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Important Information

(Includes details about the availability of printed and electronic versions of the Statutes.)

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CONSOLIDATED NEWFOUNDLAND AND LABRADOR REGULATION 11/96

Forest Fire Regulations
under the
Forestry Act
(O.C. 96-178)

Amended by:

31/99
27/00
2001 c42 s45
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CONSOLIDATED NEWFOUNDLAND AND LABRADOR REGULATION 11/96

Forest Fire Regulations
under the
Forestry Act
(O.C. 96-178)

Under the authority of section 109 of the *Forestry Act* and the *Subordinate Legislation Revision and Consolidation Act*, the Lieutenant-Governor in Council makes the following regulations.

REGULATIONS

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Short title

1. These regulations may be cited as the *Forest Fire Regulations* and are in effect during the forest fire season.

48/95 s1

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Interpretation

2. (1) In these regulations
- (a) "forest fire season" means a specific period as declared by order of the minister;
 - (b) "forest land" means land upon which are growing or standing trees or shrubs and includes dry marsh, bogland and land commonly known as barrens;
 - (c) "forest service" means the Newfoundland and Labrador Forest Service;
 - (d) "industrial operation" means an operation on forest land or within 300 metres of forest land involving the use of machinery or equipment whether in a building or in the open;
 - (e) "logging operation" means the arrangements made for the purpose of carrying out the work involved in converting trees into timber, the loading and unloading of timber on and from trains, ships and trucks and the delivery of timber to a point of export or a point where it is converted into other products but does not include transportation of timber by a railway, steamship or trucking operator and for these regulations will also be described as
 - (i) a timber cutting operation carried out under a commercial, domestic, or roadside restricted cutting permit, or under licence,
 - (ii) a timber cutting operation on private land carried out for the purpose of obtaining sawlogs, pulpwood, fuelwood, fencing, fishing material, boat material or cutting a boundary right-of-way; and

- (f) "timber" means standing trees, felled trees, parts of standing or felled trees, shrubs, round logs, wood chips or logs that have been slabbed on one or more sides.

(2) The declaration of the forest fire season may apply to the whole or a part of the province at different times and may be extended or shortened for the whole or a part of the province.

48/95 s2; 2001 c42 s45

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Prohibition

3. A person shall not light a fire on forest land or within 300 metres of forest land during the forest fire season unless that person lights the fire under the authority of a permit to burn issued by the minister or the minister's designate under the *Forestry Act*.

48/95 s3; 31/99 s1

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Exceptions

4. Notwithstanding section 3, a person may light a fire on forest land or within 300 metres of forest land without a permit

- (a) in a prepared location in a provincial, national, municipal or private park that has facilities to contain open pit fires when permission to light those fires is granted by a park attendant who is responsible for supervision in the park during the period the park is open to the public and every park shall have fully functional back tank pumps of a type approved by the forest service each with a 20 litre tank filled with water and located at a central point in the park where open pit fires are permitted and provided that there are at least 2 pumps for every 10 prepared sites in a park;

- (b) on a sand or gravel beach or quarry if

- (i) the fire is located

(A) at a distance of not less than 15 metres from the nearest woods, brush or other flammable material, or

(B) at a distance of not less than 5 metres from the nearest woods, brush or other flammable material and not more than 1.25 metres from a body of water whose surface area exceeds 10 square metres, and

- (ii) the fire does not exceed a surface area of 0.4 square metres;

- (b.1) in an outdoor wood burning unit if

- (i) the unit is made entirely of non-combustible materials,

- (ii) the unit completely contains the fire,

- (iii) the unit is screened to prevent the escape of sparks or other burning material,

- (iv) the unit rests on legs or supports and is placed on mineral soil or non-combustible material having a surface area of not less than 1.5 square metres, and
 - (v) the unit is located not less than 3.5 metres from the nearest woods, brush or other flammable material; or
- (c) in an incinerator unit if
- (i) the unit completely contains the fire and is screened to prevent the escape of sparks or other burning material,
 - (ii) the unit is located on private property and not less than 15 metres from the nearest woods, brush or other flammable material,
 - (iii) the unit is in good working order and an attendant is on site if the fire weather index is high, very high or extreme, and
 - (iv) all incinerator ash is totally extinguished before being discarded on mineral soil not less than 15 metres from the nearest woods, brush or other flammable material.

48/95 s4; 31/02 s1; 23/19 s1

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Fire weather index

5. (1) Open or outdoor fires are not permitted under paragraphs 4(a), (b) and (b.1) when the fire weather index is very high or extreme.

(2) All permits to burn issued under these regulations are invalid when a high, very high or extreme fire weather index exists in the locality for which the permit has been issued.

48/95 s5; 31/02 s2; 23/19 s2

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Lighting and smoking other materials

6. Nothing contained in these regulations shall be considered to prohibit the use outdoors of a match or cigarette lighter used for the purpose of lighting a cigarette, cigar or pipe if the lighting and smoking of the cigarette, cigar or pipe is not made while the person lighting or smoking is in motion.

48/95 s6

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Use of flammable material

7. (1) Nothing contained in these regulations shall be considered to prohibit the use of a gas, kerosene, alcohol, propane or charcoal burning unit if not used within 3.5 metres of any woods, brush or other flammable material whether of the above kind or not.

(2) All coals from a charcoal burning unit shall be totally extinguished before being discarded and shall not be discarded in any manner which may start a fire.

48/95 s7

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Further prohibitions

8. A person shall not

- (a) leave a fire unattended, whether or not it is contained in a prepared camp site, charcoal, gas, kerosene, alcohol, propane operated unit or outdoor wood burning unit or is lit under permit; or
- (b) leave the location of a fire until the fire has been completely extinguished.

48/95 s8; [31/02 s3](#)

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Wood stoves

9. Nothing contained in these regulations shall be considered to prohibit the use of an indoor wood stove provided the chimney or stove pipe is screened to prevent the escape of sparks or other burning material.

48/95 s9; [31/02 s4](#)

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Transportation of volatile flammable substances

10. A container that has been listed and labelled by a national testing laboratory recognized by the fire commissioner shall be used to store or transport gasoline, fuel oil or similar volatile flammable substance on forest land.

[27/00 s1](#)

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Travel on forest land

11. (1) A person shall not travel through forest land during the forest fire season on an all-terrain or motorized vehicle unless the exhaust pipe of that vehicle is fitted in accordance with the manufacturer's original specifications with muffler and proper screening or baffling devices to prevent the escape of sparks or particles of burnt carbon and the exhaust system is kept clean of all debris.

(2) The unit or operator shall be equipped with a fire extinguisher containing a minimum of 225 grams of ABC class dry chemical.

48/95 s11; [23/19 s3](#)

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Use of timber harvesting equipment

12. (1) A person shall not use machinery or equipment in the harvesting of timber during the forest fire season unless

- (a) the exhaust pipe of that machinery or equipment is fitted in accordance with the manufacturer's original specifications with muffler and proper screening or baffling devices to prevent the escape of sparks or particles of burnt carbon;
- (b) the unit is equipped with a fire extinguisher, containing a minimum of 4.5 kilograms of ABC class dry chemical, listed and labelled by a national testing laboratory recognized by the fire commissioner; and
- (c) the unit is kept clean of all debris.

(2) A person shall not use a power saw during the forest fire season unless the exhaust is fitted in accordance with the manufacturer's original specifications with muffler and proper screening or baffling devices to prevent the escape of sparks or particles of burnt carbon and the operator has a fire extinguisher on his or her person containing a minimum of 225 grams of ABC class dry chemical.

48/95 s12; 27/00 s2; 23/19 s4

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Logging or industrial operations

13. (1) A person shall not carry out a logging or industrial operation on forest land during the forest fire season unless the logging or industrial operation is carried out under an operating permit issued by the forest service.

(2) The operating permit shall specify the conditions under which the logging or industrial operation shall be carried out.

(3) The forest fire suppression equipment referred to in the operating permit issued under subsection (1) shall be provided at the operating site in the following ratio:

(a)

Employees	Back Tank Pumps	Axes	Grubbers or Shovels
5 or less	1	1	1
6-10	2	2	2
11-15	3	3	3
16-20	4	4	4
Over 20	Add one back tank pump, one axe and 2 grubbers or shovels to the above figure for each group of 5 additional employees or fraction of that number		

of employees. The back tank pump must have a capacity of 20 litres and be of a type approved by the forest service;

(b) one fully functional forest fire pump of a type approved by the forest service, complete with accessories and a minimum of 610 metres of forest fire hose for every 20 employees in the operation.

(4) The forestry official issuing the operating permit may specify deviations from the equipment requirements in paragraphs 3(a) and (b) should local operating conditions warrant deviations.

(5) The actual location of the forest fire suppression equipment in relation to the operating site may be designated by the forestry official issuing the permit.

(6) A copy of the operating permit shall be on the operating site and shall be shown when requested by a forestry official.

(7) The operating permit may be cancelled by a forestry official for a breach of the *Forestry Act* or regulations.

(8) The operating permit may be temporarily suspended by a forestry official if the fire weather index for that locality rises to high, very high or extreme.

48/95 s13; 31/99 s3; 23/19 s5

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Notification of forest fires

14. Where a forest fire occurs on forest land in an area where logging or industrial operations are being carried out the person carrying out the operations shall immediately notify the nearest forest management district office or ranger station and commence fighting the fire with all labour, materials, equipment and facilities at his or her disposal until relieved of this responsibility by a forestry official or the fire is extinguished.

48/95 s14

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Rep. by 27/00 s3

15. Rep. by 27/00 s3

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Repeal

16. The Forest Fire Regulations, 1995, Newfoundland Regulation 48/95, are repealed.

CNR 11/96 s16