



THE CORPORATION OF THE TOWNSHIP OF NORWICH

**BY-LAW NUMBER 45-2019**

**TO PROVIDE FOR REGULATION AND CONTROL FOR THE SETTING OF AND PREVENTION OF FIRES**

WHEREAS the Municipal Act, 2001, S.O. 2001, Chapter 25, Section 9, as amended, states that "A municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act.";

AND WHEREAS the Municipal Act, S.O. 2001, Chapter 25, Section 8(1) states that the powers of a Municipality shall be interpreted broadly so as to confer broad authority on municipalities, to enable them to govern their affairs as they consider appropriate; and to enhance their ability to respond to municipal issues.";

AND WHEREAS the Fire Protection and Prevention Act, 1997, S.O. 1997, C4, as amended, Section 7.1 (1)(b) states 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.";

NOW THEREFORE the Council of the Corporation of the Township of Norwich hereby enacts as follows:

1. Definitions:

- 1.1 "approved" means approved by the Chief Fire Official or his/her designate.
- 1.2 "ban" on open-air fires means a restriction or prohibition on open-air fires issued by the Chief Fire Official or his/her designate.
- 1.3 "built up residential area" is defined as any area within the Township of Norwich that in the opinion of the Chief Fire Official or designate open-air burning would cause a fire hazard or an air quality concern for neighbouring structures or properties.
- 1.4 "Chief Fire Official" means the Fire Chief of the Township of Norwich and the one person under the current Ontario Fire Code, as amended who has the authority to approve open-air burning.
- 1.5 "completely burned out" is defined as a fire that all fuel has been consumed and the ashes have been checked to ensure that no hot embers exist.
- 1.6 "constant attendance" is defined as a person or persons designated by the permit holder to remain with the fire at all times until the fire has been fully extinguished. This person or persons shall be capable of utilizing all equipment necessary to control or extinguish the fire.
- 1.7 "controlled burn" is defined as a burn that has been authorized, in writing, by the Chief Fire Official or designate and under the conditions set out in the permit.

- 1.8 "Corporation" means The Corporation of the Township of Norwich.
  - 1.9 "Council" means the Council of The Corporation of the Township of Norwich
  - 1.10 "designate" is a member of the Fire Department appointed by the Chief Fire Official to carry out the duties assigned in the By-Law.
  - 1.11 "due care" is defined as all necessary precautions to control and prevent the spread of fire.
  - 1.12 "extinguished" is defined as a fire, which has been quenched with water or all sources of heat have been eliminated by other means and the fire is verified by the permit holder or agent to be completely out.
  - 1.13 "fire permit" means a written conditional authorization issued and administered by the municipality to set or maintain an open air fire, as per any restrictions and conditions contained in this By-Law or as may be specified on the permit itself.
  - 1.14 "necessary precautions" is defined as sufficient equipment, machinery and/or manpower, which shall be provided to control, extinguish and/or prevent the spread of fire.
  - 1.15 "open-air burn" is defined as a burn that is exposed to the atmosphere and/or not wholly enclosed in a container.
2. From and after the passing of this By-Law, no person, either directly or through agents, servants or workmen, shall set fire to burn or cause or permit to be burned in the open-air within the Township of Norwich any material or building or structure whether standing or demolished or any part thereof subject only to the exceptions herein.
  3. Upon the application of any person to the Chief Fire Official or designate for the setting of a fire otherwise herein prohibited, the Chief Fire Official or designate may give his/her consent in writing in the form of a Fire Permit upon the following terms and conditions:
    - 3.1 That no provincial enactment, law or regulation shall be infringed by the setting of such fire.
    - 3.2 That the fee for such permit, if any, be paid by the applicant, and the amount of such fee shall be set by Council.
    - 3.3 No such fire shall be set on any street, parks, private or public property that in the opinion of the Chief Fire Official or designate is deemed to be a built-up residential area.
    - 3.4 Every person setting a fire herein permitted shall exercise such due care and take such necessary precaution as may be required to avoid endangering persons or property in the vicinity thereof and shall remain in constant attendance at such fire until the same is completely burned out or extinguished and shall take precautions and follow such directions as may be set by the Chief Fire Official whether before, during, or after setting such fire.
    - 3.5 All conditions and special conditions listed on the Township of Norwich Fire Permit shall be strictly adhered to.
  4. All requests for burning permits shall be made at least five (5) working days in advance of the date of the proposed burn.

5. Nothing in this By-Law shall be deemed to authorize or permit the commission of a nuisance and the granting of permission to set such fire herein shall not be deemed to relieve the applicant from, nor impose upon the Municipality, any civil or criminal liability that may otherwise be incurred by reason of the setting of such fire.
6. A fire for legitimate cooking or for personal warmth is permitted without the approval of the Chief Fire Official in the form of a Fire Permit, provided the fire conforms to the Recreational Burning requirements prescribed in Schedule A of this By-Law.
7. The Corporation may establish by By-law fees for the issuance of a Fire Permit, and for the response by Township of Norwich Fire Service personnel and/or equipment for the inspection and/or investigation of fires that are conducted in contravention of this By-law.
8. The Chief Fire Official or his/her designate may at any time ban open air burning, or revoke, cancel and/or suspend a Fire Permit, and immediately upon receiving notice of such ban, or revocation, suspension or cancellation of the Fire Permit the Fire Permit holder shall immediately extinguish any such fire.
9. No one shall install, use, and maintain an unlicensed incineration device for the burning of garbage or other refuse in any class or classes of building.
10. Fire permit holders shall refrain from burning on known smog days, the Chief Fire Official reserves the right to ban all fires on such days.
11. Any fires under the direct and constant supervision and control of the Township of Norwich Fire Service are exempt from the provisions of this By-Law.
12. That By-law 39-2005 and all by-laws inconsistent with this by-law are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 13<sup>TH</sup> DAY OF AUGUST, 2019.

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MAYOR  
LARRY MARTIN

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KYLE KRUGER  
CAO/CLERK

SCHEDULE A  
TO  
BY-LAW 45-2019

1. GENERAL PROVISIONS

1.1 Open air burning- Regulations

1.1.1 No person shall conduct open-air burning within the boundaries of the Township of Norwich unless permission has been given by the Fire Chief in the form of a Fire Permit or in accordance with the requirements prescribed under Section 1.2 of this Schedule.

1.2 Recreational Burning

1.2.1 Recreational fires are permitted provided such fire complies with the following requirements at all times:

- (a) Open-air burnings may be conducted between the hours of 4:00 p.m. and midnight only.
- (b) No materials other than commercially produced charcoal, briquettes or clean, dry seasoned wood may be burned.
- (c) Open-air burnings shall be confined to non-combustible containers or to a pit that is specifically designed for open air burning providing the container or pit is no larger than two (2) feet (61 centimetres) by two (2) feet (61 centimetres) with flames not exceeding (2) feet (61 centimetres) in height.
- (d) Open-air burning shall be conducted in such a manner as to preclude the escape from the fire of combustible solids such as sparks and ash.
- (e) The dimensions of the fuel being burnt shall not be greater than the size of the container or fire pit and shall be totally confined within the container or pit at all times.
- (f) Open-air burning shall be confined to a location that provides for a minimum distance of fifteen (15) feet (4.5 metres) in all directions from adjacent properties.
- (g) Open-air burnings shall be confined to an area that is a minimum of fifteen (15) feet (4.5 metres) from structures.
- (h) An effective extinguishing agent of sufficient size and with the capability of extinguishing the fire shall be immediately available for use.
- (i) Open-air burning shall be attended, controlled and supervised at all times and shall be completely extinguished before the open-air burn site is vacated.
- (j) Open-air burnings are not permitted when the wind speed exceeds fifteen (15) kilometres per hour or during rainy or foggy weather or at times when a smog alert or has been declared or a fire ban has been implemented. The appropriate Federal and/or Provincial Government agency shall be used as the source for this information.
- (k) The owner, occupant or fire permit holder must take steps to ensure that adjacent properties are protected and that the by-products of open-air burnings do not have a negative impact on persons, pets or the environment.