

The Municipality of the County of Colchester

Chapter 9 Outdoor Fire By-law

1. Authority

This By-law is enacted pursuant to Section 172 of the *Municipal Government Act*, S.N.S. 1998, c. 18, and shall be known and may be cited as the “Outdoor Fire By-law” of the Municipality of the County of Colchester.

2. Interpretation

In this By-law:

“*Acceptable Fire Pit*” means an outdoor receptacle which is constructed from bricks, concrete blocks, heavy gauge metal, stone or other suitable non-combustible components, has a spark arrestor or metal mesh screen, is positioned on a fire-proof surface, and does not exceed 1 meter in width or in diameter when measured between the widest point or outside edges. Chimeneas are included as an Acceptable Fire Pit.

“*Council*” means the Council of the Municipality of the County of Colchester.

“*Chimenea*” includes a Chimenea or other small, commercially manufactured burning appliance constructed from a suitable fire resistant material with minimal capacity intended to burn small quantities of wood or charcoal. Such devices must have a screen door and a spark arrestor.

“*Designated Fire District*” is defined as per section 3 of this By-law.

“*Fire Chief*” means the Fire Chief of a Fire Brigade in the Municipality of the County of Colchester, including the Fire Chief of the Bible Hill Fire Brigade.

“*Fire Brigade*” means any fire department, fire brigade, fire commission, or volunteer fire department operating in a Designated Fire District.

“*Garden and Yard Waste*” means any shrubbery, tree prunings, leaves, brush, weeds, grass, roots, tree stumps, turf and similar vegetation.

“*General Waste*” means any rubbish, garbage, non-wooden material, packaging, containers, bottles, cans, rags, clothing, rubber tires, petroleum products, oil, manure or sewer.

“*Hazard*” means a risk of damage or nuisance which may be caused by the burning of an Outdoor Fire, and which may adversely affect property and/or persons.

“*Municipality*” means the Municipality of the County of Colchester.

“Nuisance” means the causing of any smoke or other emission from any fire permitted or allowed under this By-law, or otherwise, that adversely affects the reasonable enjoyment by other persons of their property.

“Outdoor Fire” means a fire in an Acceptable Fire Pit, located any place on a property that is not a building. A structure used mainly for the purpose of containing a burning facility or housing a vessel used for burning of materials or substances does not qualify as a building. For greater clarity, the burning of materials, articles or substances in any container outside a building shall be considered an outdoor fire.

“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.

“Portable Barbecuing Appliance” means any appliance used for the purpose of cooking food outdoors, normally fueled by liquified petroleum gas, natural gas, compressed briquettes or charcoal.

“Running Fire” means a fire which has escaped its confinement or which is burning not being under proper or any control of any person.

“Suitably Equipped” means being in possession of tools or equipment, including without limitation, brooms, rakes, back tanks, shovels, hoses and an adequate water supply, which may be used to contain and/or prevent the spread of an outdoor fire;

“Village” means the Village of Bible Hill.

3. Area of Application

- (1) This By-law shall apply to the Village of Bible Hill and to those other areas of the Municipality of Colchester as set out in Schedule A.
- (2) Enforcement of this By-law will be the responsibility of the Fire Chiefs or their designates for the Designated Fire Districts within the Municipality of Colchester.

4. Outdoor Fires Permitted

- (1) Persons shall be permitted to cook food using a Portable Barbecuing Appliance which is designed for outdoor food cooking.
- (2) Persons shall be permitted to burn only clean, dry wood or charcoal in an Acceptable Fire Pit, providing that:
 - (i) a spark arrestor or mesh screen is used to contain any sparks or blowing debris;
 - (ii) the Acceptable Fire Pit is located in excess of 15 feet from any building, flammable structure, combustible material or property line;
 - (iii) notwithstanding 2(ii), a Chimenea may be operated on a wooden deck

provided:

- a) it is positioned on a CSA approved fire-proof pad that extends at least 18 inches from where the door is located and 8 inches on all other sides,
 - b) is seven (7) feet from the house and three (3) feet from any wooden surface that is not appropriately screened with a CSA approved fire-proof material.
 - c) operation of a Chimenea meets the stricter standard between this By-law and the operating instructions that comes with the device;
- (iv) a responsible adult who is Suitably Equipped is present on the property and supervising while the Outdoor Fire is burning and until the Outdoor Fire is fully extinguished;
 - (v) a fire extinguisher, or other means of extinguishing an Outdoor Fire, acceptable to the Fire Chief or designate, is available on the property and within a reasonable distance from where the Outdoor Fire is located;
 - (vi) the Outdoor Fire does not create a nuisance.
- (3) The fire department shall be notified immediately if the Outdoor Fire is or appears to be getting out of control.

5. Outdoor Fires Prohibited

- (1) No person shall be permitted to have an Outdoor Fire within the Designated Fire District, on any land owned or occupied by such person, or on any public lands owned by the Municipality or Village, unless contained in an Acceptable Fire Pit.
- (2) No person shall light an Outdoor Fire when the weather conditions are such that there is a risk of creating a Running Fire.
- (3) No person shall be permitted to operate an Outdoor Wood Furnace within the Designated Fire District.
- (4) 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 Designated Fire District.
- (5) No person shall light an outdoor fire and allow the smoke from the fire to be a nuisance to another person. When a person has ignited an outdoor fire that has become a nuisance to another person due to smoke drift, the person shall extinguish the fire immediately.

6. Enforcement

- (1) The Fire Chiefs or designates have control over the prevention and suppression of Outdoor Fires within the Municipality, 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 By-law.

- (2) The Fire Chiefs or designates may enter upon any land, at any reasonably necessary time, for the purpose of performing their duties and functions pursuant to this By-law.
- (3) No action in trespass or nuisance may be brought against a member of a Fire Department 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 By-law.

7. Offences and Penalties

Notwithstanding any other By-law of the Municipality, any person who contravenes any provision of this By-law is punishable on summary conviction by a fine of not less than \$100.00 and not more than \$5,000, and in default of payment to imprisonment of not more than 90 days for each offence.

8. Cost of Work

In addition to any fine imposed pursuant to Section 7, the property owner will be responsible for any expenses or damages, or other work lawfully done pursuant to this By-law, which are a result of a person contravening or failing to comply with this By-law, the cost of the work, with interest at the rate determined by Council, from the date of the completion of the work until the date of payment, is a first lien on the property upon which, or for the benefit of which, the work was done.

9. Compliance with Other Acts and By-laws

Nothing in this By-law shall exempt any person from obtaining any license, permission, permit, authority or approval required under any other By-law or regulation of the Municipality or any statute or regulation of the Province of Nova Scotia. If this By-law is in conflict with any other statute or regulation of the Province of Nova Scotia the more restrictive statute shall apply.

THIS IS TO CERTIFY, that By-law #9, Outdoor Fire By-law was duly approved at a duly called meeting of the Municipal Council of the Municipality of the County of Colchester, duly convened on the 29th day of October A.D., 2009.

GIVEN under the hand of the Municipal Clerk and under the corporate seal of said Municipality this 11th day of January, A.D., 2010.

Dan McDougall
Municipal Clerk