



WABUSH

TOWN OF WABUSH
OPEN AIR BURNING BY-LAW 2025

Pursuant to the authority conferred by section 7(1)(e) of the *Towns and Local Service Districts Act*, SNL 2023 Chapter T-6.2 the Town of Wabush enacts the following By-Law in relation to the prohibition of nuisances including the open air burning as adopted by Council on June 19/2025

1. Title

This By-Law may be cited at the "Town of Wabush Open Air Burning By-Law 2025".

2. Definitions

For the purpose of this By-Law unless the context otherwise requires:

- (a) "Act" means the *Towns & Local Service District Act*, as amended.
- (b) "Council" means the Town Council of the Town of Wabush.
- (c) "Fire Weather Index" means the rating as established by the Department of Fisheries, Forestry and Agriculture, or the appropriate Department of the Government of Newfoundland and Labrador responsible, indicating the probability of a fire starting and spreading rapidly.
- (d) "Grate" means a metal rack supported on a non-combustible enclosure.
- (e) "Municipal Boundaries" means the municipal planning area as defined by the *Urban and Rural Planning Act, 2000*, as amended.
- (f) "No Burning Zone" means any area designate where the Wabush Fire Department does not allow fires as a result of an order.
- (g) "Nuisance" means anything, in the opinion of Council or any person authorized by Council, that endangers life or health, gives offence to the senses, violates the laws of decency or obstructs reasonable and comfortable use of property in any way and includes any obnoxious substances, smoke, animal waste or unsanitary matter or noise that has an unpleasant effect on the senses.
- (h) "Officer" means a member of the Royal Newfoundland Constabulary, a member of the Royal Canadian Mounted Police Force stationed in the Province, Municipal Enforcement Officer, Fire Chief, or anyone authorized by the Town of Wabush to enforce these regulations.
- (i) "Open Air Fire" means any type of fire that is not contained within an Outdoor Wood Burning Appliance.
- (j) "Outdoor Wood Burning Appliance" means an appliance used in the open air to burn wood. This does not include external wood furnaces.
- (k) "Person" shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

- (l) "Person in Charge" means the owner of a property upon which the burning is taking place, or a person(s) having reached the legal age within the Province of Newfoundland and Labrador and who has the Owner's written consent to conduct the burning.
- (m) "Rear Yard Depth" means the distance between the rear lot line and the rear of the main building on the lot.
- (n) "Town" means the Town of Wabush.

3. Applications

This By-Law shall apply to all residential and commercial properties and lands contained within the municipal boundaries of the Town throughout the entire year.

General Duties and Obligations

4. Outdoor Wood Burning Appliances

Outdoor Wood Burning Appliances may be used throughout the Town subject to the following provisions:

- (a) Only one (1) Outdoor Wood Burning Appliance may be situated on a property.
- (b) The location of an Outdoor 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.
- (c) 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.
- (d) The installation, location or relocation of all Outdoor Wood Burning Appliances is subject to approval of the Office of the Fire Chief.
- (e) Outdoor Wood Burning Appliances shall be limited to CSA, ANSI, or ULC approved retail units that:
 - I. completely contain the fire;
 - II. are of sufficient construction to withstand the effects of hearing and cooling;
 - III. are equipped with a Grate to allow for proper air flow and cleaner burning; and,
 - IV. are screened and the chimney equipped with a spark arrestor to prevent the escape of sparks or other material.
- (f) All persons using Outdoor Wood Burning Appliances shall follow all manufacturers' installation instructions.
- (g) Outdoor Wood Burning Appliances shall be properly maintained in good condition, working order and repair at all times.

- (h) No Outdoor Wood Burning Appliances shall be permitted on any patio or deck that is attached to a residence.
- (i) All Outdoor Wood Burning Appliances shall be placed on an appropriate level, fire retardant surface.
- (j) To minimize smoke by-product, only dry seasoned firewood or fire logs shall be used in Outdoor Wood Burning Appliances.
- (k) Smoke, smell, airborne sparks or embers shall not infringe on the use and enjoyment of other properties or become a Nuisance to neighbouring residents.
- (l) Clearances of 3.5m (11.48 ft) shall be observed in all directions from other combustible materials as per the Forest Fire Regulations (O.C.96-178), or the recommended distances as per the manufacturer of the wood burning unit.
- (m) The flame area shall not exceed the screening and spark arrestor.
- (n) A fire extinguisher or garden hose connected to a water supply must be readily available for use while the fire is burning.
- (o) The fire must be supervised at all times by the Person in Charge.
- (p) The fire must be extinguished completely, leaving only cold ashes, prior to leaving the fire.
- (q) All ashes from an Outdoor Wood Burning Appliance must be extinguished completely prior to being discarded and no ashes are to be discarded in a manner that may start a fire.

5. Exceptions

- (a) Nothing contained in this By-law is deemed to prohibit the use of a propane operated stove provided they are not used within 3.5m (11.48 ft) of any woods, tree, brush or other combustible material as per the Forest Fire Regulations (O.C. 96-178) or the manufacturer of the wood burning unit recommended distance.
- (b) Nothing contained in this By-law is deemed to prohibit the use of a CSA approved propane BBQ or patio heater.
- (c) 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 and is not used within 3.5 m (11.48 ft) of any combustible.
- (d) All coals from a charcoal burning installation shall be extinguished completely prior to being discarded and no coals from a charcoal burning installation are to be discarded in a manner which may start a fire.
- (e) Nothing contained in this By-law is deemed to prohibit the outdoor use of any match or cigarette, cigar or pipe in any non-restricted smoking area.

6. General Prohibitions

Notwithstanding any other provisions of this Bylaw, a person shall not:

- (a) leave a fire unattended whether or not it is contained in a propane or charcoal burning installation.
- (b) have an Open Air Fire;
- (c) leave the location of a fire until the fire has been extinguished completely; and,
- (d) burn, at any time, on any premises, the following material:
 - i. treated or painted lumber;
 - ii. lumber products containing glue or resin;
 - iii. wet or unseasoned wood;
 - iv. leaves, brush or yard waste;
 - v. garbage;
 - vi. Rubber, tires or plastic, or,
 - vii. any animal carcass or part thereof.

7. Fire Weather Index

All burning issued under this Bylaw is invalid when a "high" or "extreme" hazard rating exists in the locality for which the permit has been issued or the Town or any other authority issues a ban described in section 8.

8. Fire Bans

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

- (a) When determining whether to declare a complete ban of burning, the Fire Chief may take into consideration any or all of the following factors:
 - 1. air quality index;
 - 2. wind conditions;
 - 3. levels of recent precipitation;
 - 4. water shortages or restrictions;
 - 5. availability of fire fighters and firefighting equipment;
 - 6. overall fire danger; and,
 - 7. any other factor that in their opinion necessitates a fire ban.
- (b) 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 in the No Burning Zone.

(c) A member of the Fire Department or an Officer may direct a person to extinguish any fire when a fire ban is in place.

(d) 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.

Powers of Enforcement Authority and Compliance

9. Enforcement

(a) 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 Bylaw, 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.

(b) Enforcement and prosecution under this By-law may be undertaken by any Officer or by any other person so authorized by Council.

(c) Pursuant to Section 287(1) of the Act, the Town or any Office may serve upon the owner or person in charge who is in violation of a provision of this By-law a violation notice.

(c) Pursuant to Section 285(1) of the Act, the Town or any Office may serve upon the owner or person in charge who is in violation of a provision of this By-law an order.

(d) Pursuant to section 288(1) of the Act, the Town or any Office may serve upon the owner or person in charge who is in violation of a provision of this By-law a summons and/or ticket under the *Provincial Offences Act*.

(d) The owner or person in charge shall carry out the directions of Council referred to in the violation notice or order at the cost of the owner or the person in charge and within the time specified.

(e) Where the Town has placed or caused the placing of a violation notice or order upon any premises under the authority of this By-Law or such any other applicable by-law, no person shall remove such notice or order except with the consent of the Town.

(f) Any cost to the Town for all work carried out in response to a violation of this Bylaw, in addition to any penalty prescribed hereunder, may be recoverable from the person in contravention of this Bylaw as debt owed to the town.

10. Failure to Comply

(a) Pursuant to the Act, where a person who has been served with an order does not comply with the order or part of the order made under this By-law, the Town may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by the town in carrying out the terms of the order are recoverable from the person against whom the order was made as debt owed to the town.

(b) Council may delegate to an official or employee of Council the power to issue orders under this section.

11. Right of Entry

Pursuant to sections 172 and 280 of the *Act*, Council, Officers or its duly authorized agents have the authority to enter a property for the purpose of inspection and enforcement as required under this By-law.

12. Offences and Penalty

- (a) Pursuant to Section 289(3) of the *Act*, each day upon which the same offence is committed or continued is a separate offence.
- (b) The conviction of a person for failing to comply with a requirement or obligation referred to in Section 9 shall not operate as a bar to further prosecution under this By-law for the continued failure on the part of the person in 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 this By-law and the remainder of this By-law should be valid and shall remain in force.

This By-law may be enforced by the Municipal Enforcement Officer, or any person appointed by Council.

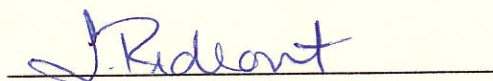
In witness whereof the seal of the Town of Wabush has been affixed herewith, and the Mayor and the Town Clerk have signed this bylaw on behalf of the Wabush Town Council, this 19 day of June 2025.



Ron Barron, Mayor



Witness



Tiffanee Rideout – Town Clerk