

Title: <i>Outdoor and Open Air Fire Bylaw</i>	Publication: <i>External</i>
Department: <i>Administration</i>	Bylaw Number: <i>TOCPAB-006-BL</i>
Approval Date: <i>January 20, 2026</i>	Implementation Date: <i>January 20, 2026</i>

## SECTION 1: APPLICATION

### 1.1 TITLE

This Bylaw shall be known and cited as the *Outdoor and Open-Air Fire Bylaw for the Town of Channel - Port Aux Basques*.

### 1.2 PURPOSE

To ensure that the Town of Channel - Port Aux Basques (the "Town") can effectively administrate the *Outdoor and Open-Air Fire Bylaw* regarding open outdoor fires, incinerators and outdoor fireplaces to complement the requirements of the Fire Prevention Act and Forest Fire Regulations under the Forestry Act.

### 1.3 AUTHORITY

This Bylaw is adopted in accordance with section 7(e) of the *Towns and Local Service Districts Act, Chapter T-6.2, 2023*. Therefore, any revised provisions issued by the Provincial Government herein will supersede dialogue contained in this bylaw. If in the opinion of the Fire Department that a fire poses a danger or does not comply with this bylaw, the Fire Department may extinguish the fire and take any steps deemed necessary to ensure the fire and site of the fire no longer poses a danger.

## SECTION 2: DEFINITIONS

**Act** – refers to the Towns and Local Service Districts Act, November 16, 2023

**Open Air Fire** - is any fire that is caused, set, lit or otherwise ignited outside the confines of any building.

**Chief** - Fire Chief of the Channel-Port aux Basques Volunteer Fire Department or other person designated by the Chief in and for the fire protection of the Town.

**Fire Attendant** - shall mean a person who is having and is responsible for an Open-Air Fire.

**Fire Department** - the Channel-Port aux Basques Volunteer Fire Department.

**Listed** - means an appliance which has been tested, listed and/or labeled by an authentic accredited testing agency such as Underwriters Laboratories (ULC), CSA Group, etc.

**Suitably Equipped** - 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 a fire ignited in the open air.

**Town** – means the Town of Channel Port Aux Basques; geographical area incorporated or continued as a Town under the *Towns and Local Service Districts Act, Chapter T-6.2, 2023* or the corporation, as the context requires, but does not include an Inuit community government.

### SECTION 3: FIRE COMPLIANCE SCHEDULE

#### 3.1 MATERIALS PROHIBITED

As per the *Air Pollution Control Regulations (Section 12), 2004* states:

- a. A person shall not burn or permit the burning of any material listed in Schedule E in a fire.
- b. Notwithstanding subsection (1), a person may burn or permit the burning of materials listed in Schedule E in a fire with the written approval of the minister.
- c. Under no circumstance should there be an Open-Air Fire that exceeds two (2) square metres in size.

#### SCHEDULE E:

A. Tires	K. Manure
B. Plastics	L. Rubber
C. Treated Lumber	M. Tar Paper
D. Asphalt and Asphalt Products	N. Railway Ties
E. Drywall	O. Paint and Paint Products
F. Demolition Waste	P. Fuel and Lubricant Containers
G. Hazardous Waste	Q. Used Oil
H. Biomedical Waste	R. Animal Cadavers
I. Domestic Waste	S. Hazardous Substances
J. Trash, Garbage, or other waste from Commercial, Industrial or Municipal operations.	T. Materials disposed of as part of the removal or decontamination of equipment, buildings or other structures.

#### 3.2 RESTRICTIONS

No open fires and no fires in vessels/containers and/or outdoor fireplaces are not permitted when the fire weather index is high or extreme or when prohibited by the authority having jurisdiction.

#### 3.3 SUPERVISION REQUIREMENTS

All open fires and fires in non-listed vessels/containers and outdoor fireplaces shall be continuously monitored and attended to until such fire is extinguished. This person shall have a garden hose connected to a water supply or other fire extinguishing equipment readily available for use.

## **SECTION 4: ACCEPTABLE METHODS OF OUTDOOR AND OPEN AIR FIRE**

A person may light a fire in a proper vessel/container or outdoor fireplace in accordance with the regulations and conditions listed here and complimented by the Fire Prevention Act and Forestry Act. As deemed necessary, the Town permits the Channel – Port Aux Basques Volunteer Fire Department to have controlled fires.

### **4.1 BURNING IN A BARREL**

1. The barrel must be covered with a screen with a mesh no larger than 1/2 inch and completely contains the fire.
2. The barrel is located on private property and kept at least 15 feet from the nearest woods, brush, or flammable material;
3. The unit rests on legs or supports and is placed on mineral soil or non-combustible material having a surface area of a minimum of 16 square feet;
4. The barrel is made entirely of non-combustible material and is in good condition;
5. The barrel ash is totally extinguished before being discarded on mineral soil at least 50 feet from any woods, brush, or flammable material.

### **4.2 OUTDOOR FIREPLACES**

1. Outdoor fireplaces shall be located on private property and shall be at least 10 feet from any woods, brush or other flammable natural materials.
2. Outdoor fireplaces shall completely contain the fire and shall be screened to prevent the escape of sparks or other burning materials.
3. Propane fueled barbeque and fire pits are permitted for use within town limits.

### **4.3 MAINTENANCE**

Fire containers, outdoor flame producing devices and outdoor fireplaces shall be maintained in good condition, working order and repair at all times. Appliances requiring a spark arrester or screen shall only be used if the device is in place and in good condition.

## **SECTION 5: ENFORCEMENT**

Provisions of these regulations may be enforced by the Town of Channel-Port aux Basques, Fire Chief; or *person designated* by the fire chief, and the local RCMP detachment.

### **5.1 PENALTY**

In accordance and reference with the Towns and Local Service Districts Act, the following sections will be exercised in the event of a violation:

**5.1.1 Violation Notices: Section 287.**

1. A town council may issue a violation notice to a person who contravenes a by-law made by the town council.
4. Where a violation notice is issued a violation to a person for a contravention of a by-law, the person may voluntarily pay the amount stated in the violation notice to the town within the time period stated in the violation notice.

**5.1.2 Violation Notices: Section 288.**

1. Where a person who has received a violation notice under section 287 does not voluntarily make a payment to the town within the time stated on the violation notice, the town may charge a person by way of a summons, including a summons that is issued by means of a ticket under the *Provincial Offences Act*, with an offence in respect of the contravention stated on the violation notice.

**5.1.3 Penalty: Section 290.**

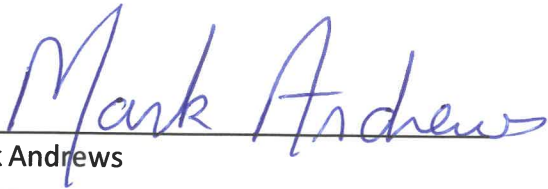
1. A person who commits an offence under this Act is liable on summary conviction:
  - a. for a first offence, to a fine of not less than \$100 and not more than \$1,000 or to a term of imprisonment of not more than one month or to both the fine and imprisonment;
  - b. for a subsequent offence, to a fine of not less than \$1,000 and not more than \$2,000 or to a term of imprisonment of not more than 3 months or to both the fine and imprisonment.

**REVIEW OF BY-LAW**

This Bylaw will be reviewed as deemed necessary. Any revisions to this Bylaw are subject to approval of Council. This Bylaw rescinds all previous policies or Bylaws pertaining to this subject matter.

*[end of by-law statement]*

Dated at the Town of Channel - Port Aux Basques this 20<sup>th</sup> day of January, 2026.



Mark Andrews  
Mayor



Nadine Osmond  
Town Manager