

TOWN OF PORT HAWKESBURY OUTDOOR FIRE BY-LAW

SHORT TITLE

1. This By-law shall be known as the "Outdoor Fire By-law".

AUTHORITY

2. Sections 172(1) (a), (b) and (d) of the Municipal Government Act provides municipalities with the power to make by-laws respecting the health, well-being, safety and protection of persons, the safety and protection of property, and activities that may cause nuisances including burning, odours, and fumes.

DEFINITIONS

3. In this By-law, the following definitions shall apply:

(a) "Acceptable Fire Pit" means an outdoor receptacle which is constructed from bricks, concrete blocks, heavy gauge metal, stone or other suitable non-combustible components, and has a spark arrestor or metal mesh screen of such a size as to work effectively.

(b) "Council" means the Council for the Town of Port Hawkesbury.

(c) "Fire Chief" means the Fire Chief of the Port Hawkesbury Volunteer Fire Department.

(d) "Garden and Yard Waste" means any shrubbery, tree prunings, leaves, brush, weeds, grass, roots, tree stumps, turf, and similar vegetation.

(e) "General Waste" means any rubbish, garbage, non-wooden material, packaging, containers, bottles, cans, rags, clothing, petroleum products, manure or sewer.

(f) "Hazard" means a risk of damage or nuisance which may be caused by the burning of any general waste and which may adversely affect property and/or persons.

(g) "Non-designated Material" means tires, waste dangerous goods as defined in the Dangerous Goods Management Regulations pursuant to the *Environment Act*, Stats. NS, 1994-1995, c 1, and amendments thereto; used oil as defined in the used oil regulations pursuant to the *Environment Act*, supra; railway ties or other

wood treated with wood preservative; material containing rubber or plastic; painted wood; garbage, food products; organics such as animal remains.

(h) "Nuisance" means the causing of any smoke or other emission from any fire permitted under this By-law or otherwise that adversely affects the reasonable enjoyment by other persons of their property.

(i) "Outdoor Wood Furnace" means an outdoor wood-burning appliance, or a solid fuel burning appliance, used for the space heating of buildings, the heating of water or other similar purposes.

(j) "Portable Barbecuing Appliance" means any appliance used for the purpose of cooking food outdoors, normally fuelled by liquefied petroleum gas, natural gas, compressed briquettes or charcoal.

(k) "Responsible adult" means any person of 19 years of age or older who is not intoxicated by means of alcohol, prescribed medication, or any other substance that may cause such intoxication.

(l) "Town" means the Town of Port Hawkesbury.

OUTDOOR FIRES PROHIBITED

4. No person shall be permitted:

(a) to operate an open fire pit within the Town;

(b) to have an outdoor fire within the Town, on any land owned or occupied by such person, or on any public lands owned by the Town, unless contained in an acceptable fire pit;

(c) to burn non-designated material, general waste or garden and yard waste on any lands owned or occupied by such person, or on any other lands within the Town;

(d) to operate an Outdoor Wood Furnace within the Town.

OUTDOOR FIRES PERMITTED

5. Persons shall be permitted to cook food using a portable barbecue, other food preparation appliances designed for outdoor use or outdoor wood burning appliances.

6. Persons using outdoor gas or wood burning appliances shall be permitted to do so with the following provisions:

- (a) the manufacturer's installation instructions must be followed;
- (b) only dry seasoned firewood shall be used as it burns with little or no smoke by-product;
- (c) a spark arrestor or mesh screen is used to prevent sparks from escaping or blowing debris and is of such a size as to work effectively;
- (d) the acceptable fire pit or wood burning appliance shall be located in excess of 15 feet (5 meters) from any building, flammable structure, combustible material or property line;
- (e) the acceptable fire pit or wood burning appliance, may be operated on a wooden deck, provided it is positioned on a fire-proof pad and meets the requirements of Clause 6(d);
- (f) the fire does not create a nuisance;
- (g) a responsible adult is present on the property while the fire is burning and until the fire is extinguished;
- (h) a fire extinguisher, or other means of extinguishing a fire, acceptable to Fire Chief/ or designate, is within reasonable distance from where the fire is located.

SPECIAL BURNING PERMIT

7. The Fire Chief may, from time to time, issue a special burning permit to an applicant and may prescribe within the permit:

- (a) the number of people required to supervise the burning;
- (b) the conditions under which the fire may be set;
- (c) the types of materials that will be permitted to be burned;
- (d) the hours and day on which burning shall take place;
- (e) the location at which the fire may be set.

EXCEPTION

8. This By-law shall not apply to persons acting directly under the authority of the Fire Chief of the Port Hawkesbury Volunteer Fire Department in the performance of his duties.

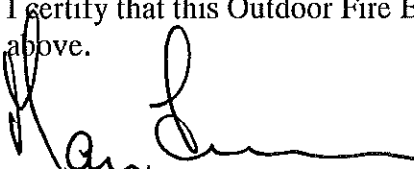
OFFENCES AND PENALTIES

9. Any person who contravenes or fails to comply with any of the provisions of this By-law shall be liable to a penalty no less than \$250.00 and not exceeding \$5000.00 for each offense, as per Schedule A (attached).

10. In addition to any penalty imposed as a result of a guilty plea, the Town may levy a fee for reimbursement of all expenses incurred or damages associated with the offence.

REPEAL

11. The Burning By-law that was passed by the Town Council of the Town of Port Hawkesbury on December 3, 1996 is hereby repealed and replaced with this By-law.

Date of First Reading:	September 4, 2012
Date of Advertisement of Notice of Intent to Consider:	September 12, 2012
Date of Second Reading:	October 2, 2012
Date of Advertisement of By-law Passage and Approval:	October 17, 2012
Date of Mailing Certified Copy to SNSMR:	October 18, 2012
I certify that this Outdoor Fire By-law was adopted by Council and published as indicated above.	
	<u>October 18, 2012</u>
Chief Administrative Officer	Date

SCHEDULE "A"

OFFENCE	PENALTY
First Offence	\$ 250.00
Second Offence	\$ 1,000.00
Third Offence	\$ 5000.00