

TOWN OF MAHONE BAY

CHAPTER # 07

A BY-LAW RESPECTING OUTDOOR BURNING WITHIN THE TOWN

Short Title

1. This By-law shall be known as the “Outdoor Burning By-law”.

Authority

2. Sections 172 (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.
 - (b) “*Council*” means the Council for the Town of Mahone Bay.
 - (c) “*Fire Chief*” means the Fire Chief of the Mahone Bay and Area Volunteer Fire Department.
 - (d) “*Fire inspector*” means the Fire Inspector appointed by the CAO or Town Council of the Town of Mahone Bay.
 - (e) “*Garden and Yard Waste*” means any shrubbery, tree prunings, leaves, brush, weeds, grass, roots, tree stumps, turf and similar vegetation.
 - (f) “*General Waste*” means any rubbish, garbage, non-wooden material, packaging, containers, bottles, cans, rags, clothing, petroleum products, manure or sewage.
 - (g) “*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.
 - (h) “*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.

- (i) *“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.
- (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) *“Regional Emergency Management Organization”* means the Regional Emergency Management Organization, as established for the Town, under the provisions of the Regional Emergency Management By-law for the Town of Mahone Bay.
- (l) *“Town”* means the Town of Mahone Bay.

Outdoor Fires Prohibited

- 4. (1) No person shall be permitted to operate an open fire pit within the Town without prior permission from either the Fire Chief or Fire Inspector of the Town.
- (2) No person shall be permitted 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.
- (3) No person shall be permitted 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.

Outdoor Fires Permitted

- 5. (1) Persons shall be permitted to cook food using a portable barbecue, other food preparation appliances designed for outdoor use or outdoor wood burning appliances.
- (2) Persons using outdoor gas or wood burning appliances shall be permitted to do so with the following provisions:
 - (i) the manufacturer’s installation instructions must be followed
 - (ii) only dry seasoned firewood shall be used as it burns with little or no smoke by-product;
 - (iii) a spark arrestor or mesh screen is used to contain any sparks or blowing debris;
 - (iv) the acceptable fire pit or wood burning appliance shall be located in excess of 15 feet from any building, flammable structure, combustible material or property line;

- (v) Notwithstanding 4 (2) (iv), the acceptable fire pit or wood burning appliance, may be operated on a wooden deck, provided it is positioned on a fire-proof pad;
- (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) a fire extinguisher, or other means of extinguishing a fire, acceptable to the Fire Chief/or designate, is within reasonable distance from where the fire is located.

Permitted Circumstances

- 6. Persons or organizations shall be permitted to ignite an outdoor fire providing that:
 - (i) the burning is for the purpose of training members for the Regional Emergency Management Organization or the Mahone Bay and Area Volunteer Fire Department.

Offences and Penalties

- 7. (1) Any person who contravenes or fails to comply with any of the provisions of this By-law is guilty of an offence punishable on summary conviction by a fine not less than \$250.00 or more than \$5,000.00 for each offence, as per Schedule A attached.
 - (2) 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

- 8. All previous Burning By-laws of the Town, and any amendments thereto, are hereby repealed.

Effective Date

- 9. This By-law is effective upon publication

Schedule "A"

Offence	Fine
First Offence	\$250.00
Second Offence	\$1,000.00
Third Offence	\$5,000.00

C. Joe Feeney, Mayor

James A Wentzell, CAO

This is to certify that the foregoing is a true copy of a bylaw passed at a duly convened meeting of the Council of the Town of MAHONE BAY, held the 14 day of January, 2014.

Given under the hand of the Mayor and Chief Administrative Officer and the seal of the Town of MAHONE BAY this 15 day of January, 2014.

Clerk's Notation

FIRST READING:	November 28, 2013
"NOTICE OF INTENT" PUBLICATION:	December 18, 2013
SECOND READING:	January 14, 2014
MINISTERIAL APPROVAL:	N/A
DATE OF PUBLISHING:	January 22, 2014
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FORWARDED TO TOWN WEBSITE:	January 23, 2014