

Town of Torbay

Fire Prevention By-Law

Pursuant to the authority conferred in sections 7 and 8 of the Towns and Local Service Districts Act, 2025, the Town Council of Torbay has adopted the following By-laws on the June 9, 2025.

1. TITLE

1.1 This document will be known and cited as the *Fire Prevention By-Law*.

2. PURPOSE

2.1 BEING A BY-LAW TO ESTABLISH a policy for Torbay Volunteer Fire Department Personnel for Fire Prevention, Public Education Programs and activities as a primary means of protecting lives and property from fire.

AND WHEREAS Section 7. (1) (e) of the Towns and Local Service Districts Act provides that a Town Council shall adopt by-laws for town purposes subject to the Fire Protection Services Act, the prevention of fire in a town and the inspection of buildings in a town for fire protection services.

AND WHEREAS The Town of Torbay established the Torbay Volunteer Fire Department

NOW THEREFORE the Council of the Town of Torbay hereby enacts as follows:

3. INTERPRETATION/DEFINITION

3.1 "*Corporation*" means the Corporation of the Town of Torbay.

3.2 "*Council*" means the council for the Town of Torbay.

3.3 "*Emergency Activities*", are activities of the Fire Department relating to rescue, fire suppression, emergency medical services, and special operations, including response to the scene of the incident and all functions performed at the scene.

3.4 "*Fire Chief*" means the person appointed under Section 69 of the Towns and Local Services Districts Act (SNL2023 Chapter T-6.2), to be Fire Chief in accordance with this position's role description, as amended.

3.5 "*Fire Department*" means the Torbay Volunteer Fire Department established by the Town of Torbay under Section 163 of the Towns and Local Service Districts Act (SNL2023 Chapter T-6.2), and amended, and comprised of those roles as set out in the Torbay Volunteer Fire Department Operating Policy.

3.6 "*Firefighter*" means the Fire Chief and any other person employed in, or appointed to, the Fire Department and assigned to undertake fire protection services, and includes a volunteer firefighter.

3.7 "*FPSA*" means the Fire Protection Services Act (SNL2008 Chapter F-11.01), as amended, or any successor legislation, and any regulation made there under.

3.8 "*Municipality*" means the Town of Torbay.

3.9 "*NFPA*" means codes, standards, recommended practices, and guides as developed and amended by the National Fire Protection Association.

3.10 "*Officer*" means those persons appointed in accordance with the Torbay Volunteer Fire Department Operating Policy, as amended, that meet the qualifications and, if applicable, completes successfully criteria for such employment, including, but not limited to, captains and lieutenants.

3.11 "*Open-Air*" means not within a structure.

3.12 "*Town*" means the Town of Torbay.

4. **APPLICATION**

4.1 To establish a Policy for Torbay Volunteer Fire Department (TVFD) personnel for fire prevention, public education programs and activities as a primary means of protecting lives and property from fire.

4.2 To maintain compliance with the minimum fire prevention and public education activities as required by the Towns and Local Service Districts Act (TLSDA).

5. **PROCEDURE**

5.1 **FIRE PREVENTION RECORDS KEEPING AND RISK ASSESSMENT**

Current records relating to all fire prevention activities must be prepared and retained by the Fire Prevention Officer (FPO). Records shall be made available to the Director of Emergency Services/Fire Chief (DESFC) at all times. These records include, but shall not be limited to:

- Fire and Life Safety Inspection program that includes complaints, requests, and other inspection types;
- Home inspection program;
- Home Oxygen Inspection program;
- Smoke alarm program;
- Carbon Monoxide (CO) alarm program;
- Fire Prevention Week activities;
- Distribution of Public Fire Safety information and media releases;
- Public displays, fire station tours, etc.;

- Lectures, demonstrations, presentations to the public;
- Community Risk Assessment (CRA) and other needs analysis processes containing a current community profile identifying current public education and prevention needs.

5.2 RISK ASSESSMENT

The CRA will be updated every three (3) years and programs modified as appropriate by the DESFC and the FPO.

5.3 PUBLIC EDUCATION PROGRAMS

5.3.1 The FPO, with the assistance of the Volunteer Firefighters (VFF) where appropriate, will provide fire prevention education programs within the community in accordance with the priorities identified in the CRA that may include:

- Steps to Safety (fire and life safety program for older adults);
- Fire Prevention Week (program developed by the National Fire Protection Association (NFPA))

5.3.2 In addition to these programs, social, service and special interest groups may request fire safety related presentations, demonstrations, tours of fire stations, and specific program courses for clubs, Boy and Girl Scouts, and babysitters.

5.3.3 Appropriate fire safety education materials, and voice and print media public service announcements will be distributed in an effective manner to address fire safety issues and concerns based upon needs and circumstances.

5.4 INSPECTIONS AND ENFORCEMENT

5.4.1 Fire and Life Safety Inspections are to be conducted by the FPO and/or a designate as appointed by the FPO, for all written or verbal complaints containing reports of potential Life Safety Code and/or Fire Code violations and/or potential fire hazards, and for all requests for inspections to assess fire safety.

5.4.2 Where a complaint is received on any premise or building in the municipality, the inspection shall be given priority, and conducted as soon as practical under authority of the TLSDA regardless of the frequency established in this Fire Prevention By-law.

5.4.3 The Town of Torbay authorizes the FPO or designate to enter premises for the purpose of conducting Fire and Life Safety Inspections. Any occupancy that refusing entry of the FPO or designate will be provided with a letter of non-compliance by the FPO or designate and issued a fine of \$100/day.

5.4.4 It is the objective of the TVFD to conduct Fire and Life Safety inspections of occupancies at the frequency indicated below and as identified by the CRA:

**FIRE AND LIFE SAFETY INSPECTION SCHEDULE
OCCUPANCY TYPE - FREQUENCY**

Assembly Occupancies (A) – Annually

Schools
Recreation Centers (Arenas)
Licensed Premises
Nursery/Day Care Facilities
Churches
Special Occasion Permits - Upon request

Institutional (B) - Annually

Medical Centers
Nursing Homes
Homes for Special Care

Commercial or Business (D & E) - Annually

Mercantile
Business/Personal Service

Home-based Business – Every 2 years

Industrial (F) - Annually

Factories or Complexes
Repair Garages

Residential (C) – Upon Request

Apartments
Home Inspection Program

Hotels/Motels/B&Bs – Annually

5.4.5 Additional Fire and Life Safety Inspections may be conducted of any occupancy or building as deemed necessary to address the needs and circumstances of the community or a targeted risk.

5.4.6 Appropriate action will be taken to ensure the elimination of serious fire hazards, immediate threats to life from fire, and to enforce the Life Safety Code and/or Fire Code under the authority and in accordance with the provisions outlined in the TLSDA.

5.4.7 Any occupancy that this non-compliant with correcting deficiencies within the recommended timeframe will be provided with a letter of non-compliance by the FPO or designate and issued a fine of \$100/day. This fine will be cumulative on a daily basis until the date all deficiencies are resolved. A copy of the letter of non-compliance will also be provided to the Town's Corporate Services Division for administration of fine. The FPO will report to the Town's Corporate Services Division the date all deficiencies are resolved.

5.4.8 Non-compliance will also result in escalation to the Fire Services Division and any other applicable Department of the Provincial Government.

5.5 COMPLIANCE STRATEGIES FOR SMOKE ALARMS AND CARBON MONOXIDE ALARMS

5.5.1 The TVFD will adopt a zero-tolerance approach, under certain circumstances, when it comes to enforcing Fire Code smoke and carbon monoxide (CO) alarm requirements. The following compliance and enforcement strategies shall be utilized as part of the zero-tolerance approach:

- **Fire Department Emergency Response:** In situations where the TVFD has responded to a residential dwelling, a check to ensure the home is in compliance with the Fire Code may be made. In situations where a fire has occurred and lives have been put at risk, a warning to the homeowner may not be sufficient if the home is not in compliance with the requirements. In these situations a \$100 fine shall be issued.
- **Enforcement Strategies for Homeowners:** Whenever a home is found to be non-compliant with Fire Code smoke and CO alarm regulations all efforts and strategies shall be used to gain compliance. If, however, the homeowner refuses or fails to comply, or has been found to have been in non-compliance previously, a \$100 fine shall be issued.
- **Enforcement Strategies for Landlords:** Landlords who are found to be negligent in providing and maintaining smoke and CO alarms for their rental dwelling units as determined through routine inspections or through a TVFD response to an actual fire, shall be issued a \$100 fine.
- **Enforcement Strategies for Tenants:** Tenants in multi-unit rental accommodation who disable smoke or CO alarms are not only putting themselves at risk, but also tenants in neighboring units. Experience has shown that removing batteries or otherwise tampering with smoke and CO alarms is often a common response to nuisance alarms. Tenants who admit to removing batteries or otherwise disabling a smoke or CO alarm shall be issued a \$100 fine.

5.5.2 A ticket for a fine will be issued to the person who is guilty of an offence by an Officer. A copy of the ticket issued will also be provided to the Town's Corporate Services Division for administration of fine.

5.5.3 Education is a critical component to helping to ensure homeowners are educated about smoke and CO alarm types, placement, installation and maintenance, and they must also be informed of the Fire Code requirements and the consequences for non-compliance. Through this Policy all efforts will be made to seek voluntary compliance. That said, there will always be those who do not comply with the by-laws, and the TVFD must enforce them. It is however important to recognize that the individual circumstances of each case must be taken into consideration, and that the TVFD will exercise discretion and flexibility in their approach.

5.6 OPEN-AIR BURNING

Open-air burning is regulated within the municipality. Open-air burning will only be conducted with approval of the DESFC and/or his/her designate and in accordance with the conditions set out in the Open-Air Burning By-Law (Schedule "A") and any amendments thereto.

5.7 NEW CONSTRUCTION

New construction or alterations to existing buildings will be reviewed by Digital Government Service NL in accordance with the National Building Code (NBC).

5.8 FIREPLACES AND SOLID-FUEL-BURNING APPLIANCES AND EQUIPMENT

5.8.1 New installations or alterations of fireplaces and solid-fuel-burning appliances and equipment will be inspected in accordance with the NBC.

5.8.2 Existing installations of fireplaces and solid-fuel-burning appliances and equipment will be inspected upon request to the DESFC and/or his/her designate; however, comments will be limited to the visible portions of the appliance and equipment only, at the time of the inspection. Fees for conducting these inspections and issuance of compliance letters and reports will be charged in accordance with established Tax and Fee Structure By-Law.

5.9 REQUESTED INSPECTIONS FOR CHANGE OF OWNERSHIP

Inspections will be conducted within a reasonable period of time when requested by the purchaser's Solicitor and only where written permission has been obtained from the owner or the owner's agent to inspect and release inspection results. Fees for conducting these inspections and issuance of Compliance Letters and reports will be charged in accordance with established Tax and Fee Structure By-Law.

5.10 FEES FOR SERVICES

Fees may be charged for any or all of the above referenced services in accordance with the established Tax and Fee Structure By-Law and any amendments thereto.

5.11 SUMMARY

This Policy provides for the participation of all members of the TVFD in fire prevention and public education activities, during available hours and also addresses the types of inspection services that have been approved by Council. It is intended as an affirmative direction to the DESFC, all TVFD personnel, and the public.

6. SCHEDULES

The following items shall form an integral part of the by-law and shall be attached as schedules:

Schedule "A" – Open-Air Burning By-law

7. CONFLICT

Where this by-law may conflict with other by-laws of the Corporation, this by-law shall supersede and prevail over that other by-law to the extent of the conflict.

8. SEVERABILITY

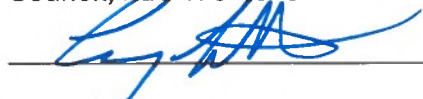
If any part of this by-law is found to be illegal or beyond the power of the Corporation, such section or part or item shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent there from and enacted as such.

9. BY-LAW REVIEW

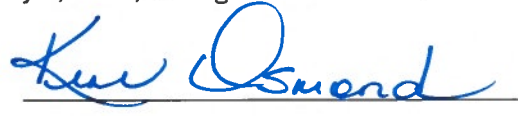
The Town shall, every 2 years, conduct a review of this By-law and consider the areas which may be improved.

10. **CAME INTO EFFECT**

These By-laws first came into effect on January 1, 2025, through a resolution of Council, RES-176-2025



Craig Scott, Mayor



Kim Osmond, Town Clerk

Schedule "A"

Open-Air Burning By-laws

Pursuant to the authority conferred by Section 414 (cc) of the Municipalities Act, 1999, the following by-laws 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 by-laws are being amended by the Town Council of Torbay.

OPEN AIR BURNING BY-LAWS

1. Title

These by-laws may be cited as "The *Town of Torbay Open Air Burning By-laws*."

2. Interpretation

In these by-laws, 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 by-law.
- 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 by-law.
- 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 By-law

- a) This by-law 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.

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 by-law.

5. 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 by-law.

6. Penalty

Any person who is guilty of an offence under these by-laws 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 Towns and Local Service Districts Act, Section 290):

- 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.
- c) A ticket for a fine will be issued to the person who is guilty of an offence by an Officer. A copy of the ticket issued will also be provided to the Town’s Corporate Services Division for administration of fine.

7. Coming Into Effect

These By-laws shall come into effect on the 1 day of January , 2025.

8. Publication

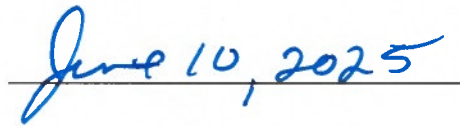
These By-laws were published on the 9 day of June and appeared in the Public Council Meeting Minutes.

9. Copy to Minister

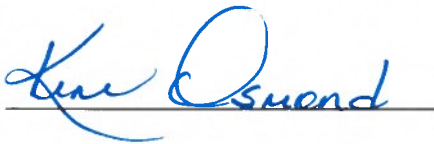
A copy of these by-laws was sent to the Minister of Municipal Affairs on the ___ day of _____.



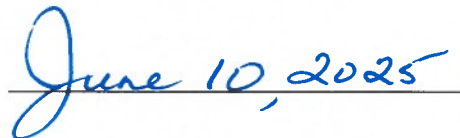
Mayor



Date



CAO/Town Clerk



Date

| OPEN AIR BURNING BY-LAWS REVISION LISTING | | |
|---|-----------------------------|-------|
| Original Adoption | August 23, 2010 | Rev 0 |
| Regulations Updated | July 16, 2024 – RES-35-2024 | Rev 1 |
| By-law Updated | June , 2025 | Rev2 |