

TOWN OF PICTOU OUTDOOR FIRE BY-LAW

BE IT RESOLVED that this By-law, known as the Outdoor Fire By-law for the Town of Pictou be enacted effective this 30th day of May, 2012;

TITLE

1. This By-law may be cited as the "Outdoor Fire By-law".

APPLICATION

2. This By-law is enacted pursuant to Section 172 of the *Municipal Government Act*, S.N.S. 1998, c. 18, and applies to any Outdoor Fire and includes, without limitation, fires in any Outdoor Furnace in the Town of Pictou.

INTERPRETATION

3. In this By-law:
 - a. **"Acceptable Fire Pit"** means an outdoor receptacle that meets National standards comprising bricks, concrete blocks, heavy gauge metal, stone or other suitable non-combustible components, that has a spark arrestor or metal mesh screen, that is positioned on a fire-proof surface, and includes, without limitation, any Chimenea;
 - b. **"Building"** means a commercial or residential unit or structure or other enclosed structure, and does not include enclosures, containers or vessels used primarily for the purpose of burning containment;
 - c. **"Council"** means the Council of the Town of Pictou;
 - d. **"Chimenea"** includes a Chimenea or other small, commercially manufactured burning appliance that meets National standards and is constructed from a suitable fire resistant material with minimal capacity intended to burn small quantities of wood, charcoal or biofuels, such device which must have a screen door and a spark arrestor;
 - e. **"Designate"** means the person or persons designated by Council to enforce this By-law, and may include a By-law enforcement officer of the Pictou County Shared Services Authority;
 - f. **"Fire Chief"** means the Fire Chief of the Town of Pictou or his Designate;
 - g. **"Fire Brigade"** means any fire department, Fire Brigade, fire commission, or volunteer fire department operating in the Town;

- h. **"Fire Inspector"** means the Fire Inspector appointed by the Town under the provisions of the *Fire Safety Act*, SNS 2002 c. 6, and may be a person employed by the Pictou County Shared Services Authority;
- i. **"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;
- j. **"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;
- k. **"Outdoor Fire"** means any fire in any place that is not in a Building and includes, without limitation, fires in any Outdoor Furnace, burning materials, articles or substances of any kind in any manner and for any purpose whatsoever;
- l. **"Outdoor Furnace"** means an outdoor wood-burning appliance, a solid fuel burning appliance or a biofuel burning appliance, that meets National standards and is used for the space heating of any Building, the heating of water or other similar purposes;
- m. **"Portable Barbecuing Appliance"** means any appliance used for the purpose of cooking food outdoors, normally fueled by liquefied petroleum gas, natural gas, compressed briquettes or charcoal;
- n. **"Running Fire"** means a fire which has escaped its confinement or which is burning without proper control or any control by any person;
- o. **"Seasoned Firewood"** means untreated wood that has been air dried for a minimum of six months including summer months and has a moisture content of 25% or less and includes wood or biofuel pellets;
- p. **"Smoke Opacity"** means the amount of smoke leaving a chimney as measured by the Ringelmann method in which a trained observer makes a visual estimate of its appearance, referencing RINGELMANN VISUAL CHART:
 - Ringelmann 0 - 0% opacity (clear)
 - Ringelmann 1 - 20% opacity
 - Ringelmann 2 - 40% opacity
 - Ringelmann 3 - 60% opacity
 - Ringelmann 4 - 80% opacity
 - Ringelmann 5 - 100% opacity (black);
- q. **"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;

- r. "Town" means the Town of Pictou.

GENERAL

4. Persons shall be permitted to cook food using a Portable Barbecuing Appliance which is designed for outdoor food cooking.
5. No person shall have an Outdoor Fire except in an Acceptable Fire Pit, Outdoor Furnace, or for which a Fire Permit has been obtained from the Fire Chief, Fire Inspector or his Designate in accordance with Schedule A herein, and in accordance with conditions as follows:
 - a. no materials, articles or substances shall be burned excepting Seasoned Firewood or charcoal;
 - b. an Acceptable Fire Pit shall be located in excess of twenty-five (25) feet from any Building, flammable structure, combustible material or property line;
 - c. notwithstanding 5 (b), a Chimenea may be operated on a wooden deck provided:
 - i. it is positioned on a CSA approved fire-proof pad that extends at least eighteen (18) inches from where the door is located and eight (8) inches on all other sides;
 - ii. it 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;
 - iii. the operation of a Chimenea meets any standards detailed in the operating instructions accompanying the device;
 - d. a Responsible Adult, over the age of 19, who is Suitably Equipped shall be present on the property and supervising while the Outdoor Fire is burning and until the Outdoor Fire is fully extinguished;
 - e. a fire extinguisher, or other means of extinguishing an Outdoor Fire, acceptable to the Fire Chief, Fire Inspector or Designate, shall be available on the property and within a reasonable distance from where the Outdoor Fire is located;
 - f. the Outdoor Fire shall not create a Nuisance.
6. The Fire Brigade shall be notified immediately if the Outdoor Fire is a Running Fire.
7. Persons or their agents or contractors that conduct open air commercial burning in the Town on land being cleared for development or for insect infestation or disease control must obtain a

permit from the Fire Chief, Fire Inspector or his Designate therefor in accordance with Schedule A herein.

8. No person shall light an Outdoor Fire during inclement weather and/or during dry or windy conditions such that there is a risk of creating a Running Fire.
9. No burning that requires a burn permit shall commence before 08:00 hours and fires must be extinguished by 20:00 hours of the same day.
10. The fee for an Outdoor Fire Burn Permit shall be the sum of five dollars (\$5.00) payable to the Town of Pictou.

OFFENCE ENFORCEMENT AND PENALTIES

11. No person shall contravene or fail to comply with any provision of this By-law.
12. This By-law may be enforced, at the discretion of the Town, by the Fire Chief, Fire Inspector or Designate, in accordance with the procedures set out in the *Municipal Government Act* or by means of a Summary Offence Ticket under the *Municipal Government Act* or *Summary Proceedings Act*.
13. The *Summary Proceedings Act*, where applicable, shall apply to proceedings under this By-law.
14. Except as otherwise provided in this By-law, any person who violates any of the provisions of the By-law or who suffers or permits any act or thing to be done in contravention of this By-law, or who makes any false or misleading statements in relation to any duty, obligation or application pursuant to this By-law, or who refuses, omits, fails to comply with or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this By-law shall be liable upon summary conviction:
 - a. for the first offence to a penalty of not less than One Hundred Dollars (\$100.00) and of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment for a period of not more than six (6) months or both;
 - b. for the second offence to a penalty of not less than Three Hundred Dollars (\$300.00) and of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment for a period of not more than six (6) months or both;
 - c. for the third or subsequent offence to a penalty of not less than Five Hundred Dollars (\$500.00) and of not more than Ten Thousand Dollars (\$10,000.00) or imprisonment for a period of not more than six (6) months or both.
15. The Fire Chief, Fire Inspector or Designate, in enforcing the provisions of this By-law, and particularly, without limitation, in controlling, preventing and/or suppressing any Outdoor Fire

within the Town, may enter upon any public or private land within the Town to observe, extinguish or have extinguished any Outdoor Fire that the Fire Chief, Fire Inspector and/or Designate reasonably believes contravenes or fails to comply with any provision of this By-law or is otherwise a hazard.

16. The Fire Chief, Fire Inspector or Designate shall extinguish or order extinguished any Outdoor Fire in circumstances as follows:
 - a. upon Smoke Opacity exceeding 20%, as determined by visual assessment;
 - b. upon Smoke Opacity exceeding 20% as determined by nephelometer measurement;
 - c. upon such Outdoor Fire causing a Nuisance exceeding two minutes in succession except during a thirty-minute period following the starting or re-fuelling of the appliance, such exemption which shall be permitted a maximum of one time during a four-hour period;
 - d. upon moisture content of wood exceeding 25%, as determined by a moisture meter.
17. No civil action may be levied against the Fire Chief, Fire Inspector or Designate, or a member of a Fire Brigade 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.

COSTS

18. The property owner, in addition to any penalty imposed pursuant to the provisions of this By-law, shall be responsible for any costs incurred resultant to contravention or failure to comply with this By-law, plus interest at a rate determined by Council calculated from work completion date to payment date, inclusive, and shall be a first lien on the property upon which, or for the benefit of which, such work was completed.

JURISDICTION AND PROCEDURE

19. No provision of this By-law shall be interpreted to exempt any person from obtaining any license, permission, permit, authority or approval or other requisite of any By-law or regulation of the Town or any statute or regulation of the Province of Nova Scotia.

REPEAL

20. The Town of Pictou Open Air Burning By-law, dated the 10th day of March, 2003 as approved by the Minister of Municipal Affairs and any amendments thereto, is hereby repealed.

CAO ANNOTATION

Date of First Reading: February 20, 2012

Date of advertisement of Notice of Intent to Consider: May 8, 2012

Date of Second Reading: May 22, 2012

Date of advertisement of Passage of By-law: May 8, 2012

Date of mailing to Minister a certified copy of By-law: August 28, 2012

I certify that the above OUTDOOR FIRE BY-LAW was adopted by Pictou Town Council at duly called meetings and was published as indicated above.



Chief Administrative Officer



Schedule A
Outdoor Fire Burn Permit

PICTOU FIRE DEPARTMENT

Town of Pictou, PO Box 640, Pictou, NS, B0K 1H0



BURN PERMIT NO: _____

Date of Burn: _____

Location: _____

Size of area to be burned: Pile Acres _____

Material Type:

- Sticks or Twigs
- Brush or Stumps
- Slash
- Demolition or Junk Pile (Requires special approval from Fire Department)
- Infestation

THIS PERMIT MUST COMPLY WITH MUNICIPAL LEGISLATION, INCLUDING ALL PROVISIONS OF THE TOWN OF PICTOU
OUTDOOR FIRE BY-LAW (ENCLOSED IS A COPY OF OUTDOOR FIRE BY-LAW)

Name: _____ Private Company Home Owner

Phone Number: _____ Cell: _____

Signature of Responsible Adult Supervising Burn: _____

Signature of Property Owner (if different from above): _____

Fire Department (Fire Chief) Approval: _____ Date: _____

Any other important details regarding this property or the burn area:

1. This permit allows the above mentioned to burn within the Town of Pictou, as per Town of Pictou's Outdoor Fire By-Law and must take place within two (2) weeks of the above date.
2. The permit may be cancelled orally or in writing at any time by the Fire Chief, Fire Inspector or his designate.
3. The applicant must have the permit before the fire is started.

COPY 1 – SUPERVISING PERSON
 COPY 2 – FIRE CHIEF (or Designate)
 COPY 3 – TOWN OFFICE

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