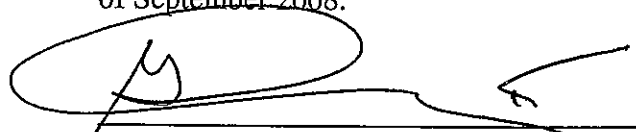


PUBLISHED BY AUTHORITY

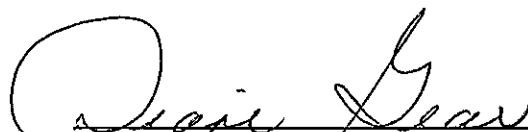
The following regulations have been made by the Town Council of the Town of Labrador City pursuant to the power conferred by Section 414(ee) and any other Section found enabling, of the Municipalities Act, 1999 as Amended.

Adopted by the Town Council of the Town of Labrador City on the 23 day of September 2008 to come into effect as of the 23 day of September 2008.

A copy of these regulations was sent to the Minister of Municipal Affairs on the 24 day of September 2008.



MAYOR



TOWN CLERK

OPEN AIR BURNING REGULATIONS

1. **Title**
These regulations shall be cited as “The Town of Labrador City Open Air Burning Regulations”.
2. **Interpretation**
In these regulations unless the context otherwise requires:
 - i. “Council” means the Town Council of the Town of Labrador City;
 - ii. “Fire Weather Index” means the rating as established by the Department of Natural Resources – Forestry and Wildlife Division indicating the probability of a fire starting and spreading rapidly;
 - iii. “Grate” means a metal rack supported on a non-combustible enclosure;
 - iv. “Municipal Authority” means the Town of Labrador City Council constituted or continued under the Town of Labrador City;
 - v. “No Burn Zone” means any area designate where the Labrador City Fire Department does not allow fires as a result of an order;
 - vi. “Nuisance” means any obnoxious substance, smoke or other unsanitary matter that has an unpleasant effect on the senses or affects an individual’s health, well-being or property;
 - vii. “Officer” means a member of the Royal Newfoundland Constabulary, a member of the Royal Canadian Mounted Police Force stationed in the Province, Municipal Enforcement Officer,

Fire Chief or anyone authorized by the Town of Labrador City to enforce this regulation;

- viii. "Open Air" means not within a structure;
- ix. "Outdoor Wood Burning Appliance" means an appliance used in the open air to burn wood. This does not include external wood furnaces;
- x. "Permit" means a permit for burning in the open air issued by the Town of Labrador City under the authority of this regulation;
- xi. "Person in Charge" means the Owner of a property upon which the burning is taking place, or a Person(s) having reached the age of majority within the Province of Newfoundland and Labrador and who has the Owner's written consent to conduct the burning;
- xii. "Rear Yard Depth" means the mean distance between the rear lot line and the rear of the main building on the lot.
- xiii. "Town" means the Town of Labrador City.

3. Application of Regulation

- a. This regulation shall apply to all areas of the municipality throughout the entire year;
- b. No Person shall light a fire outdoors in any part of the Town for any purpose unless that Person lights the fire under authority of a permit issued by the Town;
- c. The permit referred to in this regulation shall specify:
 - i. The area in which the fire is being lit;
 - ii. The purpose for which the fire is being lit;
 - iii. The Person in Charge of the fire and responsible for lighting, supervision and control of the fire.

4. Permit Exceptions

- a. A Person may light a fire outdoors in a supervised municipal park that has facilities to contain open pit fires when permission to light such fires is granted by a person who is responsible for park supervision during the period the park is open to the public;
- b. Nothing contained in these regulations is deemed to prohibit the use of a propane operated stove provided they are not used within fifteen (15) feet of any woods, tree, brush or other combustible material;
- c. Nothing contained in these regulations is deemed to prohibit the use of a CSA approved propane BBQ or patio heater;
- d. Nothing contained in these regulations is deemed to prohibit the use of charcoal burning appliance utilized in the preparation of food if such charcoal burning appliance is designed to prevent the escape of burning

material and is not used within fifteen (15) feet of any combustible material;

- e. All coals from a charcoal burning installation must be totally extinguished prior to being discarded and no coals from a charcoal burning installation are to be discarded in a manner which may start a fire;
- f. Nothing contained in these regulations is deemed to prohibit the outdoor use of any match or cigarette lighter used for the purpose of lighting a cigarette, cigar or pipe in any non-restricted smoking area.

5. Outdoor Wood Burning Appliances

Outdoor wood burning appliances may be used throughout the Town of Labrador City subject to the following provisions:

- a. Only one (1) outdoor wood burning appliance may be situated on a property;
- b. The location of a wood burning appliance shall be limited to the rear yard unless, if in the opinion of the Office of the Fire Chief, the limitations of the rear property boundaries, prejudice said use and compliance with these regulations in all other respects, can be accommodated if the appliance is located elsewhere on the property;
- c. Rear yard depth will be the only factor considered in determining the limitations of the rear property boundaries. Other factors including, but not limited to, accessory buildings, property improvements and storage will not be considered in determining the limitations of the rear property boundaries;
- d. The installation, location or re-location of all wood burning appliances is subject to approval from the Office of the Fire Chief;
- e. Wood burning appliances shall be limited to CSA, ANSI or ULC approved retail units that:
 - i. completely contain the fire;
 - ii. are of sufficient construction to withstand the effects of heating and cooling;
 - iii. are equipped with a grate to allow for proper air flow and cleaner burning;
 - iv. are screened and the chimney equipped with a spark arrestor to prevent the escape of sparks or other burning material
- f. Wood burning appliances shall be properly maintained in good condition, working order and repair at all times;

- g. No wood burning appliance shall be permitted on any patio or deck that is attached to a residence;
- h. All appliances shall be placed on a level, fire retardant surface such as concrete or patio blocks;
- i. To minimize smoke by-product, only dry seasoned firewood or fire logs shall be used;
- j. Smoke, smell, airborne sparks or embers shall not infringe on the use and enjoyment of other properties or become a nuisance to neighbouring residents;
- k. Clearances of 4.6m (15') shall be observed in all directions from other combustible materials;
- l. The flame area shall not exceed the screening and spark arrestor;
- m. A fire extinguisher or garden hose connected to a water supply must be readily available for use while the fire is burning;
- n. Fires are prohibited in high wind conditions or when the Fire Weather Index is high or extreme;
- o. The fire must be supervised at all times by the Person in Charge;
- p. The fire must be extinguished completely, leaving only cold ashes, prior to leaving the fire;
- q. All ashes from a wood burning appliance must be totally extinguished prior to being discarded and no ashes from a wood burning appliance are to be discarded in a manner which may start a fire.

6. Further Prohibitions

Notwithstanding any other provision of this regulation a Person shall not:

- a) Leave a fire unattended whether or not it is contained in a propane or charcoal burning installation or is lit under authority of a permit;
- b) Leave the location of a fire until the fire has been completely extinguished;

- c) No Person shall burn, at any time, on any premises, the following materials:
 - i. Treated or painted lumber;
 - ii. Lumber products containing glue or resin;
 - iii. Wet or unseasoned wood;
 - iv. Leaves, brush or yard waste;
 - v. Garbage;
 - vi. Rubber, tires or plastic, or
 - vii. Any animal carcass or part thereof

7. Fire Weather Index

All permits issued under these regulations are invalid when a “high” or “extreme” hazard rating exists in the locality for which the permit has been issued.

8. Fire Bans

Notwithstanding any provision in this or any other bylaw, the Fire Chief may declare a complete ban of any burning of any kind in the Town.

- a. When determining whether to declare a complete ban on burning, the Fire Chief may take into consideration any or all of the following factors:
 - i. the air quality index;
 - ii. wind conditions;
 - iii. levels of recent precipitation;
 - iv. water shortages or restrictions;
 - v. availability of fire fighters and fire fighting equipment; and
 - vi. the overall fire danger
- b. No Person shall build, ignite or allow any kind of fire when a complete ban on burning has been declared by the Fire Chief and is in effect;
- c. A member of the Fire Department or an Officer may direct a Person to extinguish any fire when a fire ban is in place;
- d. A Person who fails to comply with the direction of a member of the Fire Department or an Officer to extinguish a fire during a fire ban commits an offence and the member of the Fire Department or the Officer, as the case may be, may extinguish the fire.

9. Authority

- a. If in the opinion of an Officer, or in the sole opinion of a member of the Fire Department, a fire poses a danger or does not comply with the requirements of this regulation, a member of the Fire Department may extinguish the fire and take any other steps that member of the Fire

Department deems necessary to ensure that the fire and site of the fire no longer pose a danger.

- b. The Town Manager, may from time to time, and upon such conditions as he/she deems appropriate, appoint the Municipal Enforcement Officer for the purpose of enforcement of this By Law.

10. Offences and Penalties

- a. Any person who is guilty of an offence under these regulations or who acts in contravention of or fails to comply with any provisions thereof, or neglects or refuses to do so, shall be liable on summary conviction:

- i. for a first offence to a fine of not less than \$100 and not more than \$500 or to a term of imprisonment of not more than one month or to both the fine and imprisonment;

- ii. for a subsequent offence to a fine of not less than \$500 and not more than \$1,000 or to a term of imprisonment of not more than 3 months or to both the fine and imprisonment.

- b. Each day upon which the same offence is committed or continued is a separate offence.

- 11. These Regulations were passed and adopted by Council on the 23 day of September, 2008 and will come into effect on the 23 day of September, 2008 and shall be cited as the "The Town of Labrador City Open Air Burning Regulations".