



TOWN OF POUCH COVE

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OPEN AIR FIRE REGULATIONS

Pursuant to and by virtue of the powers conferred by Sections 414(1)(f) and 414(2)(ee) of the Municipalities Act, 1999, SNL 1999, c. M-24 as amended, the Town Council of the Town of Pouch Cove enacts the following Open-Air Fire Regulations.

1. TITLE

These Regulations may be cited as the “Town of Pouch Cove Open Fire Regulations”

2. PURPOSE

The regulations are enacted to increase fire prevention to protect the safety, health, welfare and property of the public within the Town of Pouch Cove from open air fires that may spread. It also intends to reduce the likelihood of nuisance caused by the burning or spread of an open-air fire.

3. INTERPRETATION

In these Regulations:

- a) “Act” shall mean the Municipalities Act, 1999, SNL 1999, c. M-24, as amended.
- b) “Artificial Fire Log” shall mean a manufactured wood-based product intended to be a fuel substitute for natural untreated wood logs.
- c) “Barbecue” shall mean a form of fuel burning appliance intended to cook food and shall have a cover to fully enclose the fire unless it is designed, constructed, and used with a fuel that does not produce sparks or embers when burned. Shall include grills, “hibachis”, smokers, camp stoves and other similar devices.
- d) “Chief” shall mean the Fire Chief of the Fire Departments as defined by the Fire Chief Regulations 26/00 under the Act and appointed by council in accordance with s. 63(1)(e) of the Act or other person designated by the Fire Chief to support the requirements of these regulations.
- e) “Fire Barrel” shall mean a form of fully enclosed large capacity fuel burning appliance intended to burn natural untreated wood. The enclosure may have portions constructed of non-combustible screen to contain the fuel and reduce the escape of sparks of embers from the enclosure. Typically constructed from recycled steel drums.
- f) “Fire Department” shall mean the Pouch Cove Fire Department established in accordance with s. 63(1)(e) of the Act.
- g) “Fire Attendant” shall mean a person who is having and is responsible for an Open Air Fire.
- h) “Fire Weather Index” shall mean the weather conditions based qualitative risk rating for forest fires in the region assigned by the Department of Natural Resources.
- i) “Fuel” shall mean any combustible material burned to generate flames or incinerate.
- j) “Fuel Burning Appliance” shall mean a fixed or portable, non-combustible receptacle designed and manufactured or constructed to contain fire and the intended fuel.

- k) "Gas Appliance" shall mean a form of fuel burning appliance designed and certified by a recognized certifying body to burn gaseous fuel such as propane and methane. The appliance is not required to be fully enclosed.
- l) "Incinerate" shall mean to burn up completely; reduce to ashes.
- m) "Natural Untreated Wood" shall mean all forms of wood including roots, tree trunks, branches, twigs, bark, leaves and lumber that has not been painted, preserved with chemicals, glued or formed into an engineered product.
- n) "Open Air Fire" shall mean any fire that is caused, set, lit or otherwise ignited outside the confines of a building or structure. Fireworks displays are considered open air fires.
- o) "Open Air Fireplace" shall mean a form of fully enclosed fuel burning appliance designed to burn natural untreated wood, artificial fire logs, or pellets. The enclosure may have portions constructed of non-combustible screen to contain the fuel and reduce the escape of sparks or embers from the enclosure.
- p) "Pellets" shall mean a manufactured wood-based product intended to be burned in specifically designed fuel burning appliances.
- q) "Regulations" shall mean the Town of Pouch Cove Open Air Fire Regulations, 2015
- r) "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, prevent the spread of, and/or extinguish a fire ignited in the open air.
- s) "Town" shall mean the Town of Pouch Cove as incorporated under the Act.

4. APPLICATION OF REGULATIONS

These Regulations shall apply to all areas of the Town and during the entire year.

5. OPEN-AIR-FIRE BURNING CONDITIONS

- A. These regulations do not allow the unauthorized burning of heavy oils, items containing natural or synthetic rubber, animal carcasses or waste, asphalt products, petroleum waste, paints, plastic, aerosol cans, electrical wiring, treated wood products, or any other material other than plant growth, paper products, or untreated wood construction waste. These regulations are only valid for the burning of wood or vegetation, permission to burn other items must be obtained by the relevant agency within the Government of Newfoundland and Labrador.
- B. Before burning, it is the responsibility of the Fire Attendant to ensure that the Fire Hazard Rating is Low or Moderate. NO BURNING is permitted under periods when the Fire Hazard Rating is High or above. This information can be obtained by calling your local Forestry office or checking online at http://www.faa.gov.nl.ca/forestry/forest_fires/fire_hazard_map.html.
- C. NO BURNING is permitted when wind speeds are greater than 15km/hr.
- D. Before burning, the Fire Attendant must have on site a water hose of sufficient length with running water to surrounds the fire or a minimum of 227 litres (50 gallons) of water for a 2-meter size (6.5 feet) fire and 114 litres (25 gallons) of water for a 1-meter size (3 feet) fire.
- E. Before burning, the Fire Attendant must ensure that the area for burning or burn pile is a minimum of 15 meters (50 feet) from any uncleared land or structures.
- F. The Fire Attendant must be on site at all times during burning and never leave the fire unattended.
- G. There shall only be one fire burning at any given time with a minimum of one person attending the fire.
- H. The Fire Attendant is responsible for ensuring the fire has been completely extinguished. This should be done by wetting down the fire, grubbing the ground and any partially burnt materials, and then wetting down the burned area and any partially burnt materials again. This should be repeated until no heat is felt from the burned area and any partially burnt materials.
- I. Under no circumstance should there be an Open Air Fire that exceeds two (2) square metres in size

6. CAMPFIRES AND RECREATIONAL/DOMESTIC USE OF FIRES

Notwithstanding the requirements set out in section 5, campfires and other recreational/domestic use of fires can be enjoyed in the following circumstances:

- a. To burn in a Fire Barrel provided
 - i. All opening in the barrel including the vent holes and screen shall be sized to prevent the passage of a 13mm diameter cylindrical rod. A screen may be removed only when a Fire Attendant is paying direct attention to the fire.
 - ii. The barrel is located on private property and kept at least 3.5m from a property line and at least 15m from the nearest woods, brush, building or combustible material;
 - iii. The barrel rests on legs or supports and is placed on mineral soil or non-combustible material having a minimum surface area of 1.5 square metres;
 - iv. The barrel enclosure completely contains the burning and incinerated fuel (ash);
 - v. The barrel enclosure has a maximum volume of 208L and maximum diameter of 610 mm;
 - vi. Only fuel intended for use in the barrel is burned; and
 - vii. The barrel ash is totally distinguished before being discarded on minerals soil at least 15m from any woods, brush, building or combustible material; or
- b. To burn in an Open Air Fireplace provided:
 - i. All openings in the fireplace enclosure including screening shall be sized to prevent the passage of 7mm diameter cylindrical rod. A screen may be removed only when a Fire Attendant is paying direct attention to the fire.
 - ii. The fireplace is located at least 3.5m from a property line, nearest woods, brush, building or combustible material;
 - iii. The fireplace rests on legs or supports and is placed on mineral soil or non-combustible material having a minimum surface area of 1.5 square metres;
 - iv. The enclosure completely contains the burning and incinerated fuel (ash)
 - v. The fireplace enclosure shall hold a maximum of 0.050 cubic metres of fuel and have a maximum ground footprint area of 0.5 square metres; and
 - vi. Only fuel for which the fireplace has been designed for is burned; or
- c. To burn in a barbecue provided:
 - i. The barbecue is used as intended and specified by the manufacturer;
 - ii. Only fuel for which the barbecue has been designed in burned; and
 - iii. A barbecue that burns gaseous fuel is also considered a gas appliance and meets the requirements of such device set out in these regulations; or
- d. To burn in a gas appliance provided:
 - i. The device is used as intended and in compliance with the manufacturer's product certification; or
- e. To ignite or otherwise set off fireworks displays.

7. DUTIES OF FIRE ATTENDANT

A) The Fire Attendant who causes, sets, lights, or 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 Fire Attendant shall not burn more than one pile of materials at any given time.

C) A Fire Attendant shall not ignite any fire when the wind is blowing of sufficient velocity such that it may jeopardize the Fire Attendant's ability to control the fire.

E) The Fire Department shall be immediately notified if the fire is or appears to be getting out of control by calling 911.

F) No person or Fire Attendant 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.

G) The Fire Attendant shall ensure there is no burning of any petroleum-based product, such as oil, rubber tires, plastic, shingles, electrical wire, etc.

H) Following these regulations does not discharge responsibility for any damage resulting from open-air fires.

8. FIRE BANS AND EXTINGUISHING FIRES

The Chief as officer of the Town has the authority to initiate fire bans within the boundaries of the Town to prohibit open air fires when determined to be necessary. The Chief also has the authority to lift a Town fire ban when appropriate. Town Officials, the Chief, or a firefighter acting under a delegated authority of the Chief has a right to enter properties to investigate and/or extinguish any Open Air Fire within the municipality regardless of whether a 911 call has been made.

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

9. CONTRAVENTION OF REGULATIONS

A) Any person who neglects or fails to comply with or acts in contravention of these Regulations shall be guilty of an offense and shall be liable on Summary conviction to a penalty as provided for Section 420 of the Act.

B) Any person who ignites, or who appears to have the care and control of a fire ignited in contravention of these Regulations shall immediately extinguish the fire upon the order of the Chief, which order need not be in writing.

10. Repeal of Previous Regulations

All previous Town of Pouch Cove Regulations related to Open Air Fires are repealed by these Regulations

11. COMPLIANCE WITH OTHER LEGISLATION

Nothing in these Regulations serves to exempt any person from obtaining any license, permission, permit, authority or approval required by any other Regulation of the Town or any

Statute or Regulation of the Province of Newfoundland and Labrador. Where there is conflict between a provision of this Regulation and a provision of another Regulation of the Town, the more restrictive provision shall prevail. Where there is a conflict between these Regulations and a provincial statute or regulation, the provincial law shall prevail.

12. MINISTERIAL APPROVAL

In accordance with subsection 414(1)(f) of the *Municipalities Act, 1999*, these Regulations have been reviewed and approved by the Minister of Municipal and Provincial Affairs.

12. EFFECTIVE DATE

These Regulations have been adopted and came into effect on 20th day of DEC 2021 through resolution of council # 21-205

In witness whereof the Seal of the Town of Pouch Cove has been affixed hereto and these Regulations have been signed by the Mayor and the Chief Administrative Officer on behalf of Council on this 20th day of DEC.



Brian Peach
Chief Administrative Officer



Mark Vardy
Mayor

January 26, 2022
Date

January 26, 2022
Date