

THE CORPORATION OF THE TOWNSHIP OF NORTH STORMONT

BY-LAW NO. 36-2026

Fire Protection - Open Air Burning By-Law

BEING a By-Law to repeal and replace By-Law No.'s 52-2025 and 62-2019 for regulating the setting of Open-Air fires and to institute precautions to be taken with Open-Air fires, including the times during which Open-Air fires may be set.

WHEREAS the *Municipal Act, 2001, c. 25, s. 5 (1)* provides that the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS the *Municipal Act, 2001, c. 25, s. 5 (3)* provides that the powers of every council are to be exercised by By-Law;

AND WHEREAS the *Municipal Act, 2001, c. 25, s. 11* allows the municipality to regulate matters related to the health, safety and well being of the inhabitants of the municipality;

AND WHEREAS the *Municipal Act, 2001, c. 25, s. 128* provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS Section 7.1(1)(b) of the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4*, as amended, provides that a Council of a municipality may pass By-Laws regulating the setting of open-air fires, including establishing the times during which Open-Air fires may be set;

AND WHEREAS Council deems it necessary to regulate open-air fires as it is important for the health, safety and well-being of persons and property.

NOW THEREFORE the Council of the Corporation of the Township of North Stormont enacts as follows:

PART 1 - DEFINITIONS

In this By-Law:

"Adverse Effect" means an effect which does, or is likely to, impair the safety of any person and/or which does, or is likely to cause damage to property.

"Barbecue" means a portable or fixed device designed and intended solely for the cooking of food in the open-air supplied by propane, natural gas or electricity with a fuel shut off, but does not include recreational fire or outdoor fireplaces.

"Burn Barrel" means an open-air fire set and maintained in an open top steel barrel that does not exceed 1.5 meters in diameter and 1.5 meters in height and where the open-air fire is set and maintained for the purposes of burning.

“Brush ” means chopped-off tree branches.

“Campground” means an area of land owned and operated by a person and/or organisation that contains campsites for the purpose of overnight accommodations for tents, trailers and motorhomes in exchange for monetary payment.

“Cooking Fire” means an Open-Air fire used for the purpose of cooking food on a grill but does not include a manufactured barbeque.

“Corporation” means the Corporation of the Township of North Stormont.

“Eligible Farmers” means farmers who are members in good standing of the Ontario Federation of Agriculture, the National Farmers Union, the Christian Farmers Association.

“Farm Buildings” means all or part of a building, in accordance with the *2012 Ontario Building Code* definitions:

- a. That does not contain any area used for *residential occupancy*,
- b. That is associated with and located on land devoted to the practice of farming, and
- c. That is used essentially for the housing of livestock equipment or the production and storage of agricultural and horticultural produce or feeds.

“Fire Chief” means the Person appointed by Council of the Corporation of the Township of North Stormont as defined in the *Fire Protection and Prevention Act, 1997* or designate.

“Fully Extinguished” means the fire has no more visible flame, smoke or other signs of combustion.

“Firefighter” means the Fire Chief, and any other Person employed in, or appointed to the North Stormont's Fire Service Division of the Corporation of the Township of North Stormont and assigned to undertake fire protection services.

“Grass Cuttings” means the lawn waste resulting from mowing.

“Ground Cover” includes but is not limited to leaves, grasses, weeds, tree needles or wood chips on the ground.

“Municipal Law Enforcement Officer” means the Municipal Law Enforcement Officer appointed by the Council of the Corporation of the Township of North Stormont.

“Normal Farm Practices” means and is defined under the *Farming and Food Protection Act, 1998, Chapter 1*, and operates with a Farm Business Number:

- a. makes use of innovative technology in a manner consistent with proper advanced farm management practices.

“Noxious Materials” includes tires, plastics, rubber products, petroleum products, drywall, demolition waste, construction waste, paint, animal organic waste, vegetable waste, food waste, biomedical

waste, tar, asphalt products, battery boxes, pressure-treated wood, creosote-treated wood, painted wood and other similar materials.

“Nuisance” means excessive smoke, smell, airborne sparks or embers that is likely to disturb others, or that is likely to reduce visibility on roads in the vicinity of the Open-Air Burning.

“Officer” means a Municipal Law Enforcement Officer or a Fire Chief.

“Open-Air” means any open place, yard, field or construction area which is not enclosed by a building or structure.

“Open-Air Burning” means a fire set in the Open-Air.

“Outdoor Fireplace” means a manufactured non-combustible enclosed container designed to hold a small fire for decorative purposes and the size of which is not larger than 1 meter in any direction, and may include, but is not limited to, chimneys, metal tubs, fire pits, and outdoor brick fireplaces.

“Owner” means the registered owner or any Person, firm or corporation having control over, or possession, of any portion of the building or property under consideration and includes the Persons in the building or property.

“Permit” means a permit issued by the Township of North Stormont to set a fire in the Open-Air for a specified time period.

“Person” means an individual, business, a partnership, or a corporation.

“Receptacle” means anything used to contain or hold something else which is made of non-combustible materials and is not greater than 1 square meter.

“Recreational Fire” means a small, controlled and contained fire solely for the purposes of cooking food, providing warmth and recreational enjoyment. Burning must be contained within a non-combustible container of fire pit.

“Residential occupancy” means an occupancy in which sleeping accommodation is provided to residents who are not harboured for the purpose of receiving special care or treatment and are not involuntary detained.

“Settlement areas” means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

- a. built up areas where development is concentrated, and which have a mix of land uses;
- b. lands which have been designated in an official plan for development over the long-term planning;
- c. land designated as settlement area in the municipal official plan.

“Smog Alert” means an alert issued by the Ministry of Environment with respect to air quality.

“Tenant” means an individual or business that occupies or uses land, a house, or an office space owned by another person.

“Township” means the Township of North Stormont.

“Woodwaste” means waste, as per the Regulations of the *Environmental Act*:

- a. that is wood or a wood product, including tree trunks, tree branches, leaves and Brush,
- b. that is not contaminated with chromated copper arsenate, ammoniacal copper arsenate, pentachlorophenol or creosote, and
- c. from which easily removable hardware, fittings and attachments, unless they are predominantly wood or cellulose, have been removed.

PART 2 - GENERAL REQUIREMENTS

- 2.1 Except for a Recreational Fire, no Person shall set or permit a fire in the Open-Air to be set, within the Settlement Area boundaries as indicated in the Township of North Stormont Zoning By-Law No. 08-2014.
 - a. Exemption – The Fire Chief, Municipal Law Enforcement Officer, or designate, is delegated the authority to grant an exemption, and issue a permit for an application for an open-air fire in any location currently located within the prohibited settlement areas subject to the following conditions:
 - i. A permit granted under exemption under this Section is subject to review and revocation by the Fire Chief, Municipal Law Enforcement Officer, or designate for any action that may pose a risk to public health and safety and to the public interest.
 - ii. The Fire Chief, Municipal Law Enforcement Officer, or designate may impose such additional conditions with respect to the issuance of an open-air fire permit, as he or she deems necessary to ensure public safety.
 - iii. A Burn Plan will have to be filed by the applicant with the exemption request.
 - iv. All permits issued under the authority of this exemption Section will be restricted to November 1 to March 31 inclusive
- 2.2 No Person shall set or permit fire in the Open-Air to be set, when the wind velocity is greater than 15 kilometers an hour.
- 2.3 No Person shall burn during a burn ban period, as designated by the Fire Chief or the Ministry of Natural Resources.
- 2.4 No Person shall burn Noxious Materials that will cause excessive smoke or noxious fumes.
- 2.5 No Person shall burn machinery.

- 2.6 This By-Law does not apply to barbeques used for the purpose of cooking food.
- 2.7 No Person shall burn on any road allowance, unopened road allowance or in a location that would interfere with traffic.
- 2.8 No Person shall leave the site of a fire set outdoors without fully extinguishing the said fire.
- 2.9 No Person shall permit a fire to have an Adverse Effect.
- 2.10 No Person shall burn household garbage.
- 2.11 No Person shall set an Open-Air fire in a commercial, industrial or wrecking yard zoned property.
 - a. Exemption – The Fire Chief, Municipal Law Enforcement Officer, or designate, is delegated the authority to grant an exemption, and issue a permit for an application for an open-air fire in any location currently located within a commercial or industrial zones subject to the following conditions:
 - i. A permit granted under exemption under this Section is subject to review and revocation by the Fire Chief, Municipal Law Enforcement Officer, or designate for any action that may pose a risk to public health and safety and to the public interest.
 - ii. The Fire Chief, Municipal Law Enforcement Officer, or designate may impose such additional conditions with respect to the issuance of an open-air fire permit, as he or she deems necessary to ensure public safety.
 - iii. A Burn Plan will have to be filed by the applicant with the exemption request.
 - iv. All permits issued under the authority of this exemption Section will be restricted to November 1 to March 31 inclusive.

PART 3 - OPEN-AIR FIRE PERMITS

- 3.1 The Permit holder (Owner) is responsible to ensure that the conditions outlined in this By-Law are always adhered to.
- 3.2 Except for Recreational Fires, fires in Receptacles and fires in a Burn Barrel, no Person shall set or permit a fire in the open to be set without first obtaining a fire Permit as provided in this By-Law.
- 3.3 No Person shall be deemed to have been issued a Permit until the Municipal Law Enforcement Officer, Fire Chief or designate has issued the Permit. An application for a Permit does not constitute a Permit.
- 3.4 Every Person shall meet all conditions of the Permit.
- 3.5 An application for a Permit shall be made in the prescribed form, in paper or electronic format, as established and

amended by the Township from time to time. Where the applicant is not the registered owner of the property, the application shall include written authorization from the property owner, completed on the prescribed form.

- 3.6 Any Permit in effect during a dry period such as a burn ban as designated by the Fire Chief, the Ministry of Natural Resources, or a Smog Alert issued by the Ministry of Environment, that Permit will be voided for the remainder of the dry period or burn ban. No refunds will be issued for permits.
 - a. Open-air burning is prohibited when the Air Quality Health Index (AQHI) exceeds 4 (Moderate Risk or higher).
 - b. Burning is not permitted during wildfire smoke advisories, smog alerts, or when PM_{2.5} levels exceed 25 ug/m³ (micrometer).
- 3.7 No Permit holder shall:
 - a. fail or refuse to produce the Permit upon demand;
 - b. fail to supervise the fire continuously;
 - c. fail to comply with any conditions on the fire Permit; and/or
 - d. burn any material other than those for which a Permit was issued.

PART 4 - LAND CLEARING AGRICULTURAL

- 4.1 No Person shall set or permit to be set a fire in the Open-Air without first obtaining a fire Permit as provided in this By-Law. No more than five (5) properties can be registered on one permit.
- 4.2 Where the Municipal Law Enforcement Officer, the Fire Chief or designate considers it safe to do so, a Permit may be issued for burning in the Open-Air for cut and piled brush, grass and other organic materials resulting from the clearing of land and for the destruction of agricultural waste material originating on that property and no Person shall set such a fire without proper authorization.
 - a. Every Person who starts a fire under the provision of this subsection shall cause a watch to be kept on such fire until it is fully extinguished and shall provide sufficient personnel, appliances and equipment to prevent the fire from becoming dangerous to life or property.
 - b. The Owner must ensure that Normal Farm Practices are being followed.
- 4.3 No Owner shall burn within 75 meters of any buildings, structures, standing timber or any other flammable or combustible material.
- 4.4 No Person shall exceed the 10 meters in diameter or 10 meters in height for pile of burning material.

- 4.5 No Person shall burn more than the maximum number of 3 piles.
- 4.6 No Person shall set fire with less than 9 meters between burn piles.
- 4.7 No Person shall burn materials in windrows.
- 4.8 No Person shall start a fire within 200 meters adjacent to any residence not owned by the applicant.
- 4.9 No Person shall set or permit fire to be set between one half hour before sunset and one-half hour after sunrise.
- 4.10 No Person shall be issued a Permit or burn wood unless the wood being burned has been cut and dried for a period not less than 365 days. Eligible farmers may burn wood cut within 365 days from November 1st to March 31st.

PART 5 - DEMOLITION OF FARM BUILDINGS

- 5.1 No Person shall set fire or permit for fire to be set to a Farm Building in the Open-Air without first obtaining and complying with the following:
 - a. A Municipal Law Enforcement Officer, the Fire Chief or Designate, must issue approval prior to the setting of the fire;
 - b. Prior to setting fire to the Farm Building, the Owner will disassemble or collapse the Farm Building;
 - c. The Owner shall place the Woodwaste in piles, as outlined in Part 4 of this By-Law;
 - d. The Owner must meet all other requirements outlined in this By-Law; and
 - e. The Owner must ensure that Normal Farm Practices are being followed.

- 5.2 For the purpose of clarity: If the Corporation is made aware, or finds out on its own endeavor, of incidents where waste other than clean non-contaminated wood is burned as a waste management practice, the Corporation reserves the right to contact the Ministry of Environment and Climate Change for further prosecution. For further clarity, this section applies to, but is not limited to, the practice of burning:
 - a. Sheds;
 - b. Collapsed houses,
 - c. Any other waste or Woodwaste; and
 - d. Where the proper separation and handling as described in this By-Law, the *Environmental Act and Environmental Regulations* is not observed.

**PART 6 - RURAL PROPERTY
(Excluding Designated Settlement and Agricultural Areas)**

- 6.1 No Person shall set or permit fire to be set without first obtaining a fire Permit as provided in this By-Law.

- 6.2 Every Person shall ensure that the fire is at a minimum distance of 50 meters from the nearest dwelling.
- 6.3 Every Person shall ensure that the fire is a minimum distance of 10 meters from the property line.
- 6.4 Every Person shall ensure that the fire is at a minimum distance of 25 meters from a forest, woodland or building.
- 6.5 No Person shall set or permit fire to be set between one half hour before sunset and one-half hour after sunrise.
- 6.6 No Person shall burn materials other than Brush.
- 6.7 No Person shall burn materials that exceed 2 meters square and 2 meters in height.
- 6.8 No Person shall burn piles without the minimum distance of 5 meters between piles.
- 6.9 No Person shall burn more than 3 piles.

PART 7 - BURN BARREL AND RECEPTACLE

- 7.1 No Person shall set or permit a fire in the Open-Air to be set, within the Settlement Area boundaries as indicated in the Zoning By-Law No. 08-2014.
- 7.2 Persons are strongly encouraged to obtain a fire permit, at no cost, prior to setting or permitting any fire, to ensure compliance with the Open-Air By-Law.
- 7.3 No Person shall burn in more than one Burn Barrel or one Receptacle at a time.
- 7.4 No Person shall set or permit fire to be set between one half hour before sunset and one-half hour after sunrise.
- 7.5 No Person shall burn materials other than Brush, leaves or grass cuttings.
- 7.6 Every Person shall ensure that the fire is at a minimum of 50 meters from the nearest dwelling and 5 meters from the property line, any structure, building, tree, hedge, fence, roadway, deck, overhead wire or any other combustible materials.

PART 8 - RECREATIONAL FIRES

- 8.1 Persons are strongly encouraged to obtain a fire permit, at no cost, prior to setting or permitting any fire, to ensure compliance with the Open-Air By-Law.
- 8.2 Every Person who has a Recreational Fire shall comply with all of the following requirements:
 - a. Recreational Fire must be for the purpose of cooking, warmth or personal enjoyment;

- b. Recreational fires must not exceed 1 m in diameter
- c. Recreational Fire flames must not exceed 2 feet in height.
- d. Recreational Fire must be located not less than 5 meters from any structure, building, property line, tree, hedge, fence, roadway, deck, overhead wire or any other combustible material;
- e. Recreational Fire must not create a Nuisance to other properties;
- f. Recreational Fire must be located on a non-combustible surface beyond the unit to a dimension equal to the height of the unit;
- g. Outdoor fireplaces must be completely covered by a spark guard with openings no larger than 12 millimeters in diameter; and
- h. Only dry clean wood or charcoal shall be burned in a Recreational Fire.

8.3 A campground owner is responsible for:

- a. No Person shall set or permit fire to be set without first obtaining a fire Permit as provided in this By-Law.
- b. All violations of the By-Law which occurs on property owner by the campground owner and is liable for recovery of any fees for the response to or extinguishment of any open-air burn or any fires cause by an open-air burn.
- c. All recreational fires within the campground must meet all requirements contained in Part 2, 3 and Section 8.1 and 8.2.
- d. An inspection will be conducted by the authority having jurisdiction upon completion of the permit application and prior to approval.

PART 9 - ADMINISTRATION AND ENFORCEMENT

9.1 The Municipal Law Enforcement Officer, Fire Chief or designate are authorized to:

- a. Issue Permits as provided in this By-Law;
- b. Sign all Permits on behalf of the Corporation;
- c. Limit the time for which a Permit is issued; and/or
- d. Undertake any technical investigation or inspection for the purpose of administrating this By-Law.

9.2 The Municipal Law Enforcement Officer, Fire Chief or designate may:

- a. Demand the fire Permit for inspection from any Permit holder;
- b. Inspect any premises for which a fire Permit has been issued; and/or
- c. Enter at any time onto land to determine whether the provisions of this By-Law are obeyed and to enforce or carry into effect this By-Law.

9.3 The Municipal Law Enforcement Officer, Fire Chief or designate may:

- a. Exempt any persons serving as part of the North Stormont Fire Department and Emergency Services, or as their agent or employee from the provisions of this By-Law with respect to Open-Air fires provided any fire is set for the purposes of training, educating individuals in fire safety, or for research purposes.
 - b. Exempt professional fire prevention and suppression trainers from the provisions of this By-Law with respect to Open-Air fires set for the purposes of fire safety training.
- 9.4 It remains the sole responsibility of the property owner to ensure full compliance with all provisions of this By-Law. Failure to obtain permit approval shall not be accepted as a defense for any non-compliance.

PART 10 - ORDERS

- 10.1 Despite any other provisions of this By-Law, if upon inspection of a fire, the Municipal Law Enforcement Officer, the Fire Chief or designate is satisfied the fire poses a danger to the health or safety of any Person or property, the Municipal Law Enforcement Officer, Fire Chief or designate shall cancel or suspend the fire Permit and order the fire extinguished.
- 10.2 The area of burning must be restricted to enable the Permit holder to extinguish the fire immediately, if necessary, due to a change in weather or other conditions or, if so, ordered by the Municipal Law Enforcement Officer, Fire Chief or designate.

PART 11 - ENFORCEMENT

11.1 Obstruction

No Person shall:

- a. Hinder or obstruct, or attempt to hinder or obstruct a Municipal Law Enforcement Officer or Fire Chief or designate in the lawful performance of his duties;
- b. Fail to comply with an order to extinguish;
- c. Fail to identify themselves to the Officer or designate upon request; and/or
- d. Give false or incorrect information for the purposes of obtaining a fire Permit.

PART 12 – OFFENCES AND PENALTIES

12.1 Penalties

- a. Every Person who contravenes any provision of this By-Law is guilty of an offence, and upon conviction is liable to a fine as provided for by s. 61 of the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33.
- b. Every Person who contravenes any provision of this By-Law including an order issued under this By-Law, is guilty of an offence.
- c. Every Person who is guilty of an offence under this By-Law may, if Permitted under the *Province Offences Act*,

pay a set fine, and the Chief Judge of the Ontario Court, Provincial Division, shall be requested to establish set fine.

- d. Each day that such offence is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such.

PART 13 - COST RECOVERY

- 13.1 Should a Person default in complying with an order, the fire may be extinguished at the Person's expense.
- 13.2 The Corporation may enter on land at any reasonable time for the purpose of extinguishing a fire under Part 9 of this By-Law.
- 13.3 The power of entry under this Part shall be exercised by the Fire Chief, Firefighter, or a Municipal Law Enforcement Officer. The Person exercising the power of entry must on request display or produce proper identification. The Person exercising the power of entry may be accompanied by a Person under his or her direction.
- 13.4 The Corporation may recover the costs of extinguishing the fire from the Person having started the fire by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes. The costs include interest calculated at a rate of fifteen percent (15%), calculated for the period commencing on the day the municipality incurs the costs and ending on the day the costs, including interest are paid in full. The amount of the costs, including interest, constitutes a lien on the land upon the registration of a notice of lien in the Land Registry Office.
- 13.5 The costs recovered shall be in accordance with set out in the Township of North Stormont's User Fee By-Law

PART 14 - VALIDITY & SEVERABILITY

- 14.1 Notwithstanding any section, subsections, clause, paragraph or provision of this By-Law, this By-Law or parts thereof may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Council to enact, such section or sections or parts thereof shall be deemed to be severable and that all other sections or parts of this By-Law are separate and independent therefrom and enacted as such as a whole. Same shall not affect the validity or enforceability of any other provisions of this By-Law or of the By-Law as a whole.
- 14.2 Any reference to a statute, regulation, By-Law or other legislation in this By-Law shall include such statute, regulation, By-Law or other legislation or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor legislation thereto.

14.3 Where there is any conflict between the provisions of this By-Law and any other By-Law or legislation, the provisions of this By-Law shall prevail to the extent of the conflict.


PART 15 - PERMIT FEES

15.1 Upon submitting an application for a Permit, the owner or tenant shall pay the fee as set out in the Township of North Stormont's User Fee By-Law.

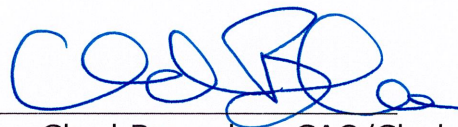
PART 16 - ADMINISTRATION

16.1 By-Law No.'s 52-2025 and any other By-Law inconsistent with the provisions of this By-Law are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME and passed in open Council, signed and sealed this 9th day of June 2026.



François Landry, Mayor



Chad Brownlee, CAO/Clerk

SEAL

