



Pursuant to the authority conferred by Section 414 (cc) of the Municipalities Act, 1999, the following regulations have been made by the Town Council of Torbay and were "Adopted" on August 23, 2010.

Pursuant to the authority conferred by Sections 413 and 414 of the Municipalities Act, 1999, the following regulations are being amended by the Town Council of Torbay.

OPEN AIR BURNING REGULATIONS

1. Title

These regulations may be cited as "*The Town of Torbay Open Air Burning Regulations.*"

2. Interpretation

In these regulations, unless the context otherwise requires:

- a) "*Open Air*" means not within a structure.
- b) "*Town*" means the Town of Torbay.
- c) "*Chief Administrative Officer*" means the Chief Administrative Officer of the Town of Torbay.
- d) "*Outdoor Wood Burning Appliance*" means an appliance used in the open air to burn wood. This does not include external wood furnaces.
- e) "*Council*" means the Town Council of the Town of Torbay.
- f) "*Person in Charge of a Fire*" means the owner of a property where the burning is taking place, or person who has the owner's written consent to conduct the burning.
- g) "*No Burn Zone*" means any area designated where the Town of Torbay, the Province of Newfoundland and Labrador or the Torbay Volunteer Fire Department does not allow fires as a result of an order.

- h) “*Municipal Authority*” means the Town of Torbay Council constituted or continued under the Town of Torbay.
- i) “*Nuisance*” means any obnoxious substance, smoke or other unsanitary matter that has an unpleasant effect on the senses or affects an individual’s health and well-being.
- j) “*Officer*” means a member of the Royal Newfoundland Constabulary and a Municipal Enforcement Officer or Officer of the Torbay Volunteer Fire Department or anyone authorized by the Town of Torbay to enforce this regulation.
- k) “*Grate*” means a metal rack supported on a non-combustible enclosure. Protective screen and spark screen should not allow sparks or ambers to escape.
- l) “*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.
- m) “*Permit*” means a permit for burning in the open air issued by the Town of Torbay under the authority of this regulation.
- n) “*Ban and Restrictions*” means any open air burning restrictions or complete bans put in place by the Torbay Fire Department Fire Chief and/or The Province/Department of Forestry.

3. Application of Regulation

- a) This regulation shall apply to all areas of the municipality and during the entire year.

4. Outdoor Wood Burning Appliances

Outdoor wood burning appliances may be used throughout the Town of Torbay but the following provisions shall apply.

- a) The manufacturer’s installation instructions are followed;
- b) They are not placed on wooden decks or combustible platforms;
- c) Only dry seasoned firewood or fire logs shall be used as it burns with little or no smoke by-product;
- d) Clearances of 3.0 m (10’) shall be observed in all directions from other combustible materials;
- e) These appliances shall not be used when the Department of Forestry, the Torbay Volunteer Fire Department or the Town of Torbay have placed a ban or restrictions on all open air burning within its jurisdiction;
- f) Only one outdoor wood-burning appliance may be used on a property at a time;

- g) The outdoor 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;
- h) It does not allow smoke, smell, small airborne sparks or embers to infringe on the use and enjoyment of other properties or become a “nuisance” to neighboring residents; and,
- i) It is equipped with a grate. This allows for the proper airflow for cleaner burning.

5. Special Burning

- a) Provincial Regulations state that during Fire Season, Permits have to be issued through the Department of Natural Resources. When Provincial Regulations are not in effect, Permits have to be obtained from the Torbay Volunteer Fire Department.
- b) Other such open-air fires that may be prescribed from time to time by the Torbay Volunteer Fire Department.
- c) Open air burning pursuant to subsection 5 (a) shall require the “Person in Charge of the Fire.”
 - 1) To be aware that the Fire Chief may impose conditions on any outdoor burning, which they deem necessary for the safety and protection of property, the community and the health and well being of residents.
 - 2) To be “suitably equipped” to deal with an emergency, and;
 - 3) To comply with the provisions of this regulation.

6. 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 regulation.

7. Penalty

Any person who is guilty of an offence under these regulations or who acts in contravention of or fails to comply with any provisions thereof, or neglects or refuses to do so, shall be liable (as per Municipalities Act, 1999, Sections 419 & 420):

- a) For a first offence to a fine of not less than \$100.00 and not more than \$500.00 or to a term of imprisonment of not more than one month or to both the fine and imprisonment.
- b) For a subsequent offence to a fine of not less than \$500.00 and not more than \$1000.00 or to a term of imprisonment of not more than 3 months or to both the fine and imprisonment.

8. Coming Into Effect

These Regulations shall come into effect on the 16th day of July, 2024.

9. Publication

These Regulations were published on the 16th day of August, 2024 and appeared in the Northeast Avalon Times and NL Gazette.

10. Copy to Minister

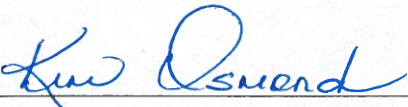
A copy of these regulations was sent to the Minister of Municipal Affairs on the 8th day of August, 2024.



Mayor

Aug 2nd / 2024

Date



CAO/Town Clerk

Aug 2nd / 2024

Date

OPEN AIR BURNING REGULATIONS REVISION LISTING		
Original Adoption	August 23, 2010	Rev 0
Regulations Updated	July 16, 2024 – RES-35-2024	Rev 1