

Forest Fire Protection Regulations
made under Section 40 of the
Forests Act
R.S.N.S. 1989, c. 179
O.I.C. 2019-248 (effective September 17, 2019), N.S. Reg. 135/2019

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Please note: this table of contents is provided for convenience of reference and does not form part of the regulations.

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Citation

1 These regulations may be cited as the *Forest Fire Protection Regulations*.

Definitions

2 (1) In the Act and these regulations,

“burn” means to set, start, kindle, ignite or maintain a fire;

“fire” means combustion or burning, in which substances combine chemically with oxygen from the air and typically give out bright light and heat.

(2) In these regulations,

“ABC fire extinguisher” means an ABC fire extinguisher of a type approved by the Canadian Standards Association or the Underwriters Laboratories of Canada;

“Act” means the *Forests Act*;

“campfire” means an open fire that burns no larger than 0.5 m in diameter and is intended for recreation, but does not include a fire set for survival;

“designated” means designated under Section 5;

“domestic burning” means domestic burning as defined in Section 4;

“domestic burning permit” means a permit to burn in the form of a public announcement in accordance with Section 5 that authorizes domestic burning;

“extinguished” means to fully put out a fire such that there is no bright light, heat or smoke and the embers are cool to the touch throughout with no chance of reigniting;

“flammable debris” means waste material that is at risk of igniting or spreading fire, including loose paper, cured grass and logging slash;

“forest protection area” means in the woods or within 1000 ft (305 m) of the woods, as specified in the Act;

“industrial burning permit” means a permit to burn that authorizes the holder to carry out industrial burning as defined in Section 9;

“online mapping tool” means an online map of the Province on the Department’s Forest Protection website that depicts each county and the domestic burning permit issued for each county;

“operation or activity” means any work carried out and includes a construction project, industrial project or forestry operation;

“permit to burn” means a permit issued under the Act and these regulations that authorizes a person to carry out domestic burning or industrial burning.

Fire season prescribed

3 Except as otherwise modified by the Minister under subsection 23(2) of the Act, the period from March 15 to October 15, both dates inclusive, is prescribed as the fire season for all counties in the Province.

Domestic burning defined

4 In these regulations, “domestic burning” means burning, for no remuneration, tree limbs, leaves, brush or cut grass that meets any of the following criteria:

- (a) the material being burned is in no more than 2 piles, each of which is no wider than 3 m in diameter and no taller than 2 m;
- (b) it is a campfire;
- (c) it is carried out while burning for blueberry crops within an area smaller than or equal to 2 ha.

Domestic burning permit for each county announced

- 5** (1) Each day during a fire season, the Minister or a person delegated by the Minister must publicly announce the domestic burning permitted in each county of the Province, by designating the day as 1 of the following:
- (a) burn day;
 - (b) restricted burn day;
 - (c) non-burn day.
- (2) A day designated under subsection (1) means the 18-hour period between 2 p.m. of that day to 8 a.m. on the following day unless otherwise authorized by the Minister or a person designated by the Minister.
- (3) A public announcement required by subsection (1) must be published on the online mapping tool and be available by telephone through the Department's toll-free phone number.

Burn day authorized burning

- 6** In addition to any restrictions or conditions in Section 27 of the Act, on a designated burn day, domestic burning is permitted in the forest protection area only if all of the following conditions are met:
- (a) piles of material to be burned are at least 10 m apart;
 - (b) the fire is extinguished by 8 a.m. on the morning following the ignition of the fire.

Restricted burn day authorized burning

- 7** In addition to any restrictions or conditions in Section 27 of the Act, on a designated restricted burn day, domestic burning is permitted in the forest protection area only if all of the following conditions are met:
- (a) piles of material to be burned are at least 10 m apart;
 - (b) burning occurs only during the restricted time period specified in the domestic burning permit public announcement.

Non-burn day

- 8** (1) On a designated non-burn day, there is no permit to burn issued.
- (2) Despite subsection (1), a person may carry out domestic burning on a designated non-burn day if the local Area Manager of the Department determines that it is safe and reasonable to carry out burning for a special event and grants express written permission to do so.

Industrial burning defined

- 9** In these regulations, “industrial burning” means burning that meets any of the following criteria:
- (a) it is carried out by a person for remuneration;
 - (b) it is carried out for land-clearing or agricultural purposes, including burning for blueberries within an area larger than 2 ha;
 - (c) the material being burned is in more than 2 piles of any size;
 - (d) the material being burned is wider than 3 m in diameter or taller than 2 m;
 - (e) the fire is not extinguished by 8:00 a.m. of the morning following the ignition of the fire.

Industrial burning permit

- 10** (1) The fee for an industrial burning permit is \$62.30, inclusive of any applicable taxes.
- (2) A person authorized or designated by the Minister to issue an industrial burning permit must complete any returns that the Minister directs, and must remit to the Minister all money received from the sale of industrial burning permits less any amount allowed by the Minister by way of commission.

Municipal landfill sites

- 11** (1) An industrial burning permit may be issued to a municipality that operates a municipal land fill site, for the purpose of operating the landfill site, for a period of time equivalent to the fire season for the county where the landfill site is located.
- (2) Despite subsection (1) and in addition to any other conditions that may be imposed, an industrial burning permit issued under subsection (1) may contain any conditions respecting suspension or cancellation of the permit that the permit issuer considers necessary for the adequate protection from and control of forest fires.

Terms and conditions of permit to burn mandatory

- 12** Any terms and conditions specified for a permit to burn are part of the permit and a person must comply with the terms and conditions contained in their permit.

Suspended or cancelled permit to burn

13 (1) In subsection 23(8) of the Act,

“fire permit” means a permit to burn;

“permit holder” includes a person acting on that person’s behalf.

(2) A permit holder must surrender to the Department, on request, any permit to burn issued to them that has been suspended or cancelled.

Fire fighting equipment based on number of persons employed at site

14 Except where the Department has prescribed or approved specific alternatives, the fire fighting equipment required to be provided and maintained under subsection 27(4) of the Act by a person in charge of an operation or activity conducted in the forest protection area during the fire season, based on the number of persons employed at the site of the operation, is as follows:

Required equipment for fire fighting**	Total number of persons employed at site of operations*				
	1-2	3-5	6-10	11-20	21+
Any combination of axe, Pulaski or shovels	2	3	6	10	13
Back tanks or bags with pump and nozzle	1	2	4	5	7
*The total number includes individuals operating heavy equipment and machinery.					
**This total does not include the equipment affixed to Class I or Class II machines.					

Fire fighting equipment for Class 1 and Class 2 machinery

15 (1) In this Section,

“Class 1 machine” means a farm tractor, a skidder, a forwarder, a roadside slasher, a roadside delimeter, a loader, a wood transporting vehicle, road construction equipment, a welding vehicle or an equipment servicing vehicle;

“Class 1 operation” means an operation or activity conducted during the fire season in the forest protection area in which a Class 1 machine is used;

“Class 2 machine” means a chipper, a feller buncher, a wood harvester or a wood processor;

“Class 2 operation” means an operation or activity conducted during the fire season in the forest protection area in which a Class 2 machine is used.

- (2) A person in charge of Class 1 operation or a Class 2 operation must ensure that all of the following equipment is securely affixed to the machines used in the operation as set out in the following table:

Class of machine	Equipment to be affixed to machine
Class 1	1 5-lb (2.25 kg) ABC fire extinguisher, fully charged and equipped with pressure gauges OR 2 2.5-lb (1.13 kg) ABC fire extinguishers, fully charged and equipped with pressure gauges
Class 2, equipped with on-board suppression system	<ul style="list-style-type: none"> <li data-bbox="632 633 1362 824">• 1 10-lb (4.54 kg) ABC fire extinguisher, fully charged and equipped with pressure gauges OR 2 5-lb (2.25 kg) ABC fire extinguishers, fully charged and equipped with pressure gauges <li data-bbox="632 835 1362 1059">• 1 back tank pump unit containing no less than 18 L of water OR an additional 10-lb (4.54 kg) ABC fire extinguisher, fully charged and equipped with pressure gauges
Class 2, not equipped with on-board suppression system	<ul style="list-style-type: none"> <li data-bbox="632 1086 1362 1276">• 1 20-lb (9 kg) ABC fire extinguisher, fully charged and equipped with pressure gauges OR 2 10-lb (4.54 kg) ABC fire extinguishers, fully charged and equipped with pressure gauges <li data-bbox="632 1288 1362 1478">• 1 back tank pump unit containing no less than 18 L of water OR an additional 20-lb (9 kg) ABC fire extinguisher, fully charged and equipped with pressure gauges

- (3) In addition to the requirements of subsection (2), every person in charge of a Class 2 operation must have a 2-way communication system available at the operations site.

Fire fighting equipment available and in working order

16 A person in charge of an operation or activity conducted in the forest protection area during the fire season must ensure that all fire fighting equipment required to be kept at the site of the operations is, at all times,

- (a) readily available; and
- (b) kept in proper working order.

Operating power saw or clearing saw on forest lands during fire season

- 17 (1) A person must not operate a power saw or clearing saw in the forest protection area during the fire season unless the power saw is equipped with an exhaust muffler in functional condition and the adequate spark arresting device required by subsection 27(4) of the Act.
- (2) A person who operates a power saw or clearing saw in the forest protection area during the fire season must keep an ABC fire extinguisher containing not less than 0.5 lb. (0.225 kg) of dry chemical at the site where the person refuels the power saw.

Portion of fine paid for information

- 18 (1) If a complaint is laid and information provided by a person other than a conservation officer, the Minister may pay the complainant an amount of up to 1/2 of any fine collected for a prosecution for a violation of the Act or the regulations resulting from the complaint and information.
- (2) If a complaint is laid by a conservation officer on information provided by another person other than a conservation officer, the Minister may pay the person who provided the information an amount of up to 1/4 of any fine collected for a prosecution for a violation of the Act or the regulations resulting from the information.

Legislative History Reference Tables

Forest Fire Protection Regulations

N.S.
Reg. 135/2019

Forests Act

Note: The information in these tables does not form part of the regulations and is compiled by the Office of the Registrar of Regulations for reference only.

Source Law

The current consolidation of the *Forest Fire Protection Regulations* made under the *Forests Act* includes all of the following regulations:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
135/2019	Sep 17, 2019	date specified	Oct 11, 2019

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
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The following regulations are not yet in force and are not included in the current consolidation:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
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*See subsection 3(6) of the *Regulations Act* for rules about in force dates of regulations.

Amendments by Provision

ad. = added
am. = amended

fc. = fee change
ra. = reassigned

rep. = repealed
rs. = repealed and substituted

Provision affected	How affected
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Note that changes to headings are not included in the above table.

Editorial Notes and Corrections

Note	Effective date
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Repealed and Superseded

N.S. Regulation	Title	In force date	Repealed date
55/1987	Forest Fire Protection Regulations	Apr 1, 1987	Sep 17, 2019

Note: Only regulations that are specifically repealed and replaced appear in this table. It may not reflect the entire history of regulations on this subject matter.
