locally by the Markstay-Warren Fire Department. The guidelines for open burning are established to prevent fire damage resulting from open burning activities that get out of control, prevent the discharge of pollutants into the atmosphere and to protect others from hazardous or undesirable smoke conditions.

i) "Special Burn Permits" Special Burn Permits are for fires outside of the scope listed within this bylaw such as explosives, large fires and special situations and the cost would be \$250.00 per year and available at the Municipal office. This type of fire must comply with all of the general provisions listed in this By-Law as well as the special provisions outlined by the issuer. Special Burn Permits are considered individually – not all permits will contain the same provisions. Special Burn Permits may require a site inspection and will be addressed normally within one week of the request.

2. This by-law shall apply to all land within the geographical limits of the Municipality of Markstay-Warren and to the setting of fires in the open air (fires) on any such land.
3. A fire wholly contained within a permanent or portable barbeque that is used for the preparation of food for human consumption shall not be deemed to be a fire for the purposes of this by-law.
4. No person(s) or owner(s) of land shall:-
  - a) set a fire or permit the setting of a fire, or having set or permitted the setting of a fire, permit a fire to continue to burn without first having obtained a fire permit, in the form attached hereto known as or in accordance with Schedule "B" from the Chief Fire Official or his/her designate, and in accordance with the provisions of the permit and this by-law. A fire permit is not required for a small "campfire" but it is required to respect the other provisions of this bylaw.
  - k) b) set a fire or permit the setting of a fire or allow a fire to burn between the hours of eight o'clock in the evening (8:00 p.m.) and eight o'clock in the morning (8:00 a.m.) from January 1 to December 31. With the exception of the months of November 1st – March 31<sup>st</sup>. Burning may commence at 12:00 p.m. to 08:00 a.m.
  - c) set a fire or allow a fire to burn in any highway, park, walkway, public land, or upon any land owned by the Corporation of the Municipality of Markstay-Warren without having first obtained permission to do so from the Chief Fire Official or his or her designate.
  - d) burn industrial waste, agricultural waste, domestic waste, petroleum products, rubber, painted lumber, mixed demolition debris, explosives or any part there of or anything else that will cause excessive smoke or fumes in addition to any other material identified in the regulations contained in the Environmental Protection Act;
  - e) set a fire or allow a fire to burn on any land of which he/she is not the registered owner, without the written permission of the registered owner;
  - f) no person shall start a fire or permit the setting of a fire or allow a fire to burn in a Restricted fire zone.
5. Where an Open Air Fire Burning Permit, pursuant to this by-law, has been issued the applicant and the owner shall jointly and severally be responsible for any damage or injury to persons or property with respect to the setting of a fire or permitting the fire to burn and to insure that:
  - a) only dry material is burned (including leaves);
  - b) the fire is kept at least six (6) meters from any dwelling and/or from any structure;
  - c) the fire is attended at all times until it is completely extinguished before leaving the burn site;
  - d) sufficient equipment and resources are available at the burn site to extinguish the fire if the fire gets out of control or is causing any adverse effect including those set out in Section 6 below;
  - e) no damage results to property or injury to persons with respect to the setting of a fire or permitting the fire to burn.

6. Where any Open Air Fire Burning Permit or Special Burn Permit, pursuant to this by-law has been issued, no person shall:

- a) set a fire or permit a fire to burn when the wind is in such a direction or of such intensity so as to create a decrease in the visibility on any highway or cause danger to any person or structure;
- b) create, by the setting or burning of the fire, any odour which causes discomfort to any person residing in the area;
- c) set a fire or permit a fire to burn without first having confirmed that the materials to be burned meet the requirements of the Environmental Protection Act, R.S.O. 1990, Chapter E. 19.
- d) set a fire or permit a fire to burn without first notifying the Ministry of Natural Resources (MNR) of the location, size (approx.), timeframe for how long it will burn and notification of when it is being lit. Only when the materials that are being burnt are decommissioned explosives.

7. Any Open Air Fire Burning Permit or Special Burn Permit may be cancelled or suspended at any time by the Chief Fire Official or his/her designate and immediately upon receiving notice of such cancellation or suspension, the permittee shall extinguish any fire started under the permit.

8. Notwithstanding the provisions of Section 4, 5 and 6 hereof the Chief Fire Official may, upon application, approve the setting of a fire, on the condition that it may be attended by the Fire Chief of the Corporation of the Municipality of Markstay-Warren or his/her designate.

9. a) The fee for issuance of an Open Air Fire Burning Permit shall be \$25.00 plus applicable taxes per permit issued for a ten (10) day duration of permissible time. The fee for issuance of an Open Air Fire Burning Permit shall be \$100.00 plus applicable taxes per permit issued for one (1) year duration of permissible time. That is for a 12 month period commencing from January 01 to December 31 of each calendar year.

All persons acquiring a (one year permit) must adhere to all other clauses within this by-law.

Open Air Fire Burning Permit for the purpose of burning in an approved container classed as an approved "incinerators"; that is for a 12 month period commencing from January 01 to December 31 of each year.

- b) notwithstanding paragraph 9 (a) herein, the Chief Fire Official or designate may issue a Special Burn Permit on an annual basis in the form of Schedule "B" for burning as defined in this by-law. The fee for issuance of a burn permit for this agreement shall be \$250.00 plus applicable taxes for each calendar year.
- c) The permit holder of a Special Burn Permit must call both the MNR and the Chief Fire Official of the location, size (approx.), timeframe for how long it will burn and notification of when it is being lit.

10. If the Markstay-Warren Fire Department is called to respond to a fire set or permitted to burn, in violation of this by-law, the person who set the fire, or allowed it to burn, and the owner of the land if the owner permitted the fire to be set or permitted the fire to burn, shall forthwith pay, upon demand the costs incurred by the Markstay-Warren Fire Department including the personnel, equipment and apparatus necessary to extinguish any fire set or burning contrary to this by-law or contrary to any permit issued under this by-law by paying the fees as follows:-


- a) for an uncontrolled fire, be liable for costs incurred by the fire department, at a rate of \$225.00 plus applicable taxes per half hour (30 minutes) for each fire fighting apparatus accompanied with four (4) people; or crews of eight (8) people.

- b) time will be charged from the receipt of the alarm through to the time responding personnel leave the location of the fire, to return to their respective stations.
11. If any person fails to pay the fees set out above, forthwith upon demand, the amount of the fee in default may, in addition to any other remedies Markstay-Warren may have, be recovered by the Corporation of the Municipality of Markstay-Warren in like manner as municipal taxes in accordance with Section 398(2)2 of the Municipal Act S.O. 2001, c.25, against the owner of the land, if the owner set the fire, allowed the fire to burn, or permitted the fire to be set or to burn, in violation of this by-law or any permit issued under this by-law.
12. Every person who contravenes any provision of this by-law is guilty of an offense and may be charged in accordance with the terms of the Fire Protection and Prevention Act as amended, Part 2 subsection 2.6.3.4. of the Ontario Fire Code, in addition to the requirement to pay the fees set out above; or may be charged with an offence under the Provincial Offences Act under this by-law.
13. By-law No. 2014-20 is hereby repealed.
14. This by-law will come into force on the date of passing.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 14 DAY OF NOVEMBER, 2016.**



**MAYOR, Salonin, Stephen**

  
**CAO, Denis Turcot**

## Schedule "A"

### Approved Burning Containers (incinerators)

**1. Materials to be considered for burning in an approved container: (incinerator)**

1. Yard Waste (grass, leaves, branches)
2. House Hold Items (paper, card board, wrapping paper)
3. Small Scraps of Wood
4. Brush and Tree Limbs

**2. Material that shall not be burnt in an approved container: (incinerator)**

1. Domestic Waste
2. Construction Materials
3. Materials made of or containing Rubber
4. Plastic of any kind
5. Tar paper or any material made with Tar
6. Industrial Waste
7. Agricultural Waste
8. Bio Waste, Animal Waste

**3. This is a suggested list and the Chief Fire Official or his/her designate shall have the authority to add or remove any item/s they deem necessary.**

**4. Persons have the authority to burn in an approved container shall always be cautious of the wind when burning. When wind direction moves smoke and debris into their neighbors property they shall immediately put out the fire and wait till the conditions are favorable to restart burning.**

Schedule "B"

Open Air Burning  
PERMIT

PERMIT NO. \_\_\_\_\_

DATE: \_\_\_\_\_

**Applicant instructions:**

- 1. This application is for an outdoor burning allowance, outside the scope of By-Law 2014-XX
- 2. This application must be completed and subsequently approved by the Chief Fire Official.
- 3. Fee upon application is \$ 250.00 plus applicable taxes and must be made payable to **Municipality of Markstay-Warren Fire Department**

Name of Applicant: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

Telephone Number of Applicant: \_\_\_\_\_

Telephone Number of Secondary Contact Person: \_\_\_\_\_

**MUNICIPALITY OF MARKSTAY-WARREN REQUIRES THAT THIS PERMIT BE WITH THE APPLICANT OR DESIGNIT AT ALL TIMES**

4. A diagram of the ground at which the Burn will take place. It must show the point at which the burn will be located; the location of all buildings, highways, streets, communication lines and other possible overhead obstructions; and location of forested areas. The applicant must have in possession this permit at all times during burning.

Signature of Applicant (or Agent): \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Fire Chief/Designate: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Issuing Authority: \_\_\_\_\_ Date: \_\_\_\_\_

**APPROVED FOR BURNING:**

FROM \_\_\_\_\_ TO \_\_\_\_\_  
Date Date

**ADDITIONAL INSTRUCTIONS:**

---



---



---

## SCHEDULE "C"

**AGREEMENT:** Burning Outside the Scope of the By-Law 2014-XX

**Between:** The Corporation of the Municipality of Markstay-Warren  
(hereinafter called the Municipality)

**And:** XXXXX  
(hereinafter called the Owner)

---

**WHEREAS** the Corporation of The Municipality of Markstay-Warren deems it desirable to define the parameters for safe burning and allowing burning during daytime hours.

**NOW WITNESSETH THAT** the parties, in consideration of the mutual covenants and agreements hereinafter mentioned, hereby agree with each other as follows:

- 1- **Burning Season** - Burning Season will commence as of January 01<sup>st</sup> of every calendar year, and will end on December 31<sup>st</sup> of every calendar year.
- 2- **Scope of Permit** – To be allowed to burn damaged and expired explosives, and may also burn other products that are considered explosives. The permit tee must adhere to special criteria under the authority of the Municipal By-Law, Fire Code Act, and Forest Fire Protection Act as amended, related codes and municipal by-laws and the administration and enforcement of subject legislation, regulations and by-laws.
- 3- **Reporting**- The permit holder must report any activity of burning to the Ministry of Natural Resources and the Chief Fire Official. This communication must happen each time the permit holder starts burning. The MNR will require information such as location, size (approx.), timeframe for how long it will burn and notification of when it is being lit.
- 4- **Duties and Responsibilities-**
  - a) To obtain a permit, review and update Fire Safety Plan under the scope of the Fire Code and the FFPP Act, follow all regulations and applicable municipal by-laws.
  - b) To liaise with authorities having jurisdiction to ensure compliance with applicable laws are met.
  - c) To insure all safety procedures are in place as to not inflict harm on first responders or general public. I.e. Fire Safety Plan, Contact information for supervisors, Safety equipment in place. Burns, Set back Muster stations.
  - d) To direct any inquiries to the proper staff for the clarification.
  - e) To carry out required inspections of burn site after every burn and prepare the appropriate records of inspections.
  - f) Keep proper records of all activities at the burn site for presentation to inspectors.
  - g) To prepare and submit to the Chief Fire Official any request of change in allowable burning at this site in the form of a report.

\_\_\_\_\_  
XXXXX Owner

\_\_\_\_\_  
Denis Turcot, CAO/Clerk

This agreement comes into effect: As of

Dated This \_\_\_\_\_ Day of \_\_\_\_\_ in Markstay-Warren in the Year 20\_\_\_\_

## SCHEDULE "D"

### **Common categories of explosives which might be used as a basis for segregation.**

Pyrotechnic compositions containing chlorate.

Pyrotechnic compositions containing sulphur.

Compositions containing red phosphorous.

Compositions containing metal powders.

Single, double and triple base propellants.

Blasting explosives based on nitrated esters.

Water based slurries and emulsions.

Ammonium Nitrate/Fuel oil explosives (ANFO's)

Nitro compound eg: RDX, PETN, TNT

Devices – detonators, primers, actuating devices.

Fireworks

Pyrotechnic articles

Composite rubbery/plastic propellants.

This appendix does not necessarily mean that ALL explosives of one category CAN be burned together. Seek clarification from the Supervisor in charge of the burn.



## SCHEDULE "E"

### **Fire Permits**

For the purpose of article number 1(h) 5 (open air burning) of this by-law.  
The Municipality of Markstay-Warren would continue to use the existing permits as in the past, until such time as they are depleted or council chooses to change their format.  
**A copy of the permit will be attached and will form part of this by-law.**

**MUNICIPALITY OF MARKSTAY-WARREN REQUIRES THAT THIS PERMIT BE WITH THE APPLICANT OR DESIGNIT AT ALL TIMES**

**THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN-SET FINES**  
**PART 1 -PROVNCIAL OFFENCES ACT**  
**ESTABLISH OPEN AIR BURNING PROCEDURES BY-LAW NO. 2016-36**

<b>ITEM COLUMN 1</b> <b>Short Form Wording</b>	<b>COLUMN 2</b> <b>Offence Creating Provision or Defining Offence</b>	<b>COLUMN 3</b> <b>Set Fine</b>
1. Setting Fire without Permit	Section 4 (a)	\$200.00
2. Setting Fire During Restricted Hours	Section 4 (b)	\$200.00
3. Set Fire on Highways, Parks, Public Land or Municipally Owned Property	Section 4 (c)	\$200.00
4. Burning of Restricted Items	Section 4 (d)	\$200.00
5. Setting of Fire when not the Registered Owner	Section 4 (e)	\$200.00
6. Setting of Fire in Restricted Fire Zone	Section 4 (f)	\$300.00
7. Burning of items other than Dry Material	Section 5 (a)	\$200.00
8. Fire to Close to Building or Structure	Section 5 (b)	\$300.00

**THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN-SET FINES  
PART 1 -PROVNCIAL OFFENCES ACT  
ESTABLISH OPEN AIR BURNING PROCEDURES BY-LAW NO. 2016-36**

<b>ITEM COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Offence Creating Provision or Defining Offence</b>	<b>COLUMN 3 Set Fine</b>
9. Fire is left Unattended	Section 5 (c)	\$300.00
10. Sufficient Equipment to Extinguish Fire is not Available	Section 5 (d)	\$300.00
11. Damage to property or injury to person due to setting of a Fire	Section 5 (e)	\$300.00
12. Decrease in Visibility on any Highway or Cause Danger to person or structure	Section 6 (a)	\$300.00
13. Causing Discomforting Odour	Section 6 (b)	\$200.00

**NOTE: The General Penalty Provision for the offences listed above is section 12 of By-law 2016-36, a certified copy of which has been filed, and Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.**

**THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN-SET FINES**  
**PART 1 -PROVNCIAL OFFENCES ACT**  
**ESTABLISH OPEN AIR BURNING PROCEDURES BY-LAW NO. 2016-36**

<b>ITEM COLUMN 1</b> <b>Short Form Wording</b>	<b>COLUMN 2</b> <b>Offence Creating Provision or Defining Offence</b>	<b>COLUMN 3</b> <b>Set Fine</b>
---	--	------------------------------------

---

- |   |               |  |
|---|---------------|--|
| 1. Setting Fire without Permit  | Section 4 (a) |  |
| 2. Setting Fire During Restricted Hours                                   | Section 4 (b) |  |
| 3. Set Fire on Highways, Parks, Public Land or Municipally Owned Property | Section 4 (c) |  |
| 4. Burning of Restricted Items  | Section 4 (d) |  |
| 5. Setting of Fire when not the Registered Owner                          | Section 4 (e) |  |
| 6. Setting of Fire in Restricted Fire Zone                                | Section 4 (f) |  |
| 7. Burning of items other than Dry Material                               | Section 5 (a) |  |
| 8. Fire to Close to Building or Structure                                 | Section 5 (b) |  |

**THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN-SET FINES  
PART 1 -PROVNCIAL OFFENCES ACT  
ESTABLISH OPEN AIR BURNING PROCEDURES BY-LAW NO. 2016-36**

<b>ITEM COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Offence Creating Provision or Defining Offence</b>	<b>COLUMN 3 Set Fine</b>
---	--	------------------------------

---

9. Fire is left Unattended	Section 5 (c)	
----------------------------	---------------	--

10. Sufficient Equipment to Extinguish Fire is not Available	Section 5 (d)	
--	---------------	--

11. Damage to property or injury to person due to setting of a Fire	Section 5 (e)	
---	---------------	--

12. Decrease in Visibility on any Highway or Cause Danger to person or structure	Section 6 (a)	
--	---------------	--

13. Causing Discomforting Odour	Section 6 (b)	
---------------------------------	---------------	--

**NOTE: The General Penalty Provision for the offences listed above is section 12 of By-law 2016-36, a certified copy of which has been filed, and Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.**

OFFICE OF THE REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE  
NORTHEAST REGION

159 CEDAR STREET  
3<sup>rd</sup> FLOOR, SUITE 303  
SUDBURY, ONTARIO P3E 6A5



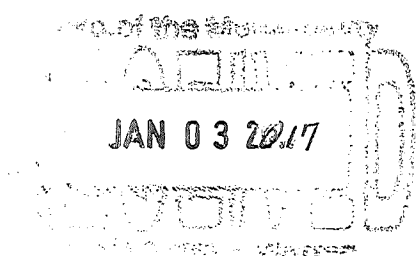
CABINET DU JUGE PRINCIPAL RÉGIONAL  
COUR DE JUSTICE DE L'ONTARIO  
RÉGION DU NORD-EST

159, RUE CEDAR  
3<sup>e</sup> ÉTAGE, BUREAU 303  
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624  
FAX/TÉLÉCOPIEUR (705) 564-7620

December 16, 2016

Denis Turcot, CAO/Clerk  
P.O. Box 79  
21 Main Street South  
Markstay, ON P0M 2G0



Dear Mr. Turcot;

**Re: Set Fines – Provincial Offences Act - Part I**  
**The Municipality of Markstay-Warren, Sudbury District**

Enclosed herewith please find an Order and schedule of set fines for By-law No. 2016-36. Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Municipality of Markstay-Warren.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

I have forwarded the copy of the Orders and the schedules of these set fines to the Ontario Court of Justice in Sudbury, together with certified copies of the By-Laws.

Yours truly,

PATRICK BOUCHER  
REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE

PJB/hrd

Encl.

c.c.: His Worship Theodore Hodgins, Regional Senior Justice of the Peace

OFFICE OF THE REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE  
NORTHEAST REGION

159 CEDAR STREET  
3<sup>rd</sup> FLOOR, SUITE 303  
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPAL RÉGIONAL  
COUR DE JUSTICE DE L'ONTARIO  
RÉGION DU NORD-EST

159, RUE CEDAR  
3<sup>e</sup> ÉTAGE, BUREAU 303  
SUDBURY (ONTARIO) P3E 6A5

TELEPHONE/TÉLÉPHONE (705) 564-7624  
FAX/TÉLÉCOPIEUR (705) 564-7620

## PROVINCIAL OFFENCES ACT

### Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 2016-36, of the Municipality of Markstay-Warren, Sudbury District attached hereto is the set fine for those offences. This Order is to take effect December 23<sup>rd</sup>, 2016.

Dated at the City of Greater Sudbury, this 16<sup>th</sup> day of December, 2016.

A handwritten signature in black ink, appearing to read 'Patrick Boucher', written over a horizontal line.

PATRICK BOUCHER  
REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE

**THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN-SET FINES  
PART 1 -PROVNCIAL OFFENCES ACT  
ESTABLISH OPEN AIR BURNING PROCEDURES BY-LAW NO. 2016-36**

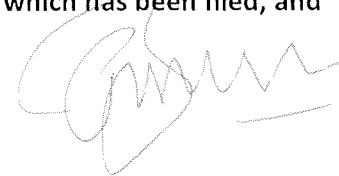
<b>ITEM COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Offence Creating Provision or Defining Offence</b>	<b>COLUMN 3 Set Fine</b>
1. Setting Fire without Permit	Section 4 (a)	\$200.00
2. Setting Fire During Restricted Hours	Section 4 (b)	\$200.00
3. Set Fire on Highways, Parks, Public Land or Municipally Owned Property	Section 4 (c)	\$200.00
4. Burning of Restricted Items	Section 4 (d)	\$200.00
5. Setting of Fire when not the Registered Owner	Section 4 (e)	\$200.00
6. Setting of Fire in Restricted Fire Zone	Section 4 (f)	\$300.00
7. Burning of items other than Dry Material	Section 5 (a)	\$200.00
8. Fire too close to dwelling or structure	Section 5 (b)	\$300.00



**THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN-SET FINES  
PART 1 -PROVNCIAL OFFENCES ACT  
ESTABLISH OPEN AIR BURNING PROCEDURES BY-LAW NO. 2016-36**

<b>ITEM COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Offence Creating Provision or Defining Offence</b>	<b>COLUMN 3 Set Fine</b>
9. Fire is left Unattended	Section 5 (c)	\$300.00
10. Sufficient Equipment to Extinguish Fire is not Available	Section 5 (d)	\$300.00
11. Damage to property or injury to person due to setting of a Fire	Section 5 (e)	\$300.00
12. Setting of fire causes decrease in visibility on any highway or danger to person or structure	Section 6 (a)	\$300.00
13. Causing Discomforting Odour	Section 6 (b)	\$200.00

**NOTE: The General Penalty Provision for the offences listed above is section 12 of By-law 2016-36, a certified copy of which has been filed, and Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.**



THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN-SET FINES  
PART 1 -PROVNCIAL OFFENCES ACT  
ESTABLISH OPEN AIR BURNING PROCEDURES BY-LAW NO. 2016-36

ITEM COLUMN 1  
Short Form Wording

COLUMN 2  
Offence Creating Provision or Defining Offence

COLUMN 3  
Set Fine

---

1. Setting Fire without Permit	Section 4 (a)	
2. Setting Fire During Restricted Hours	Section 4 (b)	
3. Set Fire on Highways, Parks, Public Land or Municipally Owned Property	Section 4 (c)	
4. Burning of Restricted Items	Section 4 (d)	
5. Setting of Fire when not the Registered Owner	Section 4 (e)	
6. Setting of Fire in Restricted Fire Zone	Section 4 (f)	
7. Burning of items other than Dry Material	Section 5 (a)	
8. Fire too close to dwelling or structure	Section 5 (b)	

**THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN-SET FINES  
PART 1 -PROVNCIAL OFFENCES ACT  
ESTABLISH OPEN AIR BURNING PROCEDURES BY-LAW NO. 2016-36**

<b>ITEM COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Offence Creating Provision or Defining Offence</b>	<b>COLUMN 3 Set Fine</b>
---	--	------------------------------

---

9. Fire is left Unattended

Section 5 (c)

10. Sufficient Equipment to Extinguish Fire is not Available

Section 5 (d)

11. Damage to property or injury to person due to setting of a Fire

Section 5 (e)

12. Setting of fire causes decrease in visibility on any highway or danger to person or structure

Section 6 (a)

13. Causing Discomforting Odour

Section 6 (b)

**NOTE: The General Penalty Provision for the offences listed above is section 12 of By-law 2016-36, a certified copy of which has been filed, and Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.**



The Corporation of the Municipality of  
**Markstay - Warren**

---

November 23, 2016

Ministry of the Attorney General  
Crown Law office –Criminal  
720 Bay Street, 10<sup>th</sup> Floor  
Toronto, ON M7A 2S9

**Re: By-law No. 2016-36 Open Air Burning Procedures**

Enclosed please find a true copy of By-law 2016-36 Being a by-law to establish Open Air Burning Procedures for your files. Please note the attached scheduled fees.

Should you have any questions regarding this matter, please feel free to contact the undersigned, I remain,

Yours truly,

*DT* Denis Turcot  
CAO/Clerk

DT/fl

Enclosure

**Denis Turcot**

---

**From:** Anandjit, Devyani (MAG) <Devyani.Anandjit@ontario.ca>  
**Sent:** July-02-14 9:01 AM  
**To:** dturcot@markstay-warren.ca  
**Subject:** FW: Markstay-Warren - 2014-16 - Open Air Burning

Hi Denis,

Kerry Lee has reviewed this application and one small change is needed.

Item 8: there is a typo in the short form wording. It should say "Fire **too** close to building or structure"

You can email the corrected schedule back to me.

Yours truly,

Devyani

---

Ministry of the Attorney General  
Crown Law Office-Criminal  
720 Bay Street, 10<sup>th</sup> Floor  
Toronto, Ontario M7A 2S9  
Phone: 416.326.2491  
Fax: 416.326.1746

**THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN-SET FINES**  
**PART 1 -PROVINCIAL OFFENCES ACT**  
**ESTABLISH OPEN AIR BURNING PROCEDURES BY-LAW NO. 2016-36**

<b>ITEM COLUMN 1</b> <b>Short Form Wording</b>	<b>COLUMN 2</b> <b>Offence Creating Provision or Defining Offence</b>	<b>COLUMN 3</b> <b>Set Fine</b>
1. Setting Fire without Permit	Section 4 (a)	\$200.00
2. Setting Fire During Restricted Hours	Section 4 (b)	\$200.00
3. Set Fire on Highways, Parks, Public Land or Municipally Owned Property	Section 4 (c)	\$200.00
4. Burning of Restricted Items	Section 4 (d)	\$200.00
5. Setting of Fire when not the Registered Owner	Section 4 (e)	\$200.00
6. Setting of Fire in Restricted Fire Zone	Section 4 (f)	\$300.00
7. Burning of items other than Dry Material	Section 5 (a)	\$200.00
8. Fire too close to dwelling or structure	Section 5 (b)	\$300.00

**THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN-SET FINES  
PART 1 -PROVINCIAL OFFENCES ACT  
ESTABLISH OPEN AIR BURNING PROCEDURES BY-LAW NO. 2016-36**

<b>ITEM COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Offence Creating Provision or Defining Offence</b>	<b>COLUMN 3 Set Fine</b>
9. Fire is left Unattended	Section 5 (c)	\$300.00
10. Sufficient Equipment to Extinguish Fire is not Available	Section 5 (d)	\$300.00
11. Damage to property or injury to person due to setting of a Fire	Section 5 (e)	\$300.00
12. Setting of fire causes decrease in visibility on any highway or danger to person or structure	Section 6 (a)	\$300.00
13. Causing Discomforting Odour	Section 6 (b)	\$200.00

**NOTE: The General Penalty Provision for the offences listed above is section 12 of By-law 2016-36, a certified copy of which has been filed, and Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.**

**THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN-SET FINES  
PART 1 -PROVNCIAL OFFENCES ACT  
ESTABLISH OPEN AIR BURNING PROCEDURES BY-LAW NO. 2016-36**

**ITEM COLUMN 1  
Short Form Wording**

**COLUMN 2  
Offence Creating Provision or Defining Offence**

**COLUMN 3  
Set Fine**

---

1. Setting Fire without Permit	Section 4 (a)	
2. Setting Fire During Restricted Hours	Section 4 (b)	
3. Set Fire on Highways, Parks, Public Land or Municipally Owned Property	Section 4 (c)	
4. Burning of Restricted Items	Section 4 (d)	
5. Setting of Fire when not the Registered Owner	Section 4 (e)	
6. Setting of Fire in Restricted Fire Zone	Section 4 (f)	
7. Burning of items other than Dry Material	Section 5 (a)	
8. Fire too close to dwelling or structure	Section 5 (b)	



**THE CORPORATION OF THE MUNICIPALITY OF MARKSTAY-WARREN-SET FINES  
PART 1 -PROVNCIAL OFFENCES ACT  
ESTABLISH OPEN AIR BURNING PROCEDURES BY-LAW NO. 2016-36**

<b>ITEM COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Offence Creating Provision or Defining Offence</b>	<b>COLUMN 3 Set Fine</b>
9. Fire is left Unattended	Section 5 (c)	.
10. Sufficient Equipment to Extinguish Fire is not Available	Section 5 (d)	.
11. Damage to property or injury to person due to setting of a Fire	Section 5 (e)	.
12. Setting of fire causes decrease in visibility on any highway or danger to person or structure	Section 6 (a)	.
13. Causing Discomforting Odour	Section 6 (b)	.

**NOTE: The General Penalty Provision for the offences listed above is section 12 of By-law 2016-36, a certified copy of which has been filed, and Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.**