



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 Paradise and were "Adopted" on the 15th day of May, 2007.

OPEN AIR BURNING REGULATIONS

1. Title

These regulations may be cited as "*The Town of Paradise 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 Paradise.
- c) "*Chief Administration Officer*" means the Chief Administration Officer of the Town of Paradise.
- 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 Paradise.
- f) "*Person in Charge of a Fire*" means the owner of a property upon which 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 Paradise, the Province of Newfoundland Labrador or the St. John's Regional Fire Department does not allow fires as a result of an order.
- h) "*Municipal Authority*" means the town of Paradise Council constituted or continued under the Town of Paradise.

- 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, a member of the Royal Canadian Mounted Police Force stationed in the Province and a Municipal Enforcement Officer or anyone authorized by the Town of Paradise to enforce this regulation.
- k) *“Grate”* means a metal rack supported on a non-combustible enclosure.
- 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 ignited in the open air.
- m) *“Permit”* means a permit for burning in the open air issued by the Town of Paradise under the authority of this regulation.

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 Paradise 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 3.0m (10’) shall be observed in all directions from other combustible materials.
- e) These appliances shall not be used when the Department of Forestry, St. John’s Regional Fire Department or the town of Paradise have placed a ban 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 outside wood-burning appliance must be of sufficient construction to withstand the affects 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, airborne sparks or embers to infringe on the use and enjoyment of other properties or become a “nuisance” to neighbouring residents.
- i) It is equipped with a grate. This allows for the proper airflow for cleaner burning.

5. Special Burning

- a) This regulation shall allow for the open air burning of trees, wood, shrub, bushes or fields that have been determined to have infestation of insects or disease that pose a risk of spreading to other areas or that pose a risk of damaging the natural resources of the Town of Paradise.
- b) Other such open-air fires that may be prescribed from time to time by the Town of Paradise.
- c) Open air burning pursuant to subsection 5 (a) (b) shall require the “ Person in Charge of the Fire”.
 - i) To have a burning permit from the Town of Paradise and approved by the Fire Chief of the St. John’s Regional Fire Department.;
 - ii) 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.
 - iii) To be “suitably equipped” to deal with an emergency, and;
 - iv) 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:

- (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 in to effect on the 16th day of May, 2007 A.D.

9. Publication

These Regulations were published in the Telegram on the 26th day of May 2007 A.D. and appeared in the Newfoundland and Labrador Gazette on the 25th day of May A.D. 2007.

10. Copy to Minister

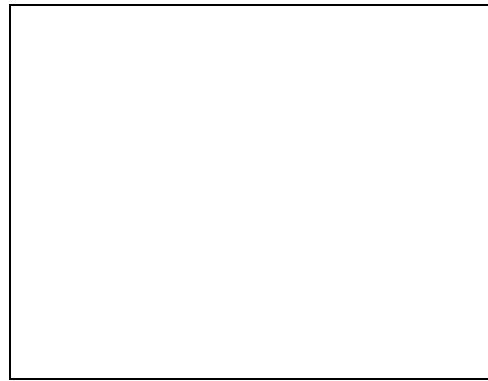
A copy of these regulations was sent to the Minister of Municipal Affairs on the 22nd day of May A.D. 2007.

Town Clerk

Date

Mayor

Date



Town Seal