



OPEN OUTDOOR FIRE, INCINERATOR & OUTDOOR FIREPLACE REGULATIONS

Amended and adopted by the Town Council of the Town of Gander on the 5th day of February, 2014 and to come into effect as of the 5th day of February, 2014.

A copy of these Regulations was sent to the Minister of Municipal and Intergovernmental Affairs on the 10th day of February, 2014.


Claude Allis
MAYOR

J. Brian
TOWN CLERK

PUBLISHED BY AUTHORITY

Pursuant and by virtue of the powers conferred by Section 414 and any other enabling sections of the *Municipalities Act, 1999 SNL Chapter M-24* as amended, the Town Council of the Town of Gander hereby adopts the following Open Outdoor Fire, Incinerator and Outdoor Fireplace Regulations.

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MAYOR


TOWN CLERK

OPEN OUTDOOR FIRE, INCINERATOR & OUTDOOR FIREPLACE REGULATIONS

1. Title

These Regulations may be cited as the Town of Gander Open Outdoor Fire, Incinerator and Outdoor Fireplace Regulations.

2. Definitions

In these Regulations, unless the context otherwise requires:

- a) "Open Fires" means fires that are not contained in a properly designed and screened appliance. Example – burning of brush, leaves in an open barrel or on the ground;
- b) As per Schedule "A" of the Town of Gander's Development Regulations.

3. Application

- a) These Regulations have been adopted to increase the level of fire prevention and fire safety for those citizens of Gander who wish to use outdoor fireplaces, incinerators or conduct outdoor burning;

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- b) A person wishing to light an open fire within the Town of Gander is required to obtain a burning permit from Gander Fire Rescue. During the forest fire season, and if applicable, persons will also obtain a permit from the local provincial forestry office. There is no fee for this permit.

4. Open Burning Regulations

- a) Open fires shall be a minimum of 3m (10ft) away from any structure or as indicated on the issued permit;
- b) Permit holders shall not burn any garbage including plastic or synthetic types of materials;
- c) Burning shall only be conducted during those hours specified on the permit;
- d) Open burning shall be supervised at all times;
- e) A functional garden hose or other suitable fire extinguishing equipment shall be readily available for use;
- f) Open fires are prohibited when the fire weather index is high or extreme;
- g) Permit holders shall follow instructions contained on the burning permit.

5. Outdoor Fireplaces

- a) A person may light a fire in an outdoor fireplace or incinerator without obtaining a burning permit;
- b) Outdoor fireplaces, incinerators, or similar devices shall be suitably screened to prevent the escape of sparks or similar materials and shall fully contain the fire within the appliance;
- c) Outdoor appliances shall only be used with the screen(s) or spark arrester in place;
- d) Outdoor appliances shall NOT be used on combustible (wooden) decks or patios or within 3m (10ft) of woods, brush or a fence or building (unless the appliance is certified for this use);
- e) Outdoor fireplaces or incinerators shall NOT be used on balconies of multifamily dwellings (apartment buildings);
- f) Outdoor fireplaces shall be used on private property;
- g) Outdoor fireplaces shall be supervised at all times. A functional garden hose or other suitable fire extinguishing equipment shall be readily available for use;
- h) Fires in outdoor fireplaces are prohibited when the fire weather index is high or extreme.

6. Enforcement

- a) The Town Council of Gander or its authorized administrator shall be the Enforcement Authority for the purposes of these Regulations;
- b) Enforcement and prosecution under these Regulations may be undertaken by any Police Officer or by any other person so authorized by the Enforcement Authority;
- c) Pursuant to Section 404(1) of the Act, the Enforcement Authority may serve upon the owner or any other person in violation of a provision of these Regulations, a serially numbered notice advising the nature of the violation and required action to conform with the standards as set out in these Regulations;
- d) The owner or any other person served a notice shall carry out the directions of the Enforcement Authority referred to in Section 6 (c) at the cost of the owner or person served within the time specified;
- e) Where the Enforcement Authority has placed or caused the placing of a sign, placard, or notice upon any premises under the authority of these Regulations or any other applicable law, by-law or regulation, no person shall remove such sign, placard, or notice except with the consent of the Enforcement Authority;
- f) Any costs to the Town for all works carried out in response to a violation of these Regulations, in addition to any penalty prescribed hereunder, may be recoverable from the owner or the person in contravention of these Regulations as a civil debt;
- g) Every person requested by a Police Officer or person authorized to enforce these Regulations shall upon request, forthwith give his/her proper name and address;
- h) It shall be the duty of a Police Officer or the Enforcement Authority to:
 - i. Report the name and address of any person observed, or reliably reported to have violated any of the provisions of these Regulations;
 - ii. Report the time and nature of the violation of the Regulations, and any circumstances being relevant to the violation;
 - iii. Serve upon the person violating and provision of these Regulations a serially numbered notice that the person concerned has violated a provision of the Regulations, and instructing such person to carry out any order in regard to such violation;
 - iv. Furnish the Town Clerk a duplicate of each serially number notice of violation.

7. Failure to Comply

- a) Pursuant to Section 404(5) of the Act, where a person to whom an order is directed does not comply with the order or part of an order made under Section 6 (c), Council may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by Council in carrying out the terms of the order are recoverable from the person against whom the order was made as a debt owed to Council;
- b) Council may delegate to an official or employee of Council the power to issue orders under this section;
- c) The owner shall save harmless Council, its employees, servants or agents from any and all claims arising out of the actions of Council, its employees, servants or agents in the process of inspecting and/or carrying out work under these Regulations, except in the case of gross negligence.

8. Offence and Penalties

- a) Every person who commits 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:
 - i. May be liable to penalties as stipulated in accordance with section 420 of the Act; or
 - ii. May be subject to an order under section 404 (1) of the Act; or
 - iii. May be subject to a violation notice issued under section 421.1 (1) of the Act; or
 - iv. May be issued a ticket under the Provincial Offences Act in accordance with section 421.2 of the Act.
- b) The conviction of a person for failing to comply with a requirement or obligation referred to in subsection (a) shall not operate as a bar to further prosecution under these Regulations for the continued failure on the part of the person in comply;

9. Severability

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 remainder of these Regulations and the remainder of these Regulations should be valid and shall remain in force.

10. Repeal

All previous Open Outdoor Fire, Incinerator and Outdoor Fireplace Regulations are hereby repealed.