BAY ROBERTS
CARVED BY THE SEA

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| Title: Open Air Burning By-Laws | Resolution: 2026 - 253 |
| Department: Protective Services | Policy Number: PS2603 |
| Approval Date: May 12, 2026 | Implementation Date: May 13, 2026 |
| Revision Approval Date: N/A | Revision Implementation Date: N/A |

# OPEN AIR BURNING BY-LAW'S

## PUBLISHED BY AUTHORITY

Pursuant to the powers conferred by Section 8 (1) (a) of the Towns and Local Service Districts Act the Town of Bay Roberts has made the following By-Law's.

**1. Title**

These By-Law's shall be cited as "The Town of Bay Roberts Open Air Burning By-Law's".

**2. Interpretation**

In these By-Law's unless the context otherwise requires:

a) "Open Air" means not within a structure.

b) "Town" means the Town of Bay Roberts.

c) "Outdoor Wood Burning Appliance" means an appliance used in the open air to burn wood. This does not include external wood furnaces.

d) "Council" means the Town Council of the Town of Bay Roberts.

e) "Person in Charge of a Fire" means the owner of a property upon which the burning is taking place, or person who has the owner's written consent to conduct the burning.

f) "No Burn Zone" means any area designated where the Town of Bay Roberts, the Province of Newfoundland & Labrador or the Bay Roberts Fire Department does not allow fires as a result of an order.

g) "Municipal Authority" means the Town of Bay Robe1is Council constituted or continued under the Town of Bay Roberts.
"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.

h) "Officer" means a member of the Royal Canadian Mounted Police Force stationed in the Province and a Municipal Enforcement Officer, Fire Chief or anyone authorized by the Town of Bay Roberts to enforce this bylaw.

j) "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 fire ignited in the open air.

l) "Permit". means a permit for burning in the open air issued by the Town of Bay Roberts Fire Department under the authority of this bylaw.

## 3. Application of Bylaw

a) This bylaw 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 of Bay Roberts Fire Department.

c) The permit referred to in this bylaw shall specify:

i. the area in which the fire is being lit;
ii. the purpose for which the fire is being lit; and
iii. the Person in Charge of the fire and responsible for lighting, supervision and control of the fire.

## 4. Outdoor Wood Burning Appliances

Outdoor wood burning appliances may be used throughout the Town of Bay Roberts without a permit but the following provisions shall apply.

a) The manufacturer's installation instructions are followed.

b) 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.

c) Clearances of 3.0m (10') shall be observed in all directions from other combustible materials.

d) The outside wood-burning appliance must be of sufficient construction to withstand the effects of heating and cooling and must be constructed of non-combustible materials, which will prevent the accidental spreading of fire.

e) Smoke, smell, airborne sparks or embers shall not infringe on the use and enjoyment of other prope1iies or become a nuisance to neighboring residents.

f) It is equipped with a grate. This allows for the proper airflow for cleaner burning.

g) Wood burning appliances shall be properly maintained in good condition, always working order and repair.

h) A fire extinguisher or garden hose connected to a water supply must be readily available for use while the fire is burning.

i) Fires are prohibited in high wind conditions or when the Fire Weather Index is high or extreme.

j) The fire must be supervised at all times by the Person in Charge.

k) The fire must be extinguished completely, leaving only cold ashes, prior to leaving the fire.

1) 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.

**5. Open Air Burning**

a) Open Burning is not permitted Between April 15-November 1 every Calander year. This does not ban approved fire

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

c) A permit holder shall not burn more than one pile of material at any given time.

d) 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.

e) 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. 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 lit, 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 electrical wire, tires, plastics, treated lumber, asphalt and asphalt products, drywall, demolition waste, hazardous waste, biomedical waste, domestic waste, manure, rubber, trash, garbage, or other waste from commercial, industrial or municipal operations, tar paper, railway ties, paint and paint products, fuel and lubricant containers, used oil, animal cadavers, hazardous substances, materials disposed of as part of the removal or decontamination of equipment, buildings or other structures, etc.

h) A person must not light any fire that will cause smoke or smell from said fire to cause irritation or become a nuisance to neighboring propel iies.

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. 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:

1. the air quality index;
11. wind conditions:
111. levels of recent precipitation;
1v. water shortages or restrictions;
v. availability of fire fighters and fire fighting equipment; and
v1. 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 Municipal Enforcement or RCMP may direct a Person to extinguish any fire when a fire ban is in place.
Open fires shall not be permitted in a no bum zone.

d) A Person in charge of a fire who fails to comply with the direction of a member of the Fire Department or Municipal Enforcement or RCMP to extinguish a fire during a fire ban commits an offence and the member of the Fire Department or Municipal Enforcement or RCMP, as the case may be, may extinguish the fire.

7. **Authority**

The responding "Officer" shall have the authority to extinguish, or order extinguished any fire (or fires), which pose a health or fire hazard to persons or property or does not meet the provisions of this bylaw.

8. **Offences and Penalties**

a) Any person who is guilty of an offence under these By-Law's 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:

1. for a first offence to a fine of not less than $100 and not more than $1,000 or to a term of imprisonment of not more than one month or to both the fine and imprisonment; and
ii. for a subsequent offence to a fine of not less than $1,000 and not more than $2,000 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.

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## 9. Coming into Effect

These Bylaws were passed and adopted by Council on the 12th day of May, 2026 and will come into effect on the 13th day of May, 2026 and shall be cited as the "The Town of Bay Roberts Open Air Burning By-Law".

**Mayor**

**Town Clerk**

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# TOWN OF BAY ROBERTS FIRE DEPARTMENT OPEN AIR BURNING

PERMIT #_____

Name:.....Phone:.....

Mailing Address:_____

Person in Charge of the fire: .....

Description of burning materials: _____

Purpose for which the fire is being lit: _____

Location of fire (Civic Address):.....

Date the fire is to be lit:.....

_____
Fire Chief/Designate

1. The holder of the permit 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.
2. A permit holder shall not burn more than one pile of material at any given time.
3. 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.
4. The permit holder shall ensure that the method of burning, and material burned is consistent with the information provided by the Fire Chief when the permit was issued.
5. The Fire Department shall be immediately notified if the fire is or appears to be getting out of control.
6. No person or permit holder shall light, ignite, or start or allow or cause to be lit, ignited or started, a fire of any kind whatsoever in the open air without being equipped to contain or extinguish the fire.
7. The holder of the permit will not be permitted to burn electrical wire, tires, plastics, treated lumber, asphalt and asphalt products, drywall, demolition waste, hazardous waste, biomedical waste, domestic waste, manure, rubber, trash, garbage, or other waste from commercial, industrial or municipal operations, tar paper, railway ties, paint and paint products, fuel and lubricant containers, used oil, animal cadavers, hazardous substances, materials disposed of as part of the removal or decontamination of equipment, buildings or other structures, etc.
8. A person must not light any fire that will cause smoke or smell from said fire to cause irritation to neighboring properties.
9. 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.
10. A person to whom the permit is issued shall keep a copy of the permit on site where the burning is taking place.