

**Town Council of the Town of Marystown
(Outdoor Fire) Regulations**

Pursuant to the authority conferred by the *Municipalities Act, 1999, SNL 1999, C. M-24*, the following regulations were approved by the Town Council of the Town of Marystown on the 31st day of July A.D., 2012.

Mayor

Chief Administrative Officer

These regulations regarding open outdoor fires, incinerators and outdoor fireplaces shall complement the requirements of the Fire Prevention Act and Forest Fire Regulations under the Forestry Act.

DEFINITIONS In these regulations:

- a) **“Town”** means Town of Marystown.
- b) **“Open Air Fire”** is any fire that is caused, set, lit or otherwise ignited outside the confines of any building.
- c) **“Chief”** means Fire Chief of the Marystown Volunteer Fire Department or other person designated by the Chief in and for the fire protection of the Town.
- d) **“Fire Department”** means the Marystown Volunteer Fire Department.
- e) **“Permit”** means permit for Open Outdoor Fire.
- f) **“Suitably Equipped”** means 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) **“Listed”** means an appliance which has been tested, listed and/or labeled by an accredited testing agency such as UL, CSA, etc.

1. Permits

- a. A person shall not light an open fire within the Town of Marystown to clear land or brush on forest land or within 300 metres of forest land during the forest fire season unless that person lights the fire under the authority of a permit to burn issued by the Minister or the Minister's designate under the *Forestry Act*.

Exception: This permit will only be required during the forest fire season as outlined by Department of Forestry.

- b. Permitted open fires shall be located not less than 4.5m (15 ft) from any structure, other than as described in these regulations.
- c. A person may light a fire without a permit in an incinerator or outdoor fireplace in accordance with these regulations and conditions established by the *Fire Prevention Act* and *Forestry Act*.

No permit is necessary to burn in a barrel provided:

- a. The barrel is covered with a screen with a mesh no larger than 1/2 inch and completely contains the fire;
- b. The barrel is located on private property and kept at least 15 meters from the nearest woods, brush, or flammable material;
- c. 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 sq. meters;
- d. The barrel is made entirely of non-combustible material, in good condition and an attendant is on site if the fire weather index is extreme or high; and
- e. The barrel ash is totally extinguished before being discarded on mineral soil at least 15 meters from any woods, brush, or flammable material.

No permit is necessary to burn in an outdoor wood burning unit, provided:

- a. The unit is made entirely of non-combustible material;
- b. The unit completely contains the fire;
- c. The unit is screened to prevent the escape of sparks or other burning material;
- d. 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 sq.

meters; and

- e. The unit is located a minimum of 3.5 meters from the nearest woods, brush or other flammable material.

2. Prohibition

- a. Open or outdoor fires are not permitted when the fire weather index is high or extreme.
- b. All permits to burn issued under these regulations are invalid when a high or extreme fire weather index exists in the locality for which the permit has been issued.
- c. Open fires and fires in incinerators and outdoor fireplaces are not permitted when the fire weather index is high or extreme or when prohibited by the authority having jurisdiction.

3. Supervision

- a. Open fires and fires in non-listed incinerators and outdoor fireplaces shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to a water supply or other fire extinguishing equipment readily available for use.

4. Outdoor fireplaces

- a. Outdoor fireplaces shall be located on private property and shall be at least 4.5m (15ft) from any woods, brush or other flammable natural materials.
- b. No outdoor fireplace shall be kindled or maintained on combustible balconies or within 3m (10ft) of any structure.

Exception: Outdoor fireplace units listed for such use and installed in accordance with manufacturers installation instructions.

- c. No outdoor fireplace shall be kindled or maintained on balconies that are attached to a multiple family dwelling unit of three or more living units located one above the other.

Exception: Outdoor fireplace units listed for such use and installed in accordance with manufacturers installation instructions.

- d. Outdoor fireplaces shall completely contain the fire and shall be screened to prevent the escape of sparks or other burning materials.

5. Maintenance

- a. Incinerators, outdoor flame producing devices and outdoor fireplaces shall be maintained in good condition, working order and repair at all times. Appliances requiring a spark arrester or screen shall only be used if the device is in place and in good condition.
- b. Every commercial incinerator, commercial charcoal or Liquid Propane-Gas grill shall be listed by a recognized listing agency and installed in accordance with manufactures installation instructions.

6. Enforcement

- a. Provisions of these regulations may be enforced by the Fire Chief or Fire Inspector, Marystown Fire Department or person designated by the Fire Chief, or Town of Marystown.

7. Offence

- a. Pursuant to Section 420 of the Act, every person, firm or corporation who contravenes or fails to comply with any of the provisions of these Regulations is guilty of an offence and liable on summary conviction
 - (a) for a first offence to a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) or to a term of imprisonment of not more than one month or to both the fine and imprisonment;
 - (b) or a subsequent offence to a fine of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00) or to a term of Imprisonment of not more than 3 months or to both the fine and imprisonment.

These Regulations shall come into effect on the 31st day of July, A.D. 2012, and may be cited as the Town Council of the Town of Marystown (Outdoor Fire) Regulations.

Adopted by Council: July 31, 2012