

Town of Happy Valley-Goose Bay

Open Air Fire By-Law, 2025

Pursuant to and by virtue of the powers conferred by Sections 7(1)(e), 8(1)(a), (f), and (l), and 11 of the *Towns and Local Service Districts Act*, SNL 2023, c-T-6.2, as amended, the Town Council of the Town of Happy Valley-Goose Bay enacts the following Open Air Fire By-Law.

1. TITLE

This By-Law may be cited as the “Town of Happy Valley-Goose Bay Open Air Fire By-Law, 2025”.

2. PURPOSE

This By-Law is enacted to increase fire prevention to protect the safety, health, welfare and property of the public within the Town of Happy Valley-Goose Bay 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 this By-Law,

- A) “*Act*” shall mean the *Towns and Local Service Districts Act*, SNL 2023, c T-6.2, 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 Department as appointed by council in accordance with s. 69(1) and s. 163 of the Act or other person designated by the Fire Chief to support the requirements of this By-Law.
- 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 or embers from the enclosure. Typically constructed from recycled steel drums.
- F) “*Fire Department*” shall mean the Happy Valley-Goose Bay Fire Department established in accordance with s.69(1) and s. 163 of the Act.
- G) “*Fire Permit*” shall mean a permit to allow burning of 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 Fisheries, Forestry and Agriculture.
- 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) “*Guy Fawkes Night*” shall mean the annual commemoration of the Gunpowder Plot of 1605 observed on November 5 involving bonfires and firework displays;
- M) “*Incinerate*” shall mean to burn up completely; reduce to ashes.
- N) “*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.
- O) “*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.
- P) “*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.
- Q) “*Pellets*” shall mean a manufactured wood based product intended to be burned in specially designed fuel burning appliances.
- R) “*By-Law*” shall mean the Town of Happy Valley-Goose Bay Open Air Fire By-Law, 2025.
- S) “*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.
- T) “*Town*” shall mean the Town of Happy Valley-Goose Bay as incorporated under the Act.

4. **APPLICATION OF BY-LAW**

This By-Law shall apply to all areas of the Town and during the entire year.

5. **FIRE PERMIT**

- A) No person or persons 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 from the Chief.
- B) Notwithstanding Section 5.A), a permit is not required:
- (a) To burn in a fire barrel provided:
 - (i) All openings in the barrel enclosure including vent holes and screening shall be sized to prevent the passage of a 13mm diameter cylindrical rod;
 - (ii) The barrel is located on private property and kept at least 3.5 m from a property line and at least 15 m 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 208 L and maximum diameter of 610 mm;
 - (vi) Only fuel intended for use in the barrel is burned; and
 - (vii) The barrel ash is totally extinguished before being discarded on minerals soil at least 15 metres 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 a 7 mm diameter cylindrical rod;
 - (ii) The fireplace is located at least 3.5 m 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 0.3 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 is 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 this By-Law; 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.
- C) Where a permit is not required under sections 5.B) this shall not relieve a person from the requirements set out in Section 6 of this By-Law as if they were a permit holder.
- D) During the official forest fire season, as determined by the Department of Fisheries, Forestry and Agriculture, a permit to burn from that Department is required for lighting outdoor fires on forest land or within 300 m of forest land, all pursuant to the *Forestry Act*, RSNL 1990, c. F-23. This permit must be obtained first and presented to the Chief when obtaining a fire permit for an open air fire of this type.
- E) A permit is required for open air fires on Guy Fawkes Night;
- F) In making a determination under Section 5.A), the Chief may take into consideration the following:
 - (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, where the burning will occur;

- (g) Whether the applicant is 19 years of age or older and ensures that at least one other person, of 19 years of age or older, suitably equipped to control the fire, will be present while the fire is burning or smoldering;
 - (h) The provincial fire index as declared by the Department of Fisheries, Forestry and Agriculture;
 - (i) Fuel material being burned;
 - (j) Whether a permit to burn from the Department of Fisheries, Forestry and Agriculture is required or has been obtained;
 - (k) Any other factor the Chief determines relevant to safety.
- G) Where the Chief determines that the proposed burning would be a hazard to safety or where there is a failure to meet the requirements of this By-Law, 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 other actions necessary to eliminate the hazard pursuant to section 164 of the Act. The Town may issue an order under section 285 of the Act and the costs of eliminating the hazard may be recovered from the owner or occupier of the property on which the fire was ignited, as a civil debt.
- H) The Chief may specify on the permit the hours of 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.
- I) 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.
- J) The Chief may include in a permit those items and conditions that he or she considers appropriate for the permit being sought.
- K) 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.
- L) The fee for issuance of a permit shall be set out in the Town's current Tax Structure & Schedule of Fees.

6. **DUTIES OF PERMIT HOLDER**

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

- C) 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.
- D) The permit holder shall ensure that the method of burning and material burned is consistent with the information provided when the permit was issued.
- E) The Fire Department shall be immediately notified if the fire is or appears to be getting out of control by call 911.
- F) No person or permit holder 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 holder of the permit will not be permitted to burn any petroleum-based product, such as oil, rubber tires, plastic, shingles, electrical wire etc.
- H) The possession of a permit does not discharge the person to whom it is issued from responsibility for any damage resulting from the open-air fire.
- I) A person to whom the permit is issued shall keep a copy of the permit on site where the burning is taking place for presentation when required.

7. PROHIBITED

- A) All open air fires with the exception of fires contained in a barbecue or gas appliance for intended purpose shall be prohibited whether or not a permit has been previously issued when either the Department of Fisheries, Forestry and Agriculture or the Town has initiated a fire ban within its jurisdiction; or
- B) In accordance with 7.A) 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.
- C) Public notice in a format and manner acceptable to the Chief shall be issued upon the initiation and lifting of a Town fire ban.

8. CONTRAVENTION OF BY-LAW

- A) Any person who neglects or fails to comply with or acts in contravention of this By-Law shall be guilty of an offense and shall be liable on Summary conviction to a penalty as provided for in Section 290 of the Act.
- B) Any person who ignites, or who appears to have the care and control of a fire ignited in contravention of this By-Law shall immediately extinguish the fire upon the order of the Chief, which order need not be in writing.

9. REPEAL OF PREVIOUS REGULATIONS

All previous Town of Happy Valley-Goose Bay Regulations related to Open Air Fires are repealed by this By-Law.

10. **COMPLIANCE WITH OTHER LEGISLATION**

Nothing in this By-Law serves to exempt any person from obtaining any license, permission, permit, authority or approval required by any other By-Law made under this Act, or Regulation made under the *Municipalities Act, 1999*, SNL 1999, M-24, that remains in force and effect by virtue of section 403 of the Act, or any Statute or Regulation of the Province of Newfoundland and Labrador. Where there is a conflict between a provision of this By-Law and a provision of another By-Law or Regulation of the Town, the more restrictive provision shall prevail. Where there is a conflict between this By-Law and a provincial statute or regulation, the provincial law shall prevail.

11. **EFFECTIVE DATE**

This By-Law shall come into force and effect from the date of publication in *The Newfoundland and Labrador Gazette*.

All prior Town of Happy Valley-Goose Bay Open Air Fire Regulations or Policies are hereby repealed.

Adopted by the Town Council of the Town of Happy Valley-Goose Bay on the 24th day of February, 2025.

In witness whereof the Seal of the Town of Happy Valley-Goose Bay has been affixed hereto and this By-Law has been signed by the Mayor and the CAO on behalf of Council on the 25th day of February, 2025.



George Andrews

Mayor



Nadine MacAulay

CAO/Town Clerk

TOWN OF HAPPY VALLEY-GOOSE BAY OPEN AIR FIRE PERMIT

Issued under the Town of Happy Valley-Goose Bay Open Air Fire By-Law, 2025

Date: _____

This permit authorizes _____ of _____ (address) to burn an open air fire on _____ (specify location) within the Town of Happy Valley-Goose Bay on this date between the hours of _____ and _____.

CONDITIONS

1. The permit holder shall have at least one person at the location and firefighting equipment as follows: _____.
2. The materials permitted to be burnt shall consist of _____.
3. The size of fire shall not exceed _____ square meter(s).
4. No more than one fire shall be burning at any one time.
5. The permit holder shall not leave a fire unattended until it is extinguished.
6. The 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.
7. The permit holder shall not burn any petroleum-based product, such as oil, rubber tires, plastic, shingles, electrical wire etc.
8. Under no circumstances does this permit relieve the permit holder of liability for damages and costs which may be caused by a fire(s) lit under this permit.
9. This permit may be cancelled or suspended at any time by the Fire Chief.
10. A person who fails to comply with the provisions of this permit is guilty of an offence and subject to such penalty as prescribed by the *Towns and Local Service Districts Act*, SNL 2023, c T-6.2.
11. This permit is to be on site where the burning is taking place and must be shown when requested by the Fire Chief or their designate.
12. This permit is not transferable.
13. The Town of Happy Valley-Goose Bay assumes no liability for the actions of the permit holder as described herein.

Signed by:

Permit Holder: _____

Fire Chief or Designate: _____