



Purpose

This document was created to clarify the Forest Fires Act (FFA), and how St Martins FD follows it, especially as it pertains to provincial and private campgrounds.

Locating the Act

The Act can be found online. The links are provided below for the Act itself, and for the regulations created under the Act. Note that when searching for the regulations (84-204) to search "General". There are currently two versions of 84-204. The latest was last updated in 2015, and will be labeled *2014, c.110* in the upper left hand corner. The older version will be labeled as *F-20* in the same location.

[2014, c.110 - Forest Fires Act](#) - This is the Forest Fire Act

[84-204 - Forest Fires Act](#) - These are the regulations created under the act

Clarification of the Regulations

This is a small portion of Reg 84-204, only covering some of the common issues we would see when responding to incidents, and questions that may come from them. You should be familiar with it to ensure the public is provided the correct information if they have questions.

1. Burn conditions apply from the third Monday in April to Oct 31st, but are subject to change at the discretion of the Fire Marshal's Office, where conditions may cause the Fire Watch to come into effect earlier, or last longer, than those dates.
 - i. This period is the Fire Season
 - ii. The New Brunswick [Fire Watch](#) website is updated daily, at 2pm, and each update is for 24 hours, from 2pm to 2pm the following day.
 - iii. Yellow conditions indicate burning is allowed from 8pm to 8am the following day
2. There are 4 categories of fires allowed. We would typically only see Category 1, and maybe a Category 2 in our area. Category 1 does not require a permit. ALL other categories require a permit.
 - i. 3.2A Category 1 fire is an open fire started or ignited in or within sixty metres (200 ft) of forest land to burn no more than four piles of untreated woody material, each of which does not exceed three metres in width, three metres in length and two metres in height. (Think the size of a small car)
NOTE: This is not stating a minimum distance from forest land, but rather the person is allowed to burn within that proximity to forest land.
 1. Multiple piles must be at least 10 meters (33 ft) apart.
 2. Fires must be attended at all times.
 3. They must have the landowner's permission before lighting a fire on private land.

3. Cities and Towns are not subject to the Forest Fires Act

NOTE: As of this time, the City of Saint John is the only municipality in New Brunswick that does not follow the FFA. However, the current council has made a motion to adopt it, and align themselves with the province and other municipalities in this regard.

4. Villages and Rural are subject to the Forest Fires Act, which includes the Village of Fundy-St Martins, however as per 3.7(2) C of Regulation, provincial burn restrictions do not apply to private campgrounds provided they meet the requirements laid out therein, EVEN DURING RED BURN CONDITIONS. That section reads as follows:

3.7(2) Subsection (1) does not apply to an open fire started, ignited, tended, fueled or made use of in or within one hundred metres of forest land in

(c) a permanent campsite fireplace within a provincial park, as defined in the Parks Act, or within a campground that is licensed as a tourist establishment under the Tourism Development Act or that is of a standard which would qualify it for license as a tourist establishment under the Tourism Development Act, if

(i) the fireplace is designed to be used for cooking or warmth, is composed of non-flammable material, has a surface area not greater than one square metre and is not less than fifteen centimetres in height,

(ii) the area under the fireplace and within one metre of the fireplace is bared to mineral soil or is composed of non-flammable material,

(iii) the fireplace is at least four and a half metres from all fine fuels, and

(iv) subject to subparagraph (ii), the height of all grass or weeds growing on land within four and a half metres of the fireplace is no more than ten centimetres.

5. Equally, individuals living within a local government with a by-law governing outdoor fires would be subject to that bylaw regardless of the FFA.

NOTE: At this time, the Village of Fundy- St. Martins does NOT have any by-law in place, and therefore would follow the direction of the FFA.

6. Regardless of burn status, individuals who start a wildfire may be liable to response costs and future litigation, so we are advising those pursuing activities to take extreme precautions.
7. As a fire department, we do not enforce the Act.

Other Frequently Asked Questions

https://www2.gnb.ca/content/gnb/en/news/public_alerts/forest_fire_watch/faq.html

Can I have a fire in my outdoor fireplace during a closed or restricted burn period?

An outdoor fireplace can be used during a closed or restricted burn period if:

- the fireplace is approved by the Canadian Standards Association (CSA); and,
- has a chimney with spark arrestor; and,

- is completely enclosed by screen or mesh; and
- the fireplace is at least three meters from combustible materials; and,
- the height of all grass or weeds growing on land within three meters of the fireplace is no more than ten centimeters.

Can I use a propane fire pit during a closed or restricted burn period?

Yes, a stove or fire pit that uses a liquid or gaseous fuel that can be extinguished by a lid or by closing a fuel control valve is safe to use during a closed or restricted burn period.

If burning on an open burn day, am I responsible for the smoke if my neighbor complains?

Air quality does not fall under the umbrella of the *Forest Fires Act*. Contact the Department of Environment and Local Government for any air quality issues.

Do I need a permit for a campfire along the river to cook food or to get warm?

During fire season, a campfire is considered a category 1 fire which is regulated by the burn permit system. Therefore, whether a campfire is allowed depends upon fire hazard. Please check the burn line to see whether campfires are allowed in a specific county.

Can I burn grass?

Grass burning is considered a Category 4 Fire which is for prescribed burning. This requires a written burn plan to be submitted to your local Ranger's Office. Once the burn plan is approved a written permit with departmental guidelines may be issued. Failure to comply could result in a fine of \$500-\$20,500.

Penalties and Enforcement

Penalties

The penalty for having a fire outside of the allowed times/hours can be expensive. Failure to comply could result in a fine of \$500-\$20,500. Other fines/criminal charges may also apply depending on the situation.

Enforcement

Local fire departments do not enforce the laws. This will be done through NRED and RCMP