

THE CORPORATION OF THE TOWNSHIP OF NORTH STORMONT

BY-LAW NO. 52-2025

BEING a By-Law to repeal and replace By-Law No.'s 53-2018 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 b 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 equipment of livestock or the production and storage of agricultural and horticultural produce of feeds.

"Fire Chief" means the Person appointed by Council of the Corporation of the Township of North Stormont as defined in the Fire Protection 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.

“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 completed on the form provided in Schedule "A" attached hereto, or online which may be amended from time to time by the Corporation.
- 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 PM2.5 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 Fire must have a flame base of less than 1 square meter;
 - c. 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;
 - d. Recreational Fire must not create a Nuisance to other properties;
 - e. Recreational Fire must be located on a non-combustible surface beyond the unit to a dimension equal to the height of the unit;

- f. Outdoor fireplaces must be completely covered by a spark guard with openings no larger than 12 millimeters in diameter; and
- g. 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 Approval of fire permits shall only be required for activities described in Part and/or Sections 2.11, 4.2 and 5 of this By-

Law. 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 where not explicitly required 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 in order 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 as set out in Schedule "B" attached hereto and forming part of this By-Law.
- 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 Schedule "D" attached hereto and forming part of this 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 shall pay the fee as set out in the Township of North Stormont's Fees Schedule "C" attached hereto and forming part of this By-Law.

PART 16 - ADMINISTRATION

16.1 By-Law No.'s 53-2018 and 62-2019 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 12th day of August 2025.



François Landry, Mayor



Craig Calder, CAO/Clerk

SEAL



Schedule "A"

to BY-LAW NO. 52-2025

TOWNSHIP OF NORTH STORMONT OPEN-AIR FIRES

Open-Air Fire Permit No. _____

Applicant (Owner) Name: _____

Mailing Address: _____

_____ Email: _____

Telephone Residence: _____ Cell: _____

Location of Proposed Outdoor Fire:

Civic Address: _____ Lot: _____ Concession: _____

Civic Address: _____ Lot: _____ Concession: _____

Civic Address: _____ Lot: _____ Concession: _____

Civic Address: _____ Lot: _____ Concession: _____

Civic Address: _____ Lot: _____ Concession: _____

Agricultural & Rural Fires: More than 365 days since wood was cut and dried (minimum 365 days)

Farmer's Initials: _____

Agricultural & Rural Fires: Less than 365 days wood was cut and dried, Burn between November 1 and March 31 **ONLY**

Farmer's Initials: _____

Agricultural Fires (only): Requiring approval for Part 4.2 & Part 5 of By-Law No. 52-2025

Site inspection by: _____ Approved By: _____

I, hereby certify that I have read and understood the requirements and regulations governing **OPEN-AIR FIRES** described in the Township By-Law No. 52-2025, and that I will comply with all such regulations. I understand that any Person setting a fire shall be liable for all costs and/or damages arising from as a result of a fire.

Applicant (Owner) Signature: _____

ISSUED BY: _____ For Part or Section 2.11, 4.2 and 5 of By-Law 52-2025

Dated at the Municipal Office this: _____

Please be advised that the current Open-Air Fires By-Law is posted on the municipal website at: www.northstormont.ca or contact the municipal office at 613-984-2821.

Schedule "B"
to BY-LAW NO. 52-2025

Fees

Permits	Fee
Fire Permit for fires to be set during the months of January, February and March	Free
Fire Permit for Eligible Farmers Section 4 Land Clearing	\$50
Fire Permit Section 5 Demolition of Farm Buildings	\$75
Fire Permit Section 6 Private Property (Rural)	\$30
Fire Permit Section 7 Burn Barrel and Receptacle	n/a
Fire Permit Section 8 Recreational Fires - Excluding Campground	n/a
Fire Permit Section 8 Recreational Fires, Campground only	\$75

Please Note: Online transaction or service fees are not included in the above fee schedule. These additional charges are collected by a third-party service provider and are the responsibility of the applicant. The Township of North Stormont does not retain these fees.

Schedule "D"
to BY-LAW NO. 52-2025

Costs for Emergency Response

a.	Per hour or part thereof per piece of North Stormont Fire Department equipment or responding vehicle(s)	Current Ministry of Transportation (MTO) rate
b.	Specialized equipment and/or resources to control or minimize loss (not provided by North Stormont Fire Department)	Total cost recovery for specialized equipment/resources plus \$50.00 administration fee

THE CORPORATION OF THE TOWNSHIP OF NORTH STORMONT
BY-LAW NO. 52-2025
OPEN AIR BY-LAW
PART 1 PROVINCIAL OFFENCES ACT

Item	Short Form Wording	Provision Creating or defining offence	Set Fines
1.	Set or permit fire to be set within the Settlement Area	2.1	\$300.00
2.	Set or permit fire to be set with wind velocity greater than 15km/h	2.2	\$300.00
3.	Burning during a burn ban	2.3	\$400.00
4.	Burning noxious material that causes excessive smoke or noxious fumes	2.4	\$400.00
5.	Burn Machinery	2.5	\$400.00
6.	Burn on any type of road allowance or where it interferes with traffic	2.7	\$400.00
7.	Leaving a fire without fully extinguishing it	2.8	\$300.00
8.	Permit a fire to have an Adverse Effect	2.9	\$350.00
9.	Burning household garbage	2.10	\$350.00
10.	Set an Open Air fire in a commercial, industrial or wrecking yard zoned properties	2.11	\$500.00
11.	Fail or refuse to produce Permit	3.7(a)	\$250.00
12.	Fail to supervise fire continuously	3.7(b)	\$250.00
13.	Fail to comply with the conditions on the Permit	3.7(c)	\$250.00
14.	Burn material other than those for which a Permit was issued	3.7(d)	\$250.00

Item	Short Form Wording	Provision Creating or defining offence	Set Fines
15.	Set or permit fire to be set without a Permit	4.1	\$450.00
16.	Set or permit fire to be set without proper authorization	4.2	\$450.00
17.	Burn within 75 meters of any buildings, structures, standing timber or any other flammable or combustible materials	4.3	\$350.00
18.	Exceed the 10 meters diameter or 10 meters height pile of burning materials	4.4	\$400.00
19.	Burn more than 3 piles	4.5	\$400.00
20.	Set or permit fire to be set without the 9 meters minimum distances between burn piles	4.6	\$400.00
21.	Burn materials in windrows	4.7	\$400.00
22.	Start a fire within 200 meters adjacent to any residence not owned by the applicant	4.8	\$400.00
23.	Burning or permit to burn during prohibited hours	4.9	\$300.00
24.	Burn wood cut and dried less than 365 days	4.10	\$400.00
25.	Set fire or permit fire to be set to Farm Building without authorization	5.1(a)	\$450.00
26.	Barn not disassembled or collapsed before burn	5.1(b)	\$300.00
27.	Set or permit a fire to be set without a Permit	6.1	\$300.00
28.	Set or permit to be set a fire within 50 meters from dwelling	6.2	\$300.00
29.	Set or permit to be set a fire within 10 meters from a property line	6.3	\$300.00
30.	Set or permit to be set a fire within 25 meters from a forest, woodland or building	6.4	\$300.00
31.	Burning or permit to burn during prohibited hours	6.5	\$300.00

Item	Short Form Wording	Provision Creating or defining offence	Set Fines
32.	Burn materials other than brush	6.6	\$300.00
33.	Burn materials that exceed 2 meters square and 2 meters in height	6.7	\$300.00
34.	Burn piles without the minimum distance of 5 meters between piles on private property	6.8	\$300.00
35.	Burn more than 3 piles	6.9	\$300.00
36.	Set or permit a fire to be set in a barrel or receptacle within settlement area	7.1	\$300.00
37.	Burn in more than one Barrel or Receptacle	7.3	\$300.00
38.	Set or permit fire to be set in a burn barrel or Receptacle during prohibited hours	7.4	\$300.00
39.	Burning other than Brush, leaves or grass cuttings in burn barrel or receptacle	7.5	\$300.00
40.	Burn in a burn barrel or receptacle within 50 meters of a dwelling or within 5 meters of a property line	7.6	\$300.00
41.	Recreational Fire - not for the purpose of cooking, warmth or personal enjoyment	8.2(a)	\$300.00
42.	Recreational Fire - flame base more than 1 square meter	8.2(b)	\$300.00
43.	Recreation Fire located less than 5 meters from any prohibited area, or other combustible materials	8.2(c)	\$300.00
44.	Recreation Fire - create a Nuisance to other properties	8.2(d)	\$300.00
45.	Recreation Fire located on a combustible surface or surface of insufficient size	8.2(e)	\$300.00
46.	Outdoor fireplace not covered by a spark guard with openings no larger than 12 millimeters in diameter	8.2(f)	\$300.00
47.	Recreational Fire burning prohibited material	8.2(g)	\$300.00
48.	Obstructing an Officer	11.1(a)	\$500.00

Item	Short Form Wording	Provision Creating or defining offence	Set Fines
49.	Fail to comply with an order to extinguish	11.1(b)	\$500.00
50.	Fail to identify themselves upon request	11.1(c)	\$500.00
51.	Give false or incorrect information	11.1(d)	\$300.00

Note: The generally penalty provision for the offences listed above is Section 12.1 a. of By-Law No. 53-2025, a certified copy of which has been filed.

The fine amounts listed above have been approved by the Regional Senior Justice.

Dated: October 20, 2025

Electronic Signature:

W. Vincent Clifford, R.S.J.

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice - East Region

THE HONOURABLE
W. VINCENT CLIFFORD
REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
EAST REGION

COURTHOUSE
161 ELGIN STREET, 6TH FLOOR
OTTAWA, ONTARIO
K2P 2L1



L'HONORABLE
W. VINCENT CLIFFORD
JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'EST

PALAIS DE JUSTICE
161, RUE ELGIN, 6^e ÉTAGE
OTTAWA (ONTARIO)
K2P 2L1

TELEPHONE/TÉLÉPHONE (613) 239-1520

October 20, 2025

nagauthier@northstormont.ca

The Township of North Stormont
P.O. Box 99, 15 Union Street
Berwick, ON K0C 1G0

Attention: Nancy-Ann Gauthier, Municipal By-law Enforcement Officer

Dear Nancy-Ann Gauthier:

**Re: *Set Fines – Provincial Offences Act – Part I*
*By-Law No. 52-2025: Open Air Fire***

Enclosed herewith is the original Order (Part I) dated October 20, 2025, and original schedule of set fines for By-Law No. 52-2025, the By-Law indicated in the schedule.

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

Please ensure that a copy of the said documents is forwarded to the Provincial Offences Office, which has jurisdiction for the Township of North Stormont.

Yours truly,

W. Vincent Clifford, R.S.J.

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice
East Region

/nl

Enclosures

c.c.: Benjamin Hedley
Law Clerk, Crown Law Office - Criminal
Ministry of the Attorney General, Ontario Public Service

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. 52-2025, of the Township of North Stormont attached hereto is the set fine for that offence. This Order is to take effect on October 20, 2025.

Dated at Ottawa, this 20th day of October 2025.

Electronic Signature:

W. Vincent Clifford, R.S.J.

W. Vincent Clifford
Regional Senior Justice
Ontario Court of Justice
East Region