

BY-LAW NO.

ST. JOHN'S OPEN AIR FIRE REGULATIONS (AMENDMENT NO. 1-2024) BY-LAW

PASSED BY COUNCIL ON _____, 2024

Pursuant to the powers vested in it under the City of St. John's Act, RSNL 1990 c.C-17, as amended and all other powers enabling it, the City of St. John's enacts the following By-Law relating to Open Air Fire Regulations:

BY-LAW

1. This By-Law may be cited as the "St. John's Open Air Fire Regulations (Amendment No. 1-2024) By-Law.
2. Section 1 of the Open Air Fire Regulations is repealed and replaced with the following:
 - "1. These regulations may be cited as the City of St. John's Open Air Fire Regulations."
3. Section 2 of the Open Air Fire Regulations is amended by adding the following definitions and renumbering the subsections accordingly:

""Fire Chief" means Chief/Director of Regional Fire and Emergency Services of the St. John's Regional Fire Department.

"Fire Department" means the SJRFD (St. John's Regional Fire Department).

"Open air fire" means any fire that is burning freely or has the potential to spread or a fire set in a containment unit that does not meet the requirements of an outdoor wood burning appliance.

"Outdoor Wood Burning Appliance" means an appliance that:

 - (i) Is enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other noncombustible materials;
 - (ii) is at least 15 cm in height above the surrounding grade but no more than 60 cm in depth when measured from the top of the appliance opening to the bottom of the appliance;
 - (iii) has an opening that does not exceed 75 cm in diameter or an area of 0.46 m² and in which neither the width nor length is greater than 75 cm; and
 - (iv) has a spark arrestor, grille, or mesh with openings no larger than 12 mm and which is used to cover the entire area of the fire pit opening.

“Permit” means permit for an open-air fire issued by the SJRFD.

“Seasoned Wood” means wood that has been allowed to dry and acclimate to the surrounding environment and is clean, unpainted, and untreated.

“Spark arrester” (sometimes spark arrestor) is any device which prevents the emission of flammable debris from combustion sources.”

4. Section 3.1(1) of the Open Air Fire Regulations is repealed and the following is substituted:

“Permit Not Required

3.1(1) Outdoor wood burning appliances shall not be operated where wind speeds are in excess of 20 km per hour.”

5. Section 3.1(2) of the Open Air Fire Regulations is repealed and the following is substituted:

“Outdoor wood burning appliances shall be:

- (a) installed in accordance with the manufacturer’s installation instructions, if supplied;
- (b) located at least 4.5 meters from any building, structure or combustible material;
- (c) capable of completely containing/enclosing the fire;
- (d) placed on a firm and level surface which has a non-combustible base beneath it, a minimum of 0.5 m completely outside the perimeter of the unit;
- (e) attended at all times by someone 18 years of age or older with access to a fire extinguisher, bucket of water or another water source while the fire is burning;
- (f) used to burn only seasoned wood; and
- (g) extinguished prior to non-attendance.”

6. Section 3.2(a) of the Open Air Fire Regulations is repealed and the following is substituted:

“3.2 Notwithstanding sections 3 and 3.1 herein, where a prohibition on the setting of fires in relation to forest lands within or adjacent to the boundary of the City of St. John’s has been proclaimed pursuant to section 99 of the Forestry Act, RSNL 1990 c. F-23, as amended, and remains in effect, no person or persons shall cause, set, light or otherwise ignite an Open Air

Fire, or any fire in an outdoor wood burning appliance, or any other outdoor wood or gas burning unit within the boundaries of the City.”

7. Section 3.2(b) of the Open Air Fire Regulations is repealed.
8. Section 9 is repealed and the following is substituted:
 - “9. A site inspection is required for the issuance of a permit. The Applicant shall contact the SJRFD Fire Prevention Division to schedule a site inspection. If all guidelines and conditions identified in this by-law are met during the site inspection, the permit may be issued.

A person to whom a permit is issued shall keep a copy of the permit on the site where the burning is taking place. The Permit issued must be presented by the Permittee upon request by any SJRFD Fire Inspector, Fire Officer, Fire Captain, or other representative.”

IN WITNESS WHEREOF the Seal of the City of St. John’s has been hereunto affixed and this By-Law has been signed by the Mayor and City Clerk on behalf of the St. John’s Municipal Council this _____ day of _____, 2024.

MAYOR

CITY CLERK