



# TOWN OF SHELBURNE

## Fire Prevention and Open Burning By-Law

**A BY-LAW RESPECTING OPEN BURNING IN THE TOWN OF SHELBURNE** regarding 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;

***Be it Enacted*** by the Council of the Town of Shelburne, under the authority of the Municipal Government Act, S. N. S. 1998, Chapter (18), as follows:

1. This By-Law shall be known as By-Law # (6), and may be cited as the “FIRE PREVENTION AND OPEN BURNING BY-LAW”

### **Definitions**

2. In this By-Law, words take their ordinary dictionary meaning other than those defined below:
  - (a) “Outdoor wood burning appliance” means an outdoor receptacle whereby the appliance opening does not exceed 1 metre in width or in diameter when measured between the widest points or outside edges.
  - (b) “Council” means the Council of the Town of Shelburne.
  - (c) “Emergency Measures Organization” means the Emergency measures Organization as established for the Town pursuant to the provisions of the Bylaws and Amendments of the Town of Shelburne.
  - (d) “Fire Chief” means Fire Chief for the Town of Shelburne.
  - (e) “Garden and Yard Waste” means any shrubbery, tree prunings, brush, weeds, 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, construction waste.
  - (g) “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.
  - (h) “Nuisance” means the causing of any smoke which by or from any fire permitted or allowed under the Bylaw which compromises surrounding property owners with respect to the quiet enjoyment of their property.
  - (i) “Portable Barbecuing Appliance” means any appliance sold or constructed for the purpose of cooking food outdoors, normally fuelled by liquefied petroleum gas, natural gas, compressed briquettes, or charcoal.
  - (j) “Town” means the Town of Shelburne.

**Open Air Fires Prohibited**

3. No person shall be permitted to have an open air fire for the purpose of burning garden and yard waste upon land owned or occupied by such person, or on any other lands within the Town without a permit issued by the Fire Chief.
  - (a) A permit to burn may be denied or revoked if at the discretion of the Fire Chief, the fire is deemed for any reason to be unsafe or hazardous or is to be established on a public street or right-of-way.
  - (b) Anyone burning in the Town by virtue of a permit shall:
    - i) Be responsible for ensuring that the fire is properly supervised;
    - ii) Ensure that approved fire extinguishers are readily accessible;
    - iii) Ensure that all precautions are taken to ensure public safety; and
    - iv) Ensure that flying sparks do not endanger any nearby buildings.
4. No person shall be permitted to burn general waste, leaves or grass on any lands owned or occupied by such person, or on any other lands within the Town.
5. Notwithstanding Section 3, persons are permitted under this Bylaw to conduct:
  - (a) The cooking of food using a portable barbecuing appliance;
  - (b) The cooking of food in acceptable fire pits or acceptable fireplaces provided:
    - i) Only clean fuel is used such as natural gas, dry wood or charcoal in amounts which will be contained within the fire pit or fireplace below the mesh screen;
    - ii) The fire does not create a nuisance, which is offensive to any other person;
    - iii) The fire does not create a hazard to persons or to other properties;
    - iv) A means, acceptable to the Fire Chief, of controlling or extinguishing the fire is available on the property and within reasonable distance from where the fire occurs;
    - v) A responsible adult is present on the property when the fire is burning;
    - vi) The fire is extinguished before supervision of the fire ends;
  - (c) Burning in fireplaces in or attached to dwellings as provided by legislation;
  - (d) Burning by the Emergency Measures Organization for the purpose of training members;
  - (e) Burning for municipal purposes at the direction of the Fire Chief.

## **Requirements for outdoor wood burning appliances**

6. Outdoor wood burning appliances must meet the following requirements:
  - (a) The manufacturer's installation instructions are followed.
  - (b) They are not placed on wooden decks or combustible platforms.
  - (c) A minimum of 4.5 metres (15 feet) clearance shall be maintained from buildings;
  - (d) Installations must have enclosed sides made from bricks, concrete blocks, heavy gauge metal, stone, or other suitable non-combustible components;
  - (e) A spark arrestor mesh screen of ½ inch expanded metal (or equivalent) to contain sparks shall be provided over the fire.

## **Prohibitions and Interruptions**

7. No person will knowingly and unlawfully pull or ring any fire alarm, call in a fire or give notice of a fire in the Town unless that person has reasonable knowledge to believe that a fire is taking place for which notice should be given.

## **Offences and Penalties**

8. Any person who contravenes any provision of this Bylaw is punishable on summary conviction by a fine not exceeding five hundred (\$500.00) dollars and to a term of imprisonment of not more than ten (10) days in default of payment thereof.

## **Repeals**

9. All Bylaws regarding Fire Prevention and Open Burning within the Town now in force are hereby repealed.

# BYLAW

## Clerk's Annotation For Official By-Law Book

Date of First Reading: April 7<sup>th</sup>, 2010  
Date of Advertisement of Notice of Intent to Consider: April 20<sup>th</sup>, 2010  
Date of Second Reading: May 5<sup>th</sup>, 2010  
\*Date of Advertisement of Passage of By-Law: May 18<sup>th</sup>, 2010  
Date of Mailing to Minister a Certified Copy of By-Law: May 19<sup>th</sup>, 2010

I certify that this FIRE PREVENTION and OPEN BURNING BY-LAW was adopted by Council and published as indicated above:

Willmont Hardy  
Clerk

May 19<sup>th</sup>, 2010  
Date

\*Effective Date of By-Law unless otherwise specified in the text of the By-Law