



PUBLISHED BY AUTHORITY

Pursuant to the authority conferred by the *Municipalities Act, 1999*, SNL 1999 c M-24, s 414 and any other enabling sections of the Act, the following Regulations have been made by the Town Council of the Town of Holyrood on the 6 day of February, 2018.

A copy of these Regulations was forwarded to the Minister of Municipal Affairs on the 7 day of February, 2018.



Gary Gooble, Mayor



Gary Corbett, Town Clerk

OPEN AIR FIRE REGULATIONS

TITLE

1. These Regulations shall be known and cited as the Town of Holyrood *Open Air Fire Regulations*.

DEFINITIONS

2. In these Regulations, unless context requires otherwise:
 - (a) "**Chief**" means the Fire Chief of the Holyrood Fire Department or other persons designated by the Chief in and for the fire protection of the Town;
 - (b) "**Council**" means the Town Council of the Town;
 - (c) "**Fire Department**" means the Town's fire department or a fire department in another municipality, as approved by Council;
 - (d) "**Open Air Fire**" is any fire that is caused, set lit or otherwise ignited outside the confines of any building. For the purpose of these Regulations, it does not include any fire which is caused, set lit or otherwise ignited in open air fireplaces, grills, barbecues or barrels;
 - (e) "**Permit**" means permit for an open fire, issued by the Fire Chief at the Fire Department;

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- (f) **"Person"** means a person, firm, partnership, association, corporation, company, or organization of any kind;
- (g) **"Regulations"** mean the Town of Holyrood *Open Air Fire Regulations*;
- (h) **"Suitable Equipped"** means being in possession of the 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;
- (i) **"Town"** means the Town of Holyrood.

APPLICATION

- 3. These Regulations shall apply to the municipal area of the Town of Holyrood.

PERMIT

- 4. No person 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.
- 5. Notwithstanding section 4, a Permit is not required to burn in a barrel provided:
 - (a) the barrel is covered with a screen with the mesh no longer than ½ inch and completely contains the fire;
 - (b) the barrel is located on private land 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 14 meters from any woods, brush or flammable material.
- 6. Notwithstanding section 4, a Permit is not required to burn 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 rests on legs or supports & is placed on mineral soil or non-combustible material having a surface area a minimum of 1.5 sq meters; and,
 - (d) The unit is located a minimum of 3.5 meters from the nearest woods, brush or other flammable mater.
- 7. Where a Permit is not required under sections 5 or 6, a person must still comply with the provisions of sections 14-17 of these Regulations as if they were a permit holder.

8. 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.
9. The Chief may include terms and conditions on a Permit that he or she considers appropriate for the Permit being sought.
10. A permit may, by oral or written notice be cancelled or suspended at any time by the Chief 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.

CONSIDERATIONS WHEN GRANTING PERMIT

11. In making a determination under section 4, the Chief may consider:
 - (a) the number of permits issued on a particular day;
 - (b) the velocity of the wind;
 - (c) the general weather conditions prevalent;
 - (d) whether or not the applicant is suitably equipped to ensure the fire is maintained under control;
 - (e) the proposed manner and method of burning;
 - (f) 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;
 - (g) whether the applicant is nineteen years of age or older and ensures that at least one other person, of nineteen years of age or older, suitably equipped to control the fire, will be present while the fire is burning or smoldering;
 - (h) any other manner the Chief determines relevant to safety.
12. Where the Chief determines that the proposed burning would be a hazard to safety or where there is failure to meeting the requirements of these Regulations, 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 take any further action that is necessary to eliminate the hazard, the costs of which may be recovered from the person responsible for creating the hazard, as a civic debt.
13. In addition to terms and conditions applicable under section 9, 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.

DUTIES OF A PERMIT HOLDER

14. 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 responsibly foreseeable precaution to prevent the fire from spreading and shall not leave the fire unattended until it is completely extinguished.
15. A person, including a Permit holder, shall not:

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- (a) burn more than one pile of material at any given time;
 - (b) ignite any fire when the wind is blowing of sufficient velocity such that it may jeopardize the permit holders' ability to control the fire;
 - (c) light, ignite, or start or allow or cause to be ignited, ignited or started, a fire of any kind whatsoever in the open air without being suitably equipped to contain or extinguish the fire;
 - (d) be permitted to burn any petroleum-based product, such as oil, rubber tires, plastic, shingles electrical wire; or
 - (e) light any fire that will cause smoke from said fire to cause irritation to neighboring properties.
16. A Permit holder shall:
- (a) ensure that the method of burning and material burned is consistent with the information provided by the Chief when the permit was issued; and,
 - (b) keep a copy of the permit on site where burning is taking place.
17. Possession of a Permit does not discharge the person to whom it is issued from responsibility for damages resulting from an open air fire.

OFFENCES

18. Any person who contravenes the provisions of these Regulations or who fails to comply with any provision thereof including orders made pursuant to these Regulations, or neglects or refuses to do so, is guilty of an offence.

ENFORCEMENT

19. These Regulations may be enforced by the Town and any person appointed by the Town of Holyrood.

PENALTIES

20. Any person who is guilty of an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof or neglects or refuses to do so shall:
- (a) be liable to penalties as stipulated in accordance with section 420 of the Act; or,
 - (b) be subject to an order under section 404(1) of the Act; or,
 - (c) be subject to a violation notice issued under section 421.1 of the Act; or,
 - (d) be issued a ticket under the *Provincial Offences Act* in accordance with section 421.2 of the Act.

SEVERABILITY & COMPLIANCE WITH OTHER ACTS

21. If a Court of competent jurisdiction should declare any section or part of a section of these Regulations to be invalid, such declaration shall not affect the remaining portions of the Regulation and the remainder of these Regulations should be valid and shall be in force and effect.
22. Where conflict exists between these Regulations and any provincial law or regulation, the provincial law or regulation shall apply.

REPEALING OF PREVIOUS REGULATIONS AND AMENDMENTS

23. All previous Town of Holyrood *Open Air Fire Regulations* and amendments are repealed.

EFFECTIVE DATE

24. These Regulations come into force on the day of , 2017.