



## THE CORPORATION OF THE TOWNSHIP OF NORWICH

### BY-LAW NUMBER 39-2005

TO PROVIDE FOR REGULATION AND CONTROL FOR THE SETTING OF FIRES, THE PREVENTION OF FIRES, AND THE REMOVAL OF FIRE HAZARDS

WHEREAS the Municipal Act, S.O. 2001, as amended, Chapter 25, Section 8 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, as amended, Chapter 25, Section 9 states that “Sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities,

- (a) to enable them to govern their affairs as they consider appropriate; and
- (b) to enhance their ability to respond to municipal issues.”;

AND WHEREAS the Fire Protection and Prevention Act, 1997, S.O. 1997, as amended, Chapter 4, 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 Ontario Fire Code (Regulation 388/97) 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 Norwich Township Chief Fire Official or designate and under the conditions set out in the permit.
  - 1.8 “designate” is a member of the Fire Department appointed by the Chief Fire Official to carry out the duties assigned in the By-Law.
  - 1.9 “due care” is defined as all necessary precautions to control and prevent the spread of fire.
  - 1.10 “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.
  - 1.11 “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.
  - 1.12 “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.
  - 1.13 “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 Municipality of Norwich Township 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, may be amended from time to time as deemed necessary by Council, and is attached as Schedule “A” to this By-Law.

- 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 or the fire permit shall be revoked.
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. It is not the intent of this By-Law to prohibit the use of a fire for legitimate cooking or for personal warmth, provided the fire is supervised at all times, and conforms to the requirements in Schedule B of this By-Law.
7. That any person, Firm or Corporation who deliberately sets a fire without a permit issued and approved by the Chief Fire Official or designate, in the open-air, to any grass, leaves or material within the limits of the municipality, which fire gets out of control and/or complained about, and to which the Municipal Fire Department is called to investigate or extinguish, in addition to any penalty upon conviction as set forth, if any violation of this By-Law results in costs for control, suppression, or extinguishment of any fire, including but not necessarily limited to the costs of attendance of members of the Township of Norwich Fire Service and any related vehicles and equipment, then the person setting or in control of such fire and/or the owner or owners of the lands and premises upon which such fire was set, may, at the discretion and instance of the Chief Fire Official, be liable to the Municipality for all such costs as were reasonably incurred in the investigation of complaint, or the control, suppression, and extinguishment of such fire in the amount and under the circumstances detailed in this By-Law as outlined in Schedule A; provided that the minimum such charge shall be in the amount of Five Hundred Dollars (\$500.00); and provided further that any such charge shall be subject to applicable taxes as a fee payable to the Municipality as per the Municipal Act, S.O. 2001, as amended, Chapter 25, Section 391 and 396.

8. In the event that the owner or owners of lands and premises fail to reimburse the Municipality for the costs of control, suppression, and extinguishment of any fire as set forth above, the amount of such costs shall be added to the tax roll for the property upon which the fire had occurred and thereafter collected in the same manner as municipal taxes.
9. A fire 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 fire permit holder shall extinguish any fire started under the permit.
10. 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.
11. 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.
12. 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.
13. That By-law 40-00 and all by-laws inconsistent with this by-law are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 14<sup>TH</sup> DAY OF JUNE 2005.

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MAYOR  
SUSAN HAMPSON

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ACTING CLERK  
H. ROY BAUSLAUGH

SCHEDULE "A"  
TO  
BY-LAW 39-2005

1. FEE SCHEDULE
  - 1.1 For Permits issued to farming operations for the purpose of burning of products or by-products created on site. \$ Nil
  - 1.2 For all other Permits \$ Nil
  - 1.3 1<sup>st</sup> visit: Warning (verbal or written)
  - 1.4 Subsequent visits, minimum fee \$500.00 or if greater, actual costs based on \$350.00 per hour per fire department apparatus. Additional costs for service for specialized equipment such as high hoes etc. will be on an as incurred basis.
  - 1.5 In addition, charges for any offence may be levied under the Fire Protection and Prevention Act, S.O. 1997, as amended, Chapter 4, Section 28.
  - 1.6 Police and or guard's wages and expenses as incurred.

SCHEDULE B  
TO  
BY-LAW 39-2005

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.

1.2 Recreational Burning

1.2.1 Recreational fires may be permitted which are contained within non-combustible containers or pits specifically designed for open-air burnings.

1.2.2 The following regulations shall apply with respect to open-air burnings for recreational purposes:

(a) Open-air burnings may be conducted between the hours of 4:00 pm 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 no larger than two (2) feet (61 centimetres) by two (2) feet (61 centimetres) with flames not to exceed (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 has been declared. The appropriate Federal and/or Provincial Government agency shall be used as the source for this information.
- (k) The owner, occupant or 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.