

1. Title

This bylaw shall be known as Chapter 71 and may be cited as the Outdoor Fire Bylaw.

2. References

2.1 Nova Scotia Municipal Government Act (NS MGA):

Whereas under Sections 172(1), (a), (b), and (d) of the Nova Scotia Municipal Government Act (NS MGA), Council may make bylaws, respecting the health, wellbeing, safety and protection of persons, the safety and protection of property, and activities that may cause nuisances including burning, odours, and fumes.

3. Definitions

3.1 In this Bylaw:

- (1) "Acceptable Outdoor Wood Burning Appliance" means an outdoor receptacle with an opening which does not exceed one (1) meter across constructed from bricks, concrete blocks, heavy gauge steel, or stone, to a maximum of 60 centimeters from surface grade and has a one half inch (1/2") or (12 mm) spark arrestor or metal mesh screen covering;
- (2) "Building" means any structure, whether temporary or permanent, used or capable of use for the shelter, accommodation or enclosure of persons, animals, materials or equipment.
- (3) "Burn" means to light, ignite or set fire to any material;
- (4) "Certified" means certified as meeting the standards of the Canadian Standards Association (CSA approved) or another nationally recognized testing organization;
- (5) "Council" means the Council of the Town of Wolfville;
- (6) "Designate" means the person or persons designated by Council to enforce this Bylaw, including the Police, Bylaw Enforcement Officers and Fire Inspectors of the Town of Wolfville;
- (7) "Emergency Measures Organization" means the Emergency Measures Organization as approved and established for the Town of Wolfville;
- (8) "Fire Chief" means the Fire Chief, or his Designate for the Town of Wolfville;
- (9) "Garden and Yard Waste" means any shrubbery, tree pruning, leaves, brush, weeds, grass, roots, tree stumps, turf, and similar vegetation;
- (10) "General Waste" means any rubbish, garbage, treated wood with paint or preservative,

non-wooden material, packaging, containers, bottles, cans, rags, clothing, and petroleum products;

- (11) "Hazard" means a risk of fire or damage to property and/or person(s) which may be caused by the burning of any waste and includes any nuisance;
- (12) "Nuisance" means the causing of any smoke, smells or other emission from any fire permitted under this bylaw, or otherwise, that adversely and unreasonably affects the reasonable enjoyment by other persons of their property;
- (13) "Outdoor Fire" means any combustion, whether or not fire is present or visible, located any place on a property including inside any receptacle outside a building;
- (14) "Outdoor Propane Fire Pit or Fireplace" means a manufactured fire pit or fireplace commonly made of pre-cast concrete or metal and/or a combination of a metal table and stone which are fueled by natural gas, propane (LP) or bio ethanol and used for recreational fires.
- (15) "Portable Barbecuing Appliance" means any appliance sold or constructed for the purpose of cooking food outdoors, fueled by liquefied petroleum gas, natural gas, compressed briquettes, or charcoal;
- (16) "Recreational fire" means an outdoor fire using solid fuels or Liquefied Petroleum Gas or natural gas for cooking or pleasure;
- (17) "Solid fuel" means dry seasoned hard or soft wood, charcoal, mechanically processed fiber wood, pelletized wood and wood chips;
- (18) "Fire protection equipment" means tools or equipment useful in extinguishing fires and preventing the spread of fires including but not limited to fire extinguishers, back tanks, buckets of water and hoses connected to an adequate water supply;
- (19) "Town" means the Town of Wolfville.

4. Outdoor Fires Prohibited:

- 4.1 No person shall be permitted to have an outdoor fire within the Town, unless in accordance to Section 5 of this Bylaw;
- 4.2 No person shall be permitted to burn general waste, or garden and yard waste on any lands owned or occupied by such person, or on any other lands within the Town;
- 4.3 No person shall ignite an outdoor fire when:
 - i. The Nova Scotia Department of Natural Resources has issued a fire ban for this area of the province; and, or
 - ii. The weather conditions may jeopardize the ability to control the fire.

5. Outdoor Fires Permitted:

- 5.1 Persons shall be permitted to have a recreational fire to cook food using an Acceptable Outdoor Wood Burning Appliance; Portable Barbecue Appliance, an Outdoor Propane Fire Pit, or an Outdoor Fireplace;
- 5.2 Persons shall be permitted to have a recreational fire in an outdoor propane fire pit or fireplace, which has been installed pursuant to the manufacturer's specifications;
- 5.3 Persons shall be permitted to have a recreational fire in an acceptable outdoor wood burning appliance, providing that:
- i. only seasoned dry firewood or other solid fuel is burned;
 - ii. a ½ inch or 12 mm spark arrestor or mesh screen covering is used to contain any sparks or blowing debris;
 - iii. the acceptable outdoor wood burning appliance is in excess of 15 feet or 4.57 meters from any building, flammable structure, combustible material or property line and not positioned on a wooden or combustible material deck or platform;
 - iv. only one recreational fire used on the property at one time;
 - vi. the fire does not create a nuisance;
 - vii. a responsible adult is present on the property while the fire is burning and until the fire is extinguished;
 - viii. fire protection equipment is available to extinguish the fire within reasonable distance from where the fire is located.
- 5.4 Burning for the purpose of training members for the Emergency Management Organization or the Wolfville Fire Department is permitted.

6. Fire Appliance Requirements:

- 6.1 An acceptable outdoor wood burning appliance must be properly constructed of a minimum of 1/8" (4mm) steel in thickness, natural stone, brick, block or concrete to a maximum of 60 centimeters from surface grade measured on the outside rim of no more than 39.36 inches or one meter (1 m) across.
- 6.2 The actual size of the interior fire box in an outdoor wood burning appliance shall not be larger than 30 inches (30") or 762 millimeters (762 mm) in any dimension.
- 6.3 An acceptable outdoor wood burning appliance must be fitted with a spark arrestor mesh that covers the complete top with openings no larger than one half inch (1/2") or 12 millimeters (12mm).
- 6.4 Outdoor Propane Fire Pit, Fireplace or Portable Barbecues Appliances shall be installed, used and cared for in accordance with the manufacturer's guidelines and shall be only used for the purpose designed by the manufacturer.

6.5 All-natural gas or liquefied propane appliances must be certified by CSA, ULC or any other recognized certification agency.

6.6 Outdoor Propane Fire Pit, Fireplace and Portable Barbecue Appliances must conform to the requirements of the Fuel Safety Regulations as passed under the Technical Safety Act of Nova Scotia.

7. Enforcement:

7.1 The Fire Chief or Designate have control over the prevention and suppression of Outdoor Fires within the Town and shall have the authority to extinguish or ordered extinguished any Outdoor Fire which poses a health or fire hazard to persons or property, or which does not meet the provisions of this Bylaw.

7.2 The Fire Chief or Designate may enter upon any land, at any reasonably necessary time, for the purpose of performing their duties and functions pursuant to this Bylaw.

7.3 The Fire Chief or Designate can order the property owner to dismantle or removal an illegal outdoor burning appliance within a reasonable time and on failure to comply, shall have the appliance removed; the cost recovered by the Town on first lien on the property.

7.4 No action in trespass or nuisance may be brought against a member of a Fire Department, Police Officer, Bylaw Enforcement Officer or Designate for the doing of any act or the carrying out of any operation necessarily incidental to the exercise of any duty or power pursuant to this Bylaw.

8. Penalties:

8.1 Every person who contravenes or fails to comply with any orders or provisions of this Bylaw shall be liable to a penalty of not less than two hundred dollars (\$200.00) for first offence, not less than four hundred dollars (\$400.00) for second offence, and not less than nine hundred dollars (\$900.00) for third and subsequent offences.

9. Compliance with other legislation:

9.1 Nothing in this Bylaw shall exempt any person from obtaining any license, permission, permit, authority or approval required under any other Bylaw or regulation of the Town or any statute or regulation of the Province of Nova Scotia. If this Bylaw conflicts with any other statute or regulation of the Province of Nova Scotia the more restrictive statute shall apply.

10. REPEALS:

10.1 The Open Air Fires Bylaw and amendments thereto are repealed upon the coming into force of this Bylaw.



Clerk's Annotation for Official Bylaw Book

Date of first reading: December 17, 2019

Date of advertisement of Notice of Intent to Consider: December 24, 2019

Date of second reading: January 21, 2020

Date of advertisement of Passage of Bylaw: January 28, 2020

Date of mailing to Minister a certified copy of Bylaw: February 10, 2020

I certify that this Outdoor Fire Bylaw Chapter 71-was adopted by Council and published as indicated above.

A handwritten signature in blue ink that reads 'Erin Beaudin'.

Erin Beaudin, CAO & Town Clerk

February 10, 2020
Date