



OPEN AIR FIRES AND BURNING PRACTICES QUESTIONS AND ANSWERS

1. Does the use of a temporary or permanent outdoor fireplace (either masonry or metal) constitute open air burning?

Yes.

In the context of the Fire Code application, although these fireplaces are designed to be used outdoors rather than indoors and may limit the heat and sparks through their design, these reduced levels are still cause for concern. They are not normally used for cooking of food; thus, when they are used in proximity to a building or buildings, they should only be used when approved by the chief fire official. Provided the appliance is listed for outdoor use and installed in accordance with its listing, the appliance should not constitute a fire hazard and may be approved.

Fireplaces that do not meet the conditions for outdoor wood stoves or furnaces under section 8.3 of O. Reg. 207/96, such as many small portable fireplaces, are considered open air fires under the Forest Fires Prevention Act and section 8.5 of O. Reg. 207/96 applies. This section stipulates site conditions for use of open air fires outside of Restricted Fire Zones. When Restricted Fire Zone Orders are in effect, the use of these fireplaces is not allowed.

2. With respect to open air burning, is all farm property exempt from Article 2.6.3.4 of the Ontario Fire Code?

Not always. Article 1.1.6.1. exempts buildings and premises on a farm that are used for farming purposes and not as a residence from the requirements of the Fire Code. When a farm has no residence located on the property, all of the premises and buildings used for farming purposes are exempt from the requirements set out in the Fire Code. When a residence is located on the farm, the residence and a portion of the property immediately surrounding the residence would be covered by Article 2.6.3.4. The remainder, however, would be exempt. The extent of the boundary around the residence would have to be determined on a case-by-case basis or through a municipal burning by-law. Article 2.6.3.4. would also apply when the burning is not considered an agricultural related operation.

In addition, farm properties within fire regions are not exempt from the Forest Fires Prevention Act and, depending on the complexity, may require an agricultural burn plan.

3. Does Article 2.6.3.4. apply to outdoor campfire devices that are gas fired?

Article 2.6.3.4. would apply to gas-fired outdoor campfires when an appliance of this nature is used or intended to be used in proximity to buildings.

It should also be noted that an appliance of this nature would be regulated under the Propane

Utilization Code or the Natural Gas Installation Code, depending upon the gas being used. The [Technical Standards and Safety Authority](#), through the [Fuels Safety Program](#), provides fuel-related safety services associated with the safe transportation, storage, handling and use of hydrocarbon fuels. These fuels include gasoline, diesel, propane, natural gas and heating fuels. Services include the administration of the Technical Standards and Safety Act as it relates to fuels.

4. Is a municipality required to enforce Ministry of Environment requirements when issuing a permit?

A chief fire official is not empowered to enforce the Environmental Protection Act. However, Ministry of Environment ([MOE](#)) requirements should be considered before granting approval under the Fire Code for open air burning.

For example, to prevent a fire from becoming an air pollution problem, the MOE recommends the following practices:

- a. Burn only dry materials. Petroleum products, plastics, rubber, painted lumber or anything else that will cause excessive smoke or fumes must not be burned. Mixed demolition debris is not suitable for open air burning;
- b. Keep the fire at least 150 m from any building (this distance is based on comfort of exposed persons; OFM suggested distance of 15 m is based on fire exposure criteria);
- c. Burn less than 1 m³ of material at a time;
- d. Stay with the fire at all times until it is completely extinguished;
- e. Equipment and resources must be available at the burning site to extinguish the fire, in the event that the fire gets out of control, or is causing an adverse effect;
- f. Open air burning must not be conducted under the following weather conditions: during rain or fog (smoke cannot disperse properly); when wind speeds are high or wind directions change frequently (fires may spread rapidly).

5. Does a municipality need an open air burning by-law?

No. Although approval by the chief fire official is required for open air burning in proximity to buildings, a by-law is not necessary.

When a municipality establishes a burning by-law, the by-law may be used to identify fire safety provisions that are conditions of approval, recognize the existence of a burn permit form, and describe associated costs for permits. It is important to note that, while the by-law may be used to set out administrative procedures, provisions and requirements in the Fire Code relating to open air burning in proximity to buildings must still be met.

Alternatively, a municipality may use permits to facilitate the approval process for controlling open air burning in proximity to buildings without passing a by-law. For instance, permits could be issued based on the conditions of approval stipulated in a fire department's operating procedures. Again, it should be noted that provisions and requirements in the Fire Code relating to open air burning in proximity to buildings must still be met.

The MNR uses fire permits in cases where the conditions stipulated in sections 1 to 4 of O. Reg. 207/96 would not be satisfied. Therefore, if a municipality within the fire regions wants to issue permits or develop by-laws related to open burning, the by-laws should not be less restrictive than the provisions of the FFPA and O. Reg. 207/96, unless the chief fire official or permit issuer has been appointed as a fire warden under the FFPA.