



LABRADOR CITY

BY-LAW No. H-003

OPEN AIR BURNING

Pursuant to the authority conferred by Sections 7(1)(e) and 10 of the *Towns and Local Service Districts Act, SNL 2023, c. T-6.2*, as amended, the Town of Labrador City hereby enacts the following by-law respecting the control and regulation of open air burning activities within the Town of Labrador City.

1. TITLE

These by-laws may be cited as '*By-law No. H-003, Open Air Burning*'.

2. INTERPRETATION

For the purpose of these by-laws unless the context otherwise requires:

Act	<i>means Towns and Local Service Districts Act, SNL 2023, c. T-6.2, as amended.</i>
By-law Enforcement Officer	<i>means the By-Law Enforcement Officer, or other designate appointed by the Town of Labrador City</i>
Council	<i>means the Town Council of Labrador City.</i>
Enforcement Authority	<i>means Council or its authorized administrator.</i>
Fire Chief	<i>Highest ranking officer in a fire department and is responsible for the overall leadership, administration and operations of the organization.</i>
Fire Weather Index	<i>means the rating as established by the Department of Forestry, Agriculture and Lands (FAL) Agency indicating the probability of a fire starting and spreading rapidly.</i>
Grate	<i>means a metal rack supported on a non-combustible enclosure.</i>
Municipal Boundaries	<i>means the municipal planning area as defined by the Town of Labrador City Order, 2001 under the authority of section 3 of the Municipalities Act, 1999.</i>

No Burn Zone	means any area designate where the Labrador City Fire Department does not allow fires as a result of an order.
Nuisance	means any obnoxious substance, smoke or other unsanitary matter that has an unpleasant effect on the senses or affects an individual's health, well-being or property.
Officer	means a member of the Royal Newfoundland Constabulary, a member of the Royal Canadian Mounted Police Force stationed in the Province, By-law Enforcement Officer, Fire Chief, Fire Protection Officer, or anyone authorized by the Town of Labrador City to enforce this by-law.
Open Air	means not within a structure.
Outdoor Wood Burning Appliance	means an appliance used in the open air to burn wood. This does not include external wood furnaces.
Owner	means a person or entity owning or having the legal right to use the land under consideration.
Person	means any person, firm, partnership, association, corporation, company, co-operator, club, society, or any other corporate body or organization of any kind.
Person in Charge	means the Owner of a property upon which the burning is taking place, or a Person(s) having reached the age of majority within the Province of Newfoundland and Labrador and who has the Owner's written consent to conduct the burning.
Rear Yard Depth	means a yard extending across the full width of a lot between means the mean distance between the rear lot line and the rear of the main building on the lot.
Town	means the Town of Labrador City.

3. APPLICATION AND PURPOSE

This by-law shall apply to all residential and commercial property and lands contained within the municipal boundary of the Town of Labrador City throughout the entire year.

No permit or application is required for a residential outdoor wood burning appliance that complies with this by-law.

Owners and Persons in Charge are responsible for ensuring that outdoor wood burning appliances are installed, located, maintained, supervised, and used in accordance with this by-law and all other applicable laws.

- i. If there is a conflict between a provision of this by-law and a provision of any other act, by-law or regulation in force within the municipal boundaries, the provisions as established under this by-law shall prevail.

GENERAL DUTIES AND OBLIGATIONS

4. OUTDOOR WOOD BURNING APPLIANCES

Outdoor wood burning appliances may be used throughout the Town of Labrador City without a permit, provided they comply with the following provisions:

- i. Only one (1) outdoor wood burning appliance may be situated on a property;
- ii. The location of a wood burning appliance shall be limited to the rear yard except if, in the opinion of the Office of the Fire Chief, the limitations of the rear property boundaries prejudice said use and compliance with this by-law in all other respects, can be accommodated if the appliance is located elsewhere on the property;
- iii. Rear yard depth shall be the only factor considered in determining limitations of the rear property boundaries. Other factors including, but not limited to, accessory buildings, property improvements and storage shall not be considered in determining the limitations of the rear property boundaries;
- iv. The installation, location, or relocation of all outdoor wood burning appliances shall comply with the requirements of this by-law. The Office of the Fire Chief may require relocation, modification, or removal where an appliance does not comply with this by-law or poses a fire or life-safety hazard;
- v. Wood burning appliances shall be properly maintained in good condition, working order and repair at all times. Outdoor wood-burning appliances and fire pits shall be limited to:
 - a. Fire pits, fireplaces, or other outdoor burning installations constructed of non-combustible masonry, stone, concrete, metal, or other approved non-combustible materials; or
 - b. Manufactured outdoor wood-burning appliances, fireplaces, chimineas, fire tables, or similar devices designed for outdoor use and used in accordance with the manufacturer's instructions;and shall:
 - i. completely contain the fire;
 - ii. be of sufficient construction to withstand the effects of repeated heating and cooling;

- iii. provide for adequate airflow to promote safe and efficient combustion;
- iv. be equipped with a spark screen, spark arrestor, or other approved ember-control device designed to prevent the escape of sparks, embers, or burning material; and
- vi. No wood burning appliance shall be permitted on any patio or deck that is attached to a residence;
- vii. All appliances shall be placed on a level, fire retardant surface such as concrete or patio blocks;
- viii. To minimize smoke by-product, only dry seasoned firewood or fire logs shall be used;
- ix. Smoke, smell, airborne sparks or embers shall not infringe on the use and enjoyment of other properties or become a nuisance to neighbouring residents;
- x. Clearances of 4.6m (15') shall be observed in all directions from other combustible materials;
- xi. The flame area shall not exceed the screening and spark arrestor;
- xii. A fire extinguisher or garden hose connected to a water supply must be readily available for use while the fire is burning;
- xiii. Fires are prohibited in high wind conditions or when the Provincial Fire Weather Index is on very high or extreme;
- xiv. The fire must be supervised at all times by the Person in Charge;
- xv. The fire must be extinguished completely, leaving only cold ashes, prior to leaving the fire;
- xvi. All ashes from a wood burning appliance must be totally extinguished prior to being discarded and no ashes from a wood burning appliance are to be discarded in a manner that may start a fire.

5. EXCEPTIONS AND PERMITTED USES

- i. A Person may light a fire outdoors in a supervised municipal park that has facilities to contain open pit fires when permission to light such fires is granted by a person who is responsible for park supervision during the period the park is open to the public;
- ii. Nothing contained in this by-law is deemed to prohibit the use of a propane operated stove provided they are not used within fifteen (15) feet of any woods, tree, brush or other combustible material;

- iii. Nothing contained in this by-law is deemed to prohibit the use of a CSA approved propane BBQ or patio heater;
- iv. Nothing contained in this by-law is deemed to prohibit the use of charcoal burning appliance utilized in the preparation of food if such charcoal burning appliance is designed to prevent the escape of burning material.
- v. All coals from a charcoal burning installation must be totally extinguished prior to being discarded and no coals from a charcoal burning installation are to be discarded in a manner which may start a fire;
- vi. Nothing contained in this by-law is deemed to prohibit the use of pellet grill appliance utilized in the preparation of food if such pellet burning appliance is designed to prevent the escape of burning material.
- vii. Nothing contained in this by-law is deemed to prohibit the outdoor use of any match or cigarette lighter used for the purpose of lighting a cigarette, cigar or pipe in any non-restricted smoking area.

6. GENERAL PROHIBITIONS

Notwithstanding any other provision of this by-law, a Person shall not:

- i. Leave a fire unattended, whether or not it is contained in a propane, charcoal, pellet, or other outdoor burning appliance;
- ii. Leave the location of a fire until the fire has been completely extinguished;
- iii. No Person shall burn, at any time, on any premises, the following materials:
 - a. Treated or painted lumber;
 - b. Lumber products containing glue or resin;
 - c. Wet or unseasoned wood;
 - d. Leaves, brush or yard waste;
 - e. Garbage;
 - f. Rubber, tires or plastic, or
 - g. Any animal carcass or part thereof.

7. FIRE WEATHER INDEX

No Person shall build, ignite, allow, or maintain an outdoor wood burning appliance or open-air fire when a "Very High" or "Extreme" hazard rating exists in the region as per the Provincial Fire Hazard Map.

8. FIRE BANS

Notwithstanding any provision contained in this or any other by-law or regulation, the Fire Chief may declare a complete ban of any burning of any kind within the Town.

- i. When determining whether to declare a complete ban on burning, the Fire Chief may take into consideration any or all of the following factors:
 - a. the air quality index;
 - b. wind conditions;
 - c. levels of recent precipitation;
 - d. water shortages or restrictions;
 - e. availability of fire fighters and firefighting equipment; and
 - f. the overall fire danger
- ii. No Person shall build, ignite or allow any kind of fire when a complete ban on burning has been declared by the Fire Chief and is in effect;
- iii. Any member of the Fire Department may direct a person to extinguish a fire when a fire ban is in place;
- iv. A Person who fails to comply with the direction of a member of the Fire Department or an Officer to extinguish a fire during a fire ban commits an offence and the member of the Fire Department or the Officer may extinguish the fire.

COMPLIANCE

9. POWERS OF ENFORCEMENT AUTHORITY AND COMPLIANCE

- i. If in the opinion of an Officer, or in the sole opinion of a member of the Fire Department, a fire poses a danger or does not comply with the requirements of this by-law, a member of the Fire Department may extinguish the fire and take any other steps that member of the Fire Department deems necessary to ensure that the fire and site of the fire no longer pose a danger.
- ii. The Enforcement Authority, an Officer, or a member of the Fire Department may, by oral or written direction, require a fire to be extinguished or require the use of an outdoor wood burning appliance to stop where the fire or appliance does not comply with this by-law, poses a danger, creates a nuisance, or is otherwise unsafe.
- iii. Enforcement and prosecution under this by-law may be undertaken by any Officer or by any other person authorized by the Enforcement Authority.
- iv. Pursuant to Section 285 of the Act, the Enforcement Authority may serve upon the owner or person in charge who is violation of a provision of this by-law, a serially

numbered notice advising the nature of the violation and required action to conform with the standards set out in this by-law.

- v. The owner or person in charge shall carry out the directions of Council referred to in Section 9(iv) at the cost of the owner or the person in charge and within the time specified.
- vi. Where the Enforcement Authority has placed or caused the placing of a sign, placard, or notice upon any premises under the authority of this by-law 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.
- vii. Any cost to the Town for all works carried out in response to a violation of this by-law, in addition to any penalty prescribed hereunder, may be recoverable from the person in contravention of this by-law as a civil debt and shall attach to the property as a secured claim.

10. POWERS OF ENTRY

Without limiting the generality of the *Fire Protection Services Act*, authorized fire officials may enter upon lands or premises, including adjacent properties where necessary, for the purposes of fire suppression, rescue and emergency response, inspections, investigations, and the identification, removal, or mitigation of fire hazards and threats to life, property, or the environment, in accordance with the powers granted under the Act.

11. FAILURE TO COMPLY

- i. Pursuant to Section 285(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 9(iv) of this by-law, 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 civil debt owed to Council and shall attach to the property as a secured claim.
- ii. Council may delegate to an official or employee of Council the power to issue orders under this section.
- iii. 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 Section 10(i), except in the case of gross negligence.

12. Offence and Penalty

- i. Pursuant to Section 289(3) of the Act, each day upon which the same offence is committed or continued is a separate offence.
- ii. Every person who commits an offence under this by-law or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:
 - a. Shall be liable to penalties pursuant to Section 290 of the Act or,
 - b. Shall be liable on summary conviction to a fine pursuant to Section 290 of the Act.
- iii. The conviction of a person for failing to comply with a requirement or obligation referred to in subsection 18(ii) shall not operate as a bar to further prosecution under this by-law for the continued failure on the part of the person to comply.

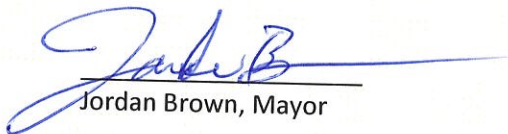
13. SEVERABILITY

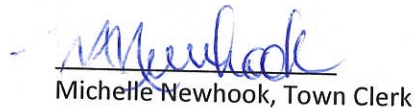
If a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such declaration shall not affect the remainder of these by-laws and the remainder of these by-laws shall be valid and shall remain in force.

14. REPEAL OF PREVIOUS REGULATIONS

The 'Town of Labrador City Open Air Burning Regulations, 2012' are hereby repealed.

Adopted by the Town Council of the Town of Labrador City on the 16th day of July, 2026 and to come into effect as of the 17th day of July, 2026.


Jordan Brown, Mayor


Michelle Newhook, Town Clerk