



***Being a By-Law to regulate Open Air Burning in the Township of Asphodel-Norwood***

**WHEREAS** the Corporation of the Township of Asphodel-Norwood deems it expedient to establish parameters which fires may be set in the open air, and the precautions to be observed by persons setting out fires;

**AND WHEREAS** under Section 35(1) of the Ontario Fire Code, O. Reg. 388/97, the Fire Marshal, a Fire Chief or an Assistant to the Fire Marshal may issue an order to pay the costs incurred by the Province of Ontario or a municipality;

**NOW THEREFORE** the Council of The Corporation of the Township of Asphodel-Norwood hereby enacts as follows:

**Part 1**

**DEFINITIONS**

**Agricultural Fire – defined**

“Agricultural Fire” means a fire deemed necessary for the support of normal farming purposes, which includes brush or vegetation and does not necessarily require a specific container for burning purposes; pile size shall not exceed 3m in length or width and 2m in height and shall be a minimum of 150m from any structure. Property description shall be in accordance with the Township Official Plan - Rural or Agricultural properties with a minimum size of 5 acres

**Burn Barrels – defined**

“Burn barrels” shall mean metal drums and/or similar containers, which are not incinerators and are not permitted for burning of materials in the Township of Asphodel-Norwood.

**Barbeque – defined**

“Barbeque” appliances including a hibachi, a permanent structure designed and intended solely for the cooking of food in the open air and other similar devices designed and intended solely for the cooking of food in the open air, but does not include devices designed for personal warmth, fire pits or camp fires.

**Container – defined**

“Container” refers to a device to contain a fire and must be made of non-combustible materials; steel, rocks, bricks, dirt, clay etc.

**Fire Chief – defined**

“Fire Chief” shall mean the Fire Chief for the Township of Asphodel-Norwood, appointed under Section 6(1) of the Ontario Fire Code and includes members of the Asphodel-Norwood fire services acting under the direction of the Fire Chief

**Fire Department – defined**

“Fire Department” means the Township of Asphodel-Norwood Fire Department

**Fireworks: - defined**

“Fireworks”: Any device containing gunpowder and other combustible chemicals that causes a spectacular explosion when ignited, used typically for display or in celebrations. Either commercially or domestically purchased; this includes Chinese lanterns

**Incinerator – defined**

“Incinerator” means equipment intended for outdoor burning and shall conform to NFPA 82 “Incinerators and Waste Lined Handling Systems and Equipment”. This does not include a burn barrel.

**Occupant – defined**

“Occupant” means the person(s) residing in premises, which he/she does not own.

**Open-Air Fire – defined**

“Open-air fire” means the burning or combustion of materials in the open air, but shall not include any fire entirely contained in an apparatus designed, constructed or manufactured for the purpose of barbequing food for consumption in a charcoal, natural gas or propane barbeque.

**Outdoor Natural Gas or Propane Fire Pit - defined**

“Outdoor Natural Gas or Propane Fire Pit”; A burning device fueled by either natural gas or propane that is ULC or CSA endorsed that produces a controlled flame that does not emit sparks.

**Outdoor Solid Fuel Burning/Combustion Appliances – defined**

“Outdoor solid fuel combustion appliance” (i.e. Outdoor wood burning furnace), means a solid fuel burning appliance, which is used for the space heating of buildings, the heating of water or other such purpose and which is located in separate building or on the exterior of the building which it serves. **This by-law does not regulate such appliances – Refer to by-law 2005-62**

**Owner – defined**

“Owner” shall mean the registered owner of the property.

**Prohibited Material – defined**

“Prohibited material” shall include anything that is not clean dry wood or natural wood by-products. Painted, pressure treated or glued wood products are not considered clean and are prohibited. Burning of leaves is only allowable on lands with a minimum of 5 acres in size and meets the requirements of an Agricultural fire as per section 4.1

**Permit – defined**

“Permit” means written authority provided by the Fire Chief or his/her designate.

**Property – defined**

“Property” shall mean any public or private land, building or structure or other real property within the Township of Asphodel-Norwood.

**Recreational Fire – defined**

“Recreational Fire” means an open-air fire that burns with an area that is no larger than one (1) meter in diameter provided such fire is used for warmth or cooking food (camp fire)

**Special Occurrence Fire – defined**

“Special Occurrence Fire” means an open-air fire that does not meet the requirements set out in this by-law and is specific for an event or specific occurrence. All Special Occurrence Fire permits require a site inspection and approval prior to any fire occurring.

**Tenant – defined**

“Tenant” means the person(s) renting or leasing premises.

**Township – defined**

“Township” shall mean all properties within the defined boundaries of the Township of Asphodel-Norwood including the former Village of Norwood and the former Township of Asphodel.”

**Part 2**

**ADMINISTRATION**

**Refer to Schedule “A” for a summary of permitted open-air allowable burns**

CORPORATION OF THE TOWNSHIP OF ASPHODEL-NORWOOD  
BY-LAW 2016-79 AS AMENDED

---

**2.1 Fire Services – Exemption**

The Township of Asphodel-Norwood Fire Services shall be exempt from the provisions of this by-law with respect to open-air burnings set for the purposes of educating and training individuals.

**2.2 Public Works – Exemption**

The Township of Asphodel-Norwood Public Works, specifically for the landfill site may apply the “Agricultural Open-air Fire” regulations for brush pile burning.

**2.3 Eastern Ontario Emergency Training Academy – Exemption**

The Eastern Ontario Emergency Training Academy for the purposes of training is exempt from the provisions of this by-law.

**2.3 Administration**

The Fire Chief shall administer this by-law.

**Part 3**

**PROHIBITIONS**

No person may set an open-air fire or allow a fire to burn except in accordance with the following provisions:

**3.1** No person may set a fire or allow a fire to burn except in accordance with the provision of this by-law and all applicable federal, provincial and municipal laws and regulations;

**3.2** With the exception of barbeque fires (charcoal, propane or natural gas) or Outdoor Natural Gas or Propane Fire Pit fires , no person may set a fire to burn in the open air without obtaining a permit or permission from the Township;

**3.3** No person may burn prohibited materials;

**3.4** No person may burn leaves (except as defined under Prohibited materials);

**3.5** No person may set or allow an uncontained fire to burn (exception for defined Agricultural Fire). Fire shall be set or allowed to burn in a container, apparatus or physical construction that is capable of controlling the spread of fire, but does not include a burn barrel;

**3.6** All open-air fires shall be attended and supervised at all times and such person(s) shall ensure that an adequate means of extinguishing the fire is readily available at the fire site while the fire is burning; this information is required while obtaining a permit

**3.7 Special Occurrence Fire – considerations**

Prior to approving a permit to hold an open-air burning for a Special Occurrence, the Fire Chief will give consideration to the location of the proposed fire, the size of the proposed fire, the safety measures proposed, the supervision arrangements proposed, the time of year, the time of day and the anticipated weather conditions.

**3.8 All Open-Air Burning – conditions of Fire Chief**

The Fire Chief may attach any such conditions as deemed appropriate to any open air burning and will be at the discretion of the Fire Chief.

**3.9 Barrel Burning – Not permitted**

Burning materials in barrels is not permitted in the Township of Asphodel-Norwood. Burn barrels are not incinerators and therefore are not a permitted use for burning of materials under this By-Law.

**3.10 Incinerators – conditions of the Fire Chief**

Any person(s) installing and or using an incinerator must be in compliance with Sections 2.6.3 of the Ontario Fire Code and 6.2.6 of the Ontario Building Code.

**3.11 Incinerators – annual permits and inspections**

All incinerators in the Township of Asphodel-Norwood will be required to purchase a permit and will be subject to an inspection by the Fire Chief on an annual basis with fees as prescribed in the current Fees and Charges By-law.

**Part 4**

**PROHIBITED LOCATIONS**

No person may set an open-fire or allow a fire to burn except in accordance with the following locational criteria;

**4.1** Open-air fires shall have the following minimum clearances: **Recreational fire-** 3m(10') from property line or combustibles; **Agricultural fire-** 22m (75') from any hedge, tree, fence, property line, highway or vehicular right of way, overhead wire, and 150m (500') from any structure/building; **Special Occurrence fire** – Applies to fires that do not comply to Recreational or Agricultural fires, a sight inspection is mandatory and clearances will be determined by the Fire Chief

**4.2** No open-air fire may be set or allowed to burn on roadways or land that is owned by the Township (Special Occurrence Permit may be approved);

CORPORATION OF THE TOWNSHIP OF ASPHODEL-NORWOOD  
BY-LAW 2016-79 AS AMENDED

- 4.3** Where construction of a building or a structure is going on, only Recreational Fires with clearances exceeding 150m (500') to associated construction may be set or allowed to burn on any land or premise

**Part 5**

**GENERAL PROVISIONS**

- 5.1** No open-air fire may be set or allowed to burn on any land or premise without the consent of the owner of such land or premise with the understanding they are ultimately responsible
- 5.2** No open-air fire other than a recreational fire may be set to burn between sunset on the evening of any day and sunrise on the following day
- 5.3** No open-air fire may be set during a fire ban declared by the Chief Fire Official.
- 5.4** Notwithstanding the issuance of a permit and with or without a permit, no person may set or allow a fire to burn when the direction or intensity of the wind may cause:
- a) a decrease in visibility on any roadway;
  - b) any odour or smoke to such an extent or degree so as to cause discomfort to person, or hazards to health, cause loss of enjoyment or normal use of property in the immediate area;
  - c) a rapid spread of fire through grass to a bush area
  - d) if investigation determines this is a neighbour dispute and the above conditions are not validated then applicable charges may occur to the caller
- 5.5** Failure to extinguish – liable for costs
- Should the owner, occupant or tenant fail to immediately extinguish the open-air fire upon notification to extinguish from the Fire Chief, charges will occur for any and all costs incurred by the Municipality of Asphodel-Norwood

**Part 6**

**PERMIT SYSTEM**

Permits are available at the Municipal office, Norwood fire station and the Westwood or Norwood library.

- 6.0** Permission for a recreational fire is granted through adherence of this by-law and does not require a permit,
- 6.1** The Chief Fire Official hereby-delegated authority to approve of the setting of open-air fire in accordance with the provisions of this by-law, provided the permit is completed, for any fire other than a recreational fire,

CORPORATION OF THE TOWNSHIP OF ASPHODEL-NORWOOD  
BY-LAW 2016-79 AS AMENDED

---

- 6.2** An open-air fire permit or permission may be cancelled at any time by the Fire Chief, and immediately upon receiving such notice of cancelation the person(s) responsible shall extinguish any fire started under this by-law
- 6.3** If a permit or permission was cancelled previously, then approval from the Fire Chief shall occur prior to igniting any open-air fire
- 6.4** Upon request, a site inspection may be arranged if assistance is required to ensure compliance with this by-law. Special Occurrence permits must be approved prior to having an open-air fire and a reasonable time period for approval must be considered.
- 6.5** Any open-air fire requiring a permit requires the burn permit phone system to be called prior to lighting the fire and immediately after extinguishment at:  
**(705) 745-8507**
- 6.6** All permits expire at the end of the calendar year. Permits that are for a specific time period may expire before the end of the calendar year and therefore that specific date will be considered as the expiry date.

Part 7

**PENALTY**

- 7.1** No person shall fail to comply with the regulations set out in the by-law
- 7.2** Every person who contravenes any provisions of this by-law is guilty of an offence and is liable to a fine as provided in the current Fees and Charges by-law
- 7.3** Any person who sets or allows a fire to burn without a permit or permission and any person, who is unable to control such fire, leading to the response of the fire department, at the discretion of the Fire Chief shall be liable for the expenses of the fire department, including personnel, equipment and apparatus costs necessary to investigate, respond and extinguish the fire.  
(Current MTO rates apply)
- 7.4** The municipality has the right to collect any unpaid costs associated with sections 5.5 and 7.3 of this by-law, in a like manner as municipal taxes, or the municipality may provide that the expense incurred, with interest, shall be payable in annual installments not exceeding ten years.

7.5 The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

**Part 8**  
**BURN BAN**

- 8.1 When Chief Fire Official declares a Burn Ban Township Residents must be notified (by reasonable means) by the following methods:
- Township of Asphodel-Norwood Social Media Accounts
  - Township of Asphodel Norwood Web Site
  - Burn Ban Signs placed Strategically on Township Roads and Private Roadways (placed with permission of owner of private roads or property)
  - Flyers distributed throughout the township
  - Verbally instructed by Township Staff and/or Asphodel Norwood Fire and Rescue Personnel
  - On the Township of Asphodel Norwood information board located at Elm Street and Highway 7
  - Or any other method deemed appropriate by Chief Fire Official
- 8.2 At the discretion of the Chief Fire Official or his agent a verbal warning may be issued during an infraction of the burning by-law before a fine is issued
- 8.3 Outdoor Natural Gas or Propane Fire Pit fires shall be the only burning devices allowed to operate during a burn ban.
- The device must meet criteria noted in the bylaw
  - The device must be used according to manufacturers' recommendations and operating guidelines
  - Must have a method of extinguishment nearby to mitigate any possible extension of the fire
  - Must be attended at all times by a competent person who is familiar with the device
- 8.4 No Fireworks either commercial or domestic will be permitted during the period of the Fire Ban

CORPORATION OF THE TOWNSHIP OF ASPHODEL-NORWOOD  
BY-LAW 2016-79 AS AMENDED

- 
- 9.** This by-law will supersede any by-law that is in conflict with this by-law
- 10.** This by-law shall come into full force and effect on August 23<sup>rd</sup>, 2016
- 11.** The Township of Asphodel-Norwood by-law 2013-44 is hereby repealed as of August 23, 2016

Read a first, second and third time and finally passed this August 23, 2016.

<Original signed by>  
Mayor Terrence J. Low

<Original signed by>  
Clerk Candice White

## **Schedule “A”**

### Summary of Allowable Open-Air Burning

It is the responsibility of the person(s) burning to be familiar with the Open-Air Burning by-law; Schedule “A” is a guide only

#### **Open Air Burning –ALL**

**Permission** – A permit is required for any fire other than a recreational fire (1m<sup>2</sup> for cooking or warmth purposes). Permission is granted for recreational fires that meet the size requirements set out below

**Attendance** – All open air burning in the Township of Asphodel-Norwood shall be attended and supervised at all times by competent, mature person(s).

**Material** - Only burning of clean wood and brush is permitted. Burning of leaves is acceptable for properties with a minimum size of 5 acres and meets the Agricultural Fire clearances

**Extinguishment** – means of extinguishment shall be readily available at burn site.

**Wind** - No burning will be permitted if wind or weather could contribute to rapid fire spread.

**Complaints** - received regarding problems associated with smoke may be cause for an approval to be rescinded. Burning is not to take place when winds will cause smoke to be an annoyance to nearby properties or roadways. If a fire is deemed acceptable and it is determined to be a neighbor dispute, charges may apply to the caller.

**Burn Ban** - will always override any permission or permit obtained to conduct open air burning.

**Penalty & Fees** – Costs associated with non-permissive, out of control or other Open-Air Burning by-law related violations range from \$25 – MTO rates per vehicle (current Rate)

**Burn barrels** are not permitted in the Township of Asphodel – Norwood

**Environmental Considerations** - Open air burning *shall not* be carried out on Smog Alert days that are declared by Environment Canada when the Air Quality Index is expected to reach 50, a level that can impact the health of citizens. Citizens can call the Ontario Ministry of the Environment Air Quality Index Reporting System at 1-800-387-7768 for information pertaining to days designated as Smog Alert Days.

#### **Recreational Fire, Outdoor Fireplace and Chimneys, Outdoor Natural Gas or Propane Fire Pit fires - Summary Guidelines for Open Air Burning – *Intention of this type of fire is for warmth or campfire cooking purposes***

The Fire Chief grants permission and a *permit is not necessary* for a recreational campfire as long as the by-law is adhered to. The following are general size and clearance requirements

- Recreational campfires shall be contained in non-combustible containers. Containers must be kept to a maximum 1 meter square and flames shall be contained within these dimensions and not exceed 1 meter in height from the bottom of the pit area.
- Recreational Campfires must have a minimum 3m clearance to any building, combustible material and property line.
- The use of outdoor fireplaces and chimineas must be located on a non-combustible surface and meet the same as above recreational fire clearances and size unless more prohibited instructions by manufacturers specifications.
- The amount of material being burned is to be limited to ensure that the flames are confined to the unit.

#### **Agricultural Fires - Summary Guidelines for Open Air Burning by Permit**

- A permit is required for any Agricultural Fire.
- **Size:** limit brush pile size to 3m by 3m by 2m in height
- Minimum property size is 5 acres and property description in accordance with the Township Official Plan – Rural or Agricultural properties only.
- **Clearances:** 150m from any structure, 22m from any trees, hedge, wooden fence, property line, highway or vehicular right of way, or overhead wire

#### **Special Occurrence Fires - Summary Guidelines for Open Air Burning by Permit**

- A permit is required and a sight inspection is mandatory for any Special Occurrence Fire Permits.
- A **Special Occurrence Permit is required whenever a desired fire does not comply with a Recreational fire or Agricultural fire requirements**

#### **Safety Considerations**

- *Be aware* of potential personal injury, such as superficial burns from contacting unit, ignition of clothing from sparks or flame. Also be aware of possibilities of injury and fire spread resulting from accidental tipping of unit. Check unit regularly *before* use for the appearance of crack or other physical deterioration
- All purchased burning devices either wood fueled or propane or natural gas fueled must be utilized and maintained as per manufacturers recommendations and guidelines to ensure optimum life of device and to the safety of persons using the device

**NOTE: INSPECTIONS CAN BE DONE UPON REQUEST EVEN IF A PERMIT IS NOT REQUIRED**