

# Brandon Fire and Emergency Services



## Open Air Fires Regulation – “P30”

*The following Regulation is in accordance with the City of Brandon’s Fire Prevention By-Law #7200*

### **PART 1 - DEFINITIONS**

#### **3. In this Regulation:**

- (a) “ACCEPTABLE FIRE PIT” means an outdoor receptacle that meets the following specifications:
  - (i) A minimum of 1.5 metres (5 feet) clearance, measured from the nearest fire pit edge, is maintained from buildings, property lines, or other combustible material;
  - (ii) The fire pit height does not exceed .5 metres (20 inches) when measured from the surrounding grade to the top of the pit opening;
  - (iii) Fire box shall not exceed 75 cm (30”) inside diameter;
  - (iv) The fire pit installation has enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials acceptable to the fire chief or designate;
  - (v) A spark arrestor mesh screen with openings no larger than 1.25 cm (.5 inches) and constructed of expanded metal (or equivalent non-combustible material) must be used at all times to cover the fire pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks; and
  - (vi) The fire pit shall not be used to burn prohibited debris.
- (b) “ACCEPTABLE FIREPLACE, STOVE AND CHIMINEA” means an outdoor receptacle that meets the following specifications:
  - (i) A minimum of 1.5 metres (5 feet) clearance measured from the nearest fireplace edge is maintained from buildings, property lines, or other combustible material;
  - (ii) Is constructed of materials that are heat and flame resistant;
  - (iii) Shall not be used on wooden decks unless located 1.5 metres (5 feet) from any property line, building or other combustible structure and placed on a non-combustible surface extending 40 cm (16 inches) from the widest part of the appliance;
  - (iv) Is equipped with a secured chimney

- (v) The chimney is equipped with a regulation screen no larger than 1.25 cm (.5 inches) and constructed of expanded metal (or equivalent non-combustible materials) and is designed to contain and reduce the hazards of airborne sparks;
  - (vi) The base of the fire burning area is not less than .3 metres (12 inches) above the surrounding grade;
  - (vii) The base of the fire burning appliance shall be placed upon a non-combustible surface such as earth, concrete, metal or other non-combustible materials acceptable to the fire chief or his designate;
  - (viii) The fire chamber does not exceed 75 cm (30 inches) in width, does not exceed 60 cm (24 inches) in height and is at least 40 cm (16 inches) but no more than 60 cm (24 inches) in depth;
  - (ix) Outdoor solid fuel appliances shall be located on a flat, level and non-combustible base clear of overhangs such as roofs, tree branches and utility wires; and
  - (x) The fireplace or stove shall not be used to burn prohibited debris.
- (c) “APPROVED OUTDOOR BURNING APPLIANCE PERMIT” means the permit to burn in an approved outdoor appliance issued by the Brandon Fire and Emergency Services in accordance with this Regulation hereinafter referred to as the “Approved Outdoor Appliance Permit”.
  - (d) “BRANDON FIRE AND EMERGENCY SERVICES” means the Brandon Fire and Emergency Services as established and organized by the City pursuant to the provisions of Bylaw No. 7200.
  - (e) “BURNABLE DEBRIS” means materials other than Prohibited Debris burned in accordance with the Open Air Fire Permit and all applicable statutes and policies, including but not limited to materials such as: charcoal, cut or seasoned wood.
  - (f) “CITY” means the City of Brandon.
  - (g) “FIRE CHIEF” means the Manager of the Brandon Fire and Emergency Services Department for the City of Brandon who performs the duties and responsibilities of a General Manager/Fire Chief, or his designate.
  - (g.1) “INSPECTOR” means any Brandon Fire Department Officer, Brandon Police Services Officer, or Policy Enforcement Officer, associated with the Brandon Fire Department, or the Brandon Police Service, or any other person authorized and entrusted to enforce this Regulation.  
[A.M. 6768]
  - (h) “OPEN AIR FIRE PERMIT” means the permit to burn issued by the Brandon Fire and Emergency Services in accordance with this regulation, hereinafter referred to as the “Open Air Fire Permit”.

- (i) “PORTABLE BARBECUING APPLIANCE” means any appliance sold or constructed for the purpose of cooking food outdoors, normally fuelled by liquefied petroleum gas (LPG), natural gas, compressed briquettes, or charcoal.
  - a. Solid fuel barbeques or similar cooking devices, such as wood or charcoal briquettes, shall not be used on balconies, enclosed decks and patios.
- (j) “PROHIBITED DEBRIS” means any inflammable waste that, when burned, may result in the release to the atmosphere, dense smoke, offensive odours or toxic substances as defined in any applicable statutes and policies including but not limited to non-wooden material, tires, used oil and household refuse.

## **PART 2 – OPEN AIR FIRES PROHIBITED**

- 4. It shall be an offence for any person to light, ignite, start, or allow or cause to be lighted, ignited or started an open air fire without first having obtained the applicable permit to do so from the Fire Chief or designate.
- 5. No person shall permit an open air fire or any other fire upon land owned, occupied, or under his or her control within the City, unless an applicable permit has been obtained and the provisions outlined on the permit are complied with.
- 6. Notwithstanding Sections 4 and 5, a permit shall not be required under this Regulation to conduct:
  - (a) The cooking of food using a Portable Barbecuing Appliance;
  - (b) Burning in fireplaces in or attached to dwellings as provided by legislation;
  - (c) Burning in City owned campgrounds and parks where fireplaces, stoves and fire pits are provided by or approved by the City;
  - (d) Burning in an incinerator for which a permit to construct and license to operate has been issued pursuant to the applicable legislation;
  - (e) Burning by the Brandon Fire and Emergency Services for the purpose of training its members.
- 7. A person to whom a permit has been so issued shall not leave the permitted fire unattended at any time while it is burning or smoldering and shall ensure that sufficient appliances and equipment to prevent the fire from getting beyond control, or causing damage or becoming dangerous are at the fire site.

### **PART 3 – PROCEDURE TO OBTAIN PERMIT**

8. Any person wishing to obtain an Open Air Fire Permit shall make application to the Fire Chief or designate in the form attached as Schedule “A” hereto during the normal business hours of the Brandon Fire and Emergency Services.
9. Each application for an Open Air Fire Permit shall contain the following information:
  - (a) The name and address of the applicant, and the name and address of the owner of the land on which the applicant proposes to set a fire;
  - (b) The legal or municipal description of the land on which the applicant proposes to set a fire;
  - (c) The type and description of material which the applicant proposes to burn;
  - (d) The period of time for which the permit is required;
  - (e) The precautions that will be taken by the applicant to ensure that the proposed fire remains under his or her control;
  - (f) The signature of the applicant; and
  - (g) The written consent to the proposed fire by the owner of the land (if different than the applicant).
10. Permits issued pursuant to this regulation shall be subject to any applicable fees as set out in the City of Brandon Fee Schedule. Permits are valid for such period of time as shall be determined and set by the Fire Chief or designate and the permit shall have endorsed thereon the period of time for which the said permit is valid.
11. The Fire Chief or designate may extend the period of time that an Open Air Fire Permit is valid, provided the said permit is not expired.
12. Each application for an Approved Outdoor Burning Appliance Permit shall be made to the Fire Chief or designate in the forms found on Brandon Fire and Emergency Service’s website or visit either Fire Hall in person. Applications can be submitted during the normal business hours of the Brandon Fire and Emergency Services and shall contain the following information:
  - (a) The name and address of the applicant, and the name and address of the owner of the land on which the applicant proposes to set up and approved outdoor burning appliance;
  - (b) The legal description of the land on which the applicant proposes to set up an outdoor burning appliance;
  - (c) The signature of the applicant; and
  - (d) The written consent to the proposed outdoor burning appliance by the owner of the land (if different from the applicant).

Permit Applications must be completed in full and can be delivered to Brandon Fire & Emergency Services in person, by Canada Post mail, e-mail, or fax. The fire pit must be inspected and approved by BFES before a permit is deemed valid. If not approved within thirty days, a new application must be submitted.

13. If an existing fire pit or outdoor fireplace does not comply with the provisions set out in this regulation for an Acceptable Fire Pit then the Fire Chief or designate may issue a permit for continued use of the fire pit or fireplace. If Fire Chief or designate is satisfied that the non-conforming fire pit or fireplace meets appropriate safety standards and the deficiencies do not create a risk of fire it will be allowed. If the existing fire pit or fireplace is considered unsafe or unacceptable, use of same must be stopped immediately and is prohibited.
14. Upon receipt of an application for a permit, the Fire Chief or designate shall consider the permit application, and may, pursuant to the provisions of this regulation and the Manitoba Fire Code:
  - (a) Refuse to grant a permit;
  - (b) Grant a permit with or without terms and conditions as he/she deems appropriate; or
  - (c) Determine that a permit is not required.
15. The permit is only approved in the location identified on the application. In the event the appliance is moved, the permit is no longer valid.
16. A permit shall not be transferable.

## **PART 4 – REGULATIONS**

### **DIVISION I: GENERAL**

16. Material which may be burned in an open fire as permitted under this regulation shall consist only of charcoal or cut, seasoned wood. The burning of the following material is prohibited:
  - (a) Rubbish;
  - (b) Garden refuse, lawn clippings or leaves;
  - (c) Manure;
  - (d) Livestock or animal carcasses;
  - (e) Any material classified as a dangerous good, and any material which, when burned, will generate black smoke or an offensive odour including insulation from electrical wiring or equipment, asphalt, roofing materials, hydrocarbons, plastics, rubber materials, creosote wood, or any similar material.
17. The use of outdoor burning appliances are limited to the hours between 12:00 p.m. and 12:00 a.m. Fires shall be supervised at all times so as to prevent their spread.

A person may apply for a special permit to extend the hours of burning as noted above, if the outdoor burning appliance is being used for cultural or ceremonial purposes.

18. Fires shall not be set in windy conditions conducive to creating a running fire or a nuisance to another person, and the use of outdoor burning appliances is prohibited when a poor air quality advisory is issued by the Province of Manitoba.
19. If smoke from a fire causes an unreasonable interference with the use and enjoyment of another person's property, the fire shall be extinguished immediately.
20. The person to whom an Open Air Fire Permit is issued shall be responsible for any and all damages as a result of burning.
21. Any fire permitted by this regulation shall be contained to a reasonable size so that the fire, or any embers, sparks or smoke emanating from the fire does not endanger any person or property or cause any objectionable effect on nearby property.
22. The Fire Chief or his designate may direct that a fire in a fire pit be extinguished, or may extinguish a fire that in his opinion is a nuisance or a threat to public safety.

## **DIVISION II: OUTDOOR BURNING APPLIANCES**

23. The site of the burning and the receptacle shall be inspected and an Open Air Fire Permit and/or Approved Outdoor Appliance Permit obtained from the Brandon Fire and Emergency Services.
24. Acceptable fire pit fires shall not be set unless the following measures have been taken to limit their spread:
  - (a) Be limited to a diameter of 75 cm (30 inches) and be ringed with brick, stone, concrete or heavy gauge metal;
  - (b) The brick, stone, concrete or heavy gauge metal shall be separated from grass and any other vegetation by a distance of at least 16 cm (6 inches) by means of clean earth, sand, gravel or other non-combustible medium;
  - (c) Must be covered at all times with a heavy gauge metal screen with openings not exceeding 1.25 cm (.5 inches); and
  - (d) The fire shall be located on private property, a distance of at least 1.5 metres (5 feet) from any property line, building or other combustible structure.
25. Any chiminea or portable fireplace/stove used as an outdoor burning appliance must be an acceptable manufactured burning appliance and subject to the following provisions:
  - (a) Shall not be used on apartment balconies;
  - (b) Shall not be used indoors;
  - (c) May be used on a non-combustible surface such as earth, concrete, stone, etc;
  - (d) Shall be separated from grass and other vegetation by a distance of at least 16 cm (6 inches) by means of earth, sand, gravel or other non-combustible medium;

- (e) Shall be located on private property a distance of at least 1.5 metres (5 feet) from any property line, building or other combustible structure; and
  - (f) Shall have a spark arrestor mesh screen with openings no larger than 1.25 cm (.5 inches) and constructed of expanded metal (or equivalent non-combustible material) to be used at all times to cover the fire pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks.
26. Every person who uses a barbecue or similar device shall:
- (a) Use the barbecue in a reasonable and safe manner;
  - (b) Keep the barbecue, when lit, the manufacturer's recommended distance from all combustible materials or a minimum of 1 metres (3.3 feet);
  - (c) Ensure that a portable grill or barbecue, when used on or near any building containing two (2) or more dwelling units, shall be located on a firm base and be firmly anchored not less than 1 metres (3.3 feet) from any combustible structure;
  - (d) Refrain from leaving the barbecue unattended when lit;
  - (e) Keep the barbecue in a reasonable state of repair;
  - (f) Comply with all federal and provincial regulations governing the use and storage of propane cylinders. Propane cylinders must not be repaired, stored or contained within a building;
  - (g) Ensure propane cylinders are shut off at the tank valve when not in use;
  - (h) Ensure propane cylinders are connected and secured to the barbecue; and
  - (i) Ensure propane cylinders are kept in an upright position at all times, including when the cylinders are in transit, in service, or in storage.
27. When solid fuel appliances are used, provisions for the storage of ashes or hot coals is limited to approved receptacles.
28. In addition to subsections 26 and 27, the following provisions apply, for the use of a barbecue or similar device on a balcony:
- (a) Solid fuel barbecues or other similar cooking device shall not be used; and
  - (b) Propane cylinders must not exceed the 20 pound size.
29. Except for approved auxiliary-fuelled incinerators, no incinerator shall be constructed or installed within the corporate limits of the City of Brandon.
30. Burning barrels or other similar device for the burning of any household or yard refuse are prohibited.

## **PART 5 – OFFENSES , PENALTIES, ENFORCEMENT AND ENACTMENT**

31. The Fire Chief or designate may terminate, suspend, or cancel a permit issued upon contravention of any provision of this regulation or the Manitoba Fire Code, or any terms and conditions found on the permit.
32. Any person who hinders or obstructs a person lawfully carrying out the enforcement of this regulation is guilty of an offence.
33. Any person who contravenes, or does not comply, or improperly complies, or only partly complies with any provisions of this regulation commits an offence. Everyone who commits an offence is liable, on summary conviction to a fine not exceeding One Thousand Dollars (\$1,000) for each offence, or at the discretion of the Inspector, a penalty in accordance with the City's Compliance Policy.
34. Where the contravention, refusal, neglect, omission or failure continues for more than one day, the person/property owner is liable for a separate offence for each day that it continues.
35. Where a person:
  - (a) Fails to obtain a permit as required under this regulation; or
  - (b) Obtains a permit as provided for in this regulation but fails to follow the provisions of the regulation and those conditions outlined on the permit; or
  - (c) Originally did not require a permit, but whose actions brought an open air fire under the requirement for a permit as defined herein,

And a fire beyond the control of a person or other emergency results, then such person shall be liable to pay all costs of all emergency response service incurred by the Brandon Fire and Emergency Services and the City shall be able to recover from such person all such costs as a debt owing to the municipality.

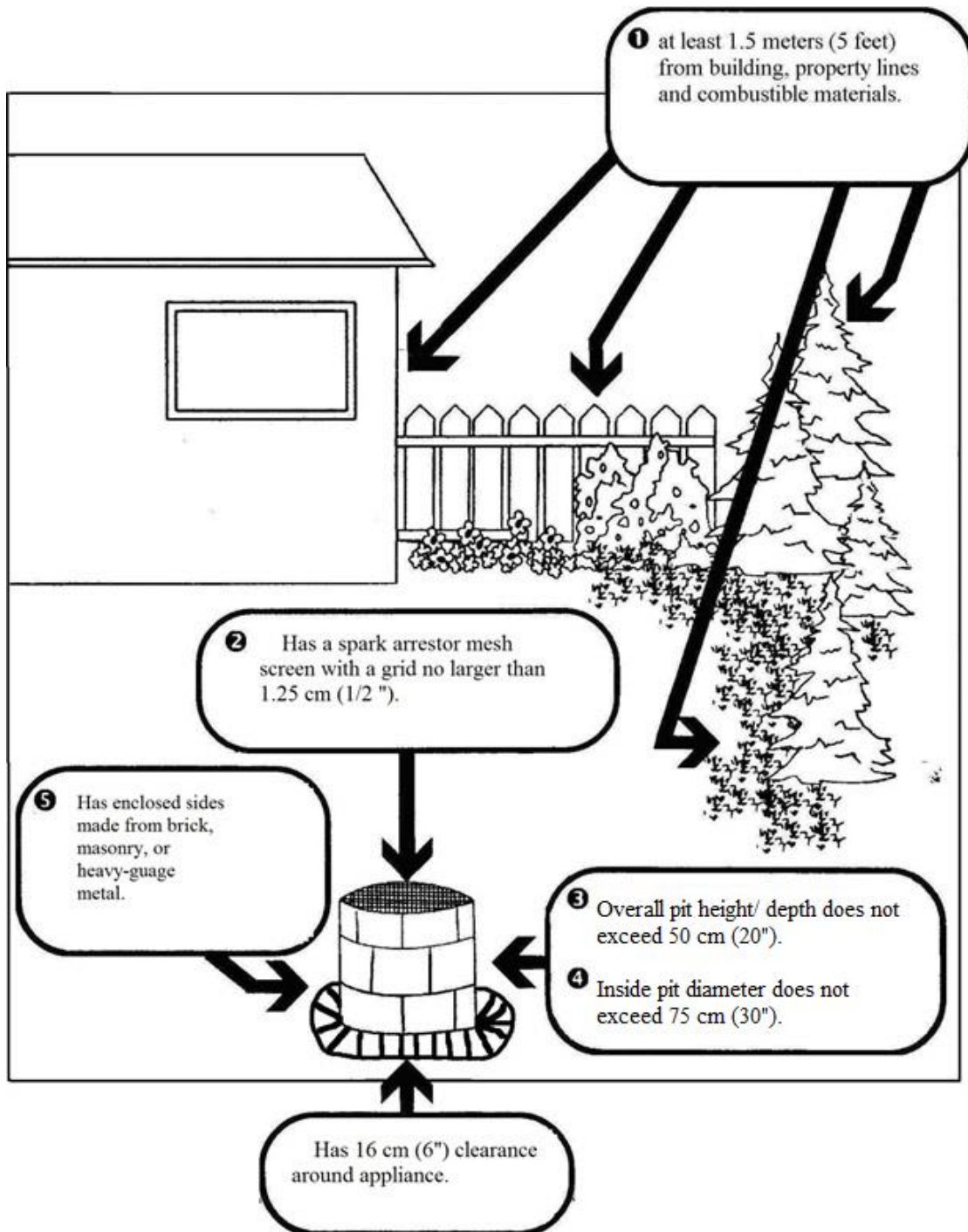
36. The provisions of this regulation shall be enforced by Inspectors.





## OPEN AIR FIRE REGULATION

An open fire pit is a great way to enjoy the outdoors year-round, but it is important to ensure that yours is safe and legal. The City of Brandon has an Open Air Fire Regulation which governs the construction and use of fire pits. Here are some details outlined in the regulation:





## Fire Pit Usage in Brandon

Please be advised: We sit around fire pits to enjoy our evenings, but our enjoyments should not be a nuisance to our neighbors.

**NOTE:** Conditions under which your fire would be extinguished by the Fire Department:

- a) Unattended fires.
- b) Fire exceeding the pit size.
- c) If the fire, in our judgment, creates a special hazard.
- d) Grass, rubbish, leaves, etc. cannot be burnt within City limits.  
Pits are for recreational fires only.
- e) Failure to obtain a permit.



Fire Pit



Chiminea



Fireplace