

Forest Fires Prevention Act

ONTARIO REGULATION 207/96

OUTDOOR FIRES

Consolidation Period: From April 1, 2010 to the e-Laws currency date.

Last amendment: O. Reg. 64/10.

This Regulation is made in English only.

1. (1) No person shall start a fire outdoors unless conditions will allow the fire to burn safely from start to extinguishment. O. Reg. 207/96, s. 1 (1).

(2) No person who starts a fire outdoors shall leave the fire without leaving a person in charge of the fire. O. Reg. 207/96, s. 1 (2).

(3) A person who starts a fire outdoors or, if the person who started the fire is not present, a person in charge of a fire outdoors shall take all necessary steps to tend the fire, keep the fire under control, and extinguish the fire before leaving the site. O. Reg. 207/96, s. 1 (3).

2. No person shall start or tend a fire outdoors outside of a restricted fire zone during the fire season unless the person has a permit issued under subsection 5 (1) or all of the following conditions are met:

1. The person is burning piled wood, brush, leaves or discarded wood by-products.
2. A responsible person is available to tend the fire until it is extinguished.
3. The material is burned in a single pile that is less than two metres in diameter and less than two metres high.
4. The fire is started not earlier than two hours before sunset, and is extinguished not later than two hours after sunrise the following day, or earlier.
5. The fire is at least two metres from any flammable materials.
6. The person tending the fire has tools or water adequate to contain the fire within the fire site. O. Reg. 230/00, s. 1.

3. (1) No person shall make or tend a fire in an incinerator outside of a restricted fire zone during the fire season unless the person either has a permit issued under subsection 5 (1) or all of the following conditions are met:

1. The person is burning wood, brush, leaves or discarded wood by-products.
2. The incinerator is an enclosed device constructed entirely of non-combustible material.
3. The incinerator is at least five metres from any forest area.

4. The incinerator is at least two metres from any flammable materials.

5. The outlet of the incinerator is covered with a screen having a mesh size of not more than five millimetres. O. Reg. 230/00, s. 1; O. Reg. 64/10, s. 1.

(2) A person who starts a fire in an incinerator shall ensure that a responsible person monitors the fire until it is extinguished. O. Reg. 230/00, s. 1.

4. (1) No person shall start or tend a fire outdoors outside of a restricted fire zone during the fire season for the purpose of burning grass or leaf litter unless the person has a permit issued under subsection 5 (1). O. Reg. 230/00, s. 2 (1).

(2) Subsection (1) does not apply to a person starting or tending the fire on property he or she lawfully occupies if,

(a) the total area to be burned does not exceed one hectare;

(b) a responsible person is available to tend the fire until the fire is extinguished;

(c) the length of flaming edge does not exceed 30 metres;

(d) the fire is started two hours before sunset, or later, and is extinguished two hours after sunrise the following day, or earlier; and

(e) the person tending the fire has tools or water adequate to contain the fire within the fire site. O. Reg. 207/96, s. 4 (2); O. Reg. 230/00, s. 2 (2).

(3) Subsection (1) does not apply to a person who starts or tends a fire with the permission of the person who has lawful occupation of the property on which the fire is started and in respect of which the conditions set out in subsection (2) are met. O. Reg. 207/96, s. 4 (3); O. Reg. 230/00, s. 2 (3).

5. (1) An officer may issue to a person a fire permit for a fire outdoors or in an incinerator, outside of a restricted fire zone, for the purpose of burning piled wood, brush, leaves, grass, leaf litter or discarded wood products. O. Reg. 230/00, s. 3.

(2) An officer may issue a permit to a person for a fire outdoors in a restricted fire zone if the officer is satisfied that the fire can be made, tended and extinguished safely, and is necessary for a ceremonial event or because of special circumstances. O. Reg. 230/00, s. 3.

(3) An officer may make a permit issued under subsection (1) or (2) subject to conditions relating to one or more of the following:

1. Restrictions on the time during which there may be a fire.

2. The requirement that the fire be or not be in a specific location, including the distance that must be maintained from flammable materials.

3. Required fire suppression equipment.

4. The method to be followed to extinguish the fire.

5. Any other factors which the officer reasonably considers to be necessary to ensure that the fire is made and extinguished safely. O. Reg. 230/00, s. 3.

6. REVOKED: O. Reg. 230/00, s. 3.

7. (1) An officer may suspend or cancel a fire permit and may give notice of the suspension or cancellation to the permittee or, in the absence of the permittee, to the person tending a fire for which the permit was issued. O. Reg. 207/96, s. 7 (1).

(2) A permittee or a person tending a fire who receives notice of a suspension or cancellation of a fire permit shall immediately extinguish any fire started under the permit. O. Reg. 207/96, s. 7 (2).

(3) A person to whom a fire permit is issued shall keep it at the location of the activity authorized by the permit. O. Reg. 207/96, s. 7 (3).

(4) A person tending a fire shall produce the fire permit for the fire to an officer upon request. O. Reg. 207/96, s. 7 (4).

(5) For the purpose of subsection (3) or (4), a copy of the permit may be substituted for the original. O. Reg. 207/96, s. 7 (5).

8. Except as provided in sections 8.1 to 8.4, no person shall start or tend a fire outdoors in a restricted fire zone for the purpose of cooking or warmth. O. Reg. 230/00, s. 4.

8.1 No person shall use a portable stove for cooking or warmth in or outside of a restricted fire zone unless all of the following conditions are met:

1. The stove is at least one metre from any naturally occurring flammable material.

2. The stove is designed to use a liquid or a gas as fuel.

3. A liquid or gas is used as the fuel.

4. The flame in the stove can be extinguished by closing a fuel control valve or by closing the stove. O. Reg. 230/00, s. 4.

8.2 (1) No person shall use a portable or permanent charcoal installation outside of a restricted fire zone for cooking or warmth unless,

(a) the installation is at least one metre from any naturally occurring flammable material; and

(b) the ashes and coals produced through combustion are completely extinguished and safely disposed of. O. Reg. 230/00, s. 4.

(2) No person shall use a portable or permanent charcoal installation for cooking or warmth in a restricted fire zone unless all of the conditions set out in subsection (1) are met and all of the following conditions are met:

1. The installation is designed to be used for cooking or warmth.
2. The installation is designed to use commercially produced charcoal as fuel.
3. Commercially produced charcoal is used as the fuel.
4. The installation is being used within 100 metres of a permanent structure used as a dwelling.
5. The person setting the fire is on land that he or she lawfully occupies or has permission to set a fire from the person who lawfully occupies the land. O. Reg. 230/00, s. 4.

(3) No person shall use a portable or permanent charcoal installation for cooking or warmth in a restricted fire zone in a campground described in section 8.7 unless all of the conditions in subsection (1) are met and all of the following conditions are met:

1. The installation is designed to use commercially produced charcoal as fuel.
2. Commercially produced charcoal is used as the fuel.
3. The owner or operator of the campground expressly permits a charcoal installation to be used during a time when the campground is in a restricted fire zone. O. Reg. 230/00, s. 4.

8.3 (1) No person shall use a wood burning stove or wood burning furnace outdoors outside of a restricted fire zone for cooking or warmth unless all of the following conditions are met:

1. The stove or furnace is at least five metres from any forest area.
2. The stove or furnace is at least two metres from any flammable materials.
3. The area directly under the stove or furnace is bare rock, mineral soil or other non-combustible material extending at least two metres in all directions from the stove or furnace.
4. The stove or furnace,
 - i. is designed to be used for cooking or warmth,
 - ii. is designed to use wood as fuel,
 - iii. is made entirely of non-combustible materials,
 - iv. encloses the fire on all sides with solid materials, and
 - v. has working spark arresting devices for all vents and chimneys.
5. Wood is used as the fuel. O. Reg. 230/00, s. 4; O. Reg. 64/10, s. 2.

(2) No person shall use a wood burning stove or wood burning furnace outdoors in a restricted fire zone for cooking or warmth unless all of the conditions set out in subsection (1) are met and,

(a) the stove or furnace is used within 100 metres of a permanent structure used as a dwelling; and

(b) the person setting the fire is on land that he or she lawfully occupies or has permission to set a fire from the person who lawfully occupies the land. O. Reg. 230/00, s. 4.

8.4 No person shall set a wood fire in a permanent fire installation in a campground described in section 8.7 in a restricted fire zone unless all of the following conditions are met:

1. The fire is contained in,
 - i. an above ground fire grate or fireplace that is designed to burn wood safely and that cannot be moved to an unsafe location, or
 - ii. a pit in the ground that has fireproof walls and is designed to burn wood safely.
2. The fire is at least three metres from any forest area, and the area within the three metre radius is completely free of flammable material.
3. The space immediately above the fire installation is at least three metres from any overhanging vegetation.
4. The owner or operator of the campground expressly permits the fire to be set during a time when the campground is in a restricted fire zone. O. Reg. 230/00, s. 4; O. Reg. 64/10, s. 3.

8.5 No person shall start a fire outdoors outside of a restricted fire zone during the fire season for cooking or warmth unless all of the following conditions are met:

1. The site of the fire is bare rock or other non-combustible material.
2. The fire is at least one metre from any flammable material.
3. The space above the one metre area around the fire is at least three metres from vegetation.
4. The fire does not exceed one metre in height and one metre in diameter. O. Reg. 230/00, s. 4.

8.6 No person shall use a portable wood burning stove for cooking or warmth outside of a restricted fire zone unless all of the following conditions are met:

1. The stove is at least one metre from any naturally occurring flammable material.
2. The stove is designed to be used for cooking or warmth.
3. The stove is made entirely of non-combustible materials.
4. The ashes and coals produced through combustion are completely extinguished and safely disposed of before the stove is moved. O. Reg. 230/00, s. 4.

8.7 A campground referred to in subsection 8.2 (3) and section 8.4 offers camping facilities to the public on a temporary basis and meets all of the following criteria:

1. The campground allows camping only in cabins and designated campsites, and all are accessible by motor vehicle as defined in the Highway Traffic Act.

2. The campground does not allow campfires between 10 a.m. and 7 p.m.

3. The campground clearly posts the hours campfires will be allowed.

4. The campground has printed information on safe campfires and provides it to all of its guests.

5. The campground has adequate equipment to control and extinguish a fire, that can be taken to any campsite or cabin within 10 minutes.

6. The campground has on site at all times staff who are instructed in the location and use of the equipment described in paragraph 5.

7. The campground has reliable two-way telecommunications equipment to allow it to obtain assistance if a fire escapes control. O. Reg. 230/00, s. 4; O. Reg. 64/10, s. 4.

8.8 For the purpose of sections 8.1, 8.2 and 8.6, a thing is portable if it is designed to be moved from one location to another by muscular power without the aid of any device. O. Reg. 230/00, s. 4.

9. (1) A person who operates equipment or machinery involved in forest operations or processing forest resources in a forest area during the fire season shall keep a fire extinguisher on the equipment or machinery or within five metres from it. O. Reg. 207/96, s. 9 (1); O. Reg. 64/10, s. 5.

(2) The fire extinguisher must be in serviceable condition and be rated at least 6A 80BC. O. Reg. 207/96, s. 9 (2).

(3) This section does not apply to a person operating a motor vehicle as defined in the Highway Traffic Act or a power saw. O. Reg. 207/96, s. 9 (3).

10. (1) A person who operates a power saw in a forest area during the fire season shall not start it within three metres from the place where it is fuelled. O. Reg. 207/96, s. 10 (1); O. Reg. 64/10, s. 6.

(2) A person who operates a power saw in a forest area during the fire season shall not place it on any flammable material while its engine is operating or hot enough to cause combustion. O. Reg. 207/96, s. 10 (2); O. Reg. 64/10, s. 6.

(3) A person who operates a power saw in a forest area during the fire season shall keep a fire extinguisher available during its operation. O. Reg. 207/96, s. 10 (3); O. Reg. 64/10, s. 6.

(4) The fire extinguisher must,

(a) be in serviceable condition;

(b) be rated for ABC type fires; and

(c) have a minimum of 225 grams of dry chemical. O. Reg. 207/96, s. 10 (4).

11. (1) A person who operates equipment or machinery in a forest area during the fire season shall ensure that it is checked daily for any accumulation of flammable material and that any accumulation found is removed. O. Reg. 207/96, s. 11 (1); O. Reg. 64/10, s. 7.

(2) A person who is removing an accumulation of flammable material under subsection (1) shall ensure that it is disposed of safely. O. Reg. 207/96, s. 11 (2).

(3) A person who leaves equipment or machinery in a forest area during the fire season while it is not being operated shall ensure that it is placed or left in an area free from any flammable material. O. Reg. 207/96, s. 11 (3); O. Reg. 64/10, s. 7.

(4) Subsections (1) and (2) apply to a person operating an off-road vehicle as defined in the Off-Road Vehicles Act but do not apply to a person operating any other type of motor vehicle that is licensed under the Highway Traffic Act. O. Reg. 207/96, s. 11 (4).

12. No person shall alter or modify a muffler or other spark-arresting device attached to a power saw, an off-road vehicle, equipment or machinery operated in a forest area. O. Reg. 207/96, s. 12; O. Reg. 64/10, s. 8.

13. No person shall travel in a restricted travel zone except with the written permission of an officer. O. Reg. 207/96, s. 13.

14. (1) The parts of Ontario described in the Schedules are declared as fire regions. O. Reg. 207/96, s. 14 (1).

(2) The names of the fire regions are the names appearing in the headings of the Schedules. O. Reg. 207/96, s. 14 (2).

15. OMITTED (REVOKES OTHER REGULATIONS). O. Reg. 207/96, s. 15.

SCHEDULE 1

WEST FIRE REGION

All that land in the territorial districts of Cochrane, Kenora, Kenora (Patricia Portion), Thunder Bay and Rainy River in the Province of Ontario, being composed of those parts of the said territorial districts designated as Zones 1 to 13, both inclusive, on a plan known as West Fire Region, Restricted Fire Zones, filed on March 11, 2005 with the Office of the Surveyor General in the Ministry of Natural Resources.

O. Reg. 265/05, s. 1.

SCHEDULE 2

EAST FIRE REGION

All that land in the territorial districts of Algoma, Cochrane, Kenora (Patricia Portion), Manitoulin, Muskoka, Nipissing, Parry Sound, Sudbury, Thunder Bay and Timiskaming, and in the counties of Bruce, Grey, Frontenac, Haliburton, Hastings, Lennox and Addington, Peterborough, Lanark, Renfrew, Simcoe and in the City of Kawartha Lakes in the Province of Ontario, being composed of those parts of the said territorial districts, counties and city designated as Zones 14 to 36, both inclusive, on a plan known as East Fire Region, Restricted Fire Zones, filed on March 11, 2005 with the Office of the Surveyor General in the Ministry of Natural Resources.

O. Reg. 265/05, s. 1.

SCHEDULE 3 REVOKED: O. Reg. 230/00, s. 5.