

OPEN AIR FIRE BY-LAW

PUBLISHED BY AUTHORITY

Pursuant to the powers conferred by the Towns and Local Service Districts Act, the Town of Conception Bay South has made the following By-law.



DARRIN BENT
MAYOR

BY-LAW

1. TITLE

This By-law may be cited as the "Town of Conception Bay South Open Air Fire By-law".

2. DEFINITIONS

- (a) "By-law" shall mean the Town of Conception Bay South Open Air Fire By-law.
- (b) "**Chief**" shall mean the Fire Chief of the Conception Bay South Fire Department or other person designated by the Chief in and for the fire protection of the Town.
- (c) "**Fire Department**" shall mean the Conception Bay South Fire Department.
- (d) "**Open Air Fire**" shall mean any fire that is caused, set, lit or otherwise ignited outside the confines of any building. For the purposes of this By-law, it does not include any fire that is caused, set, lit or otherwise ignited in open air fireplaces, grills, or barbecues or barrels.
- (e) "**Permit**" shall mean a permit for Open Air Fire.
- (f) "**Suitably Equipped**" shall mean being in possession of tools or equipment, including without limitation, brooms, rakes, back tanks,

shovels, hoses and an adequate water supply, which shall be used to contain and/or prevent the spread of a fire ignited in the open air.

- (g) **"Town"** shall mean the Town of Conception Bay South as defined by the Act.
- (h) The Provincial Fire Index Levels are defined as:
 - a. **Low:** Fire starts are unlikely. Although fire may occur, weather and vegetation conditions will lead to less intense, slower spreading fires. Fires are not likely to become serious and should be easily controlled.
 - b. **Moderate:** Weather conditions are creating drier forest conditions. The risk of surface fires starting and spreading has increased. Wildfires maybe expected, but control is usually not difficult. Activities on forested land should be conducted with caution.
 - c. **High:** Weather conditions have continued to dry forest vegetation increasing the risk of wildfires occurring. Fires may start easily, burn quickly, and challenge fire suppression efforts. Caution should be exercised when conducting activities on forested land. Open fires requiring a Permit to Burn are prohibited and industrial activities may be restricted.
 - d. **Very High:** The fire risk is serious. Forest vegetation is very dry and fires will start easily, burn vigorously, and challenge fire suppression efforts. Burning Permits are suspended, open fires including campfires are prohibited and industrial activities may be restricted. Exercise extreme caution when conducting activities on forested land.
 - e. **Extreme:** There is an extreme risk of fire and dangerous forest conditions exist. New fires will start very easily, spread rapidly, and challenge fire suppression efforts. Many forest related activities will be banned or restricted to ensure public safety. This includes closing access to forested areas, cancelling Burning Permits, restricting industrial activities, and prohibiting open fires and campfires.

3. APPLICATION OF BY-LAW

This By-law shall apply to all areas of the Town and during the entire year.

4. PERMIT

- (a) No person or persons shall cause, set, light or otherwise ignite an open air fire within the boundaries of the Town without first applying for and obtaining a permit from the Chief.

- (b) Notwithstanding Section 4(a), no permit is necessary to burn in a barrel, provided:
- (i) The barrel is covered with a screen with a mesh no larger than $\frac{1}{2}$ inch and completely contains the fire;
 - (ii) The barrel is located on private property and kept at least 15 metres from the nearest woods, brush, or flammable material;
 - (iii) The unit rests on legs or supports and is placed on mineral soil or non-combustible material having a surface area of a minimum of 1.5 square metres;
 - (iv) The barrel is made entirely of non-combustible materials, is in good condition and an attendant is on the site; and
 - (v) The barrel ash is totally extinguished before being discarded on minerals soil at least 15 metres from any woods, brush, or flammable material.
 - (vi) Should the Provincial Fire Index reach **Very High** or **Extreme**, all barrel fires will be prohibited.
- (c) Notwithstanding Section 4(a), no permit is necessary to burn in an outdoor wood burning unit provided:
- (i) The unit is made entirely of non-combustible material;
 - (ii) The unit completely contains the fire;
 - (iii) The unit is screened to prevent the escape of sparks or other burning material;
 - (iv) The unit rests on legs or supports and is placed on minerals soil or non-combustible materials having a surface area of a minimum of 1.5 square metres, and
 - (v) The unit is located a minimum of 3.5 metres from the nearest woods, brush or other flammable material.
 - (vi) Should the Provincial Fire Index reach **Very High** or **Extreme**, all outdoor wood burning fires will be prohibited.

- (d) Propane Burning Units: Nothing in this By-law shall prohibit the use of a propane burning unit. This includes a propane BBQ, heater, fireplace or firepit.
- (e) Any other fuel-based systems are not approved. This includes kerosene, alcohol or gas.
- (f) Where a permit is not required under sections 4.2 and 4.3, this shall not relieve a person from the requirements set out in Section 5 of this By-law as if they were a permit holder.
- (g) Notwithstanding Section 4(a), following the Department of Fisheries and Land Resources Forest Fire Regulations under the Forestry Act (O.C. 96-178) no permit is required on a sand or gravel beach or quarry if:
 - (i) the fire is located at a distance of not less than 15 metres from the nearest woods, brush or other flammable material,
 - (ii) the fire does not exceed a surface area of 0.4 square metres,
 - (iii) the fire is located at a distance of not more than 1.25 metres from a body of water whose surface area exceeds 10 square metres;
 - (v) Should the Provincial Fire Index reach **Very High** or **Extreme**, all sand or gravel beach or quarry fires will be prohibited.
- (h) A permit may be issued by a member of the Conception Bay South Fire Department, on behalf of the Fire Chief from Station 1 in Kelligrews or Station 2 in Topsail, 7 days a week from 8:00 a.m. to 8:00 p.m.
- (i) In making a determination under Section (a), the Chief may take into consideration the following:
 - (i) The number of permits issued on a particular day;
 - (ii) The velocity of the wind;
 - (iii) The general weather conditions prevalent;
 - (iv) Whether or not the applicant is suitably equipped to ensure the fire is maintained under control;
 - (v) The proposed manner and method of burning;

- (vi) Whether the applicant owns or is the occupant of the land upon which the burning is intended to occur, or has the written consent, produced prior to the issuance of the permit, of the owner of the land, which the burning will occur;
 - (vii) Whether the applicant is 19 years of age or older and ensures that at least one other person, of 19 years of age or older, suitably equipped to control the fire, will be present while the fire is burning or smoldering;
 - (viii) Any other manner the Chief determines relevant to safety.
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- (j) Where the Chief determines that the proposed burning would be a hazard to safety or where there is a failure to meet the requirements of this By-law, the Chief shall refuse to issue a permit. Furthermore, where a hazard to safety has been created, the Fire Department may extinguish the fire and anything else that is necessary to eliminate the hazard, the costs of which may be recovered from the person responsible for creating the hazard, as a civil debt.
 - (k) The Chief may specify on the permit the hours of the day and the number of days during which the permit shall be valid, and in so doing, may distinguish between permits issued for commercial or other uses.
 - (l) If the person attempting to obtain a permit is not the owner of the land on which the burning is intended to occur, then written consent of the owner of the land must be obtained before any permit is approved.
 - (m) The Chief may include in a permit those items and conditions that he or she considers appropriate for the permit being sought.
 - (n) A permit may, by oral or written notice be cancelled or suspended at any time by the Chief or his/her designate, and upon receiving notice of a cancellation or suspension, the permit holder shall immediately extinguish any fire caused, set, lit, or otherwise ignited under the permit.

5. DUTIES OF PERMIT HOLDER

- (a) The holder of the permit who causes, sets, lights, otherwise ignites an open air fire shall not leave the fire unattended and shall take every reasonable and reasonably foreseeable precaution to prevent the fire from spreading and shall not leave the fire unattended until it is completely extinguished.

- (b) A permit holder shall not burn more than one pile of material at any given time.
- (c) A permit holder shall not ignite any fire when the wind is blowing of sufficient velocity such that it may jeopardize the permit holder's ability to control the fire.
- (d) The permit holder shall ensure that the method of burning and material burned is consistent with the information provided by the Chief when the permit was issued.
- (e) The Fire Department shall be immediately notified if the fire is or appears to be getting out of control.
- (f) No person or permit holder shall light, ignite, or start or allow or cause to be lighted, ignited or started, a fire of any kind whatsoever in the open air without being suitably equipped to contain or extinguish the fire.
- (g) The holder of the permit will not be permitted to burn any petroleum-based product, such as oil, rubber tires, plastic, shingles, electrical wire etc.
- (h) A person must not light any fire that will cause smoke from said fire to cause irritation to neighbouring properties.
- (i) The possession of a permit does not discharge the person to whom it is issued from responsibility for damage resulting from the open air fire.
- (j) A person to whom the permit is issued shall keep a copy of the permit on site where the burning is taking place.

6. PROHIBITED

- a) All open air fires with the exception of fires contained in a propane barbecue or propane cooking appliance for intended purpose shall be prohibited whether or not a permit has been previously issued when either the Department of Fisheries, Forestry and Agriculture or the Town has initiated a fire ban within its jurisdiction; or
- b) In accordance with 6. a), the Chief as the Authority Having Jurisdiction (AHJ) within the Town, has the authority to initiate fire bans within the boundaries of the Town to prohibit open air fire when determined to be necessary, in the interest of public safety. The Chief also has the authority to lift a fire ban when appropriate;

- c) Public notice in a format and manner acceptable to the Chief shall be issued upon the initiation and lifting of a Town fire ban.

7. PENALTIES

Every person who is guilty of an offence under this By-law or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:

- (a) Shall be liable to penalties as stipulated in accordance with section 290 of the *Towns and Local Service Districts Act*; or
- (b) Shall be subject to an order under section 285 (1) of the *Towns and Local Service Districts Act*; or
- (c) Shall be subject to a violation notice issued under section 287 (1) of the *Towns and Local Service Districts Act*; or
- (d) Shall be issued a ticket under the *Provincial Offences Act* in accordance with section 288 of the *Towns and Local Service Districts Act*.

8. REPEAL OF PREVIOUS REGULATIONS AND AMENDMENTS

All previous Town of Conception Bay South Open Air Fire Regulations and amendments are repealed.

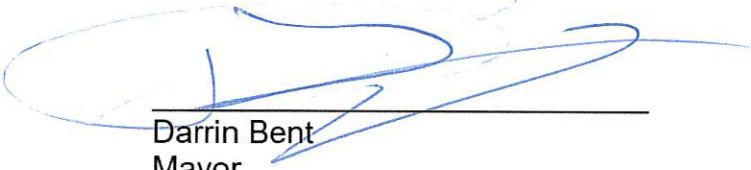
9. COMPLIANCE WITH OTHER ACTS

Nothing in this By-law serves to exempt any person from obtaining any license, permission, permit, authority or approval required by any other By-law of the Town or any Statute or Regulation of the Province of Newfoundland and Labrador, and in such cases where more than one Regulation or Statute applies the more restrictive Regulation or Statute shall apply.

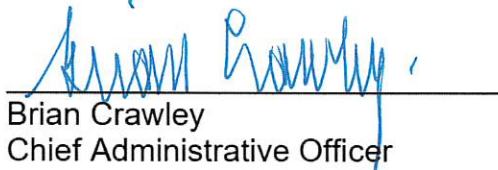
10. EFFECTIVE DATE

This By-law shall come into force on the ____ day of _____, 2025.

In witness whereof, the Seal of the Town of Conception Bay South has been affixed hereto and this By-law have been signed by the Mayor and the Chief Administrative Officer on behalf of Council on this ____th day of _____, 2025.



Darrin Bent
Mayor



Brian Crawley
Chief Administrative Officer