

## TOWN OF LOCKEPORT

### OPEN AIR FIRES BY-LAW #107

Whereas under Sections 172 (a), (b) and (d) of the 1999 *Municipal Government Act*, Council may 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;

Now, therefore, the Council of the Town of Lockeport duly assembled enacts as follows:

#### **1. Title**

This By-Law may be known as the Open Air Fires By-Law #107.

#### **2. Interpretation**

In this By-Law:

“Acceptable Fire Pit” means an outdoor receptacle whereby the fire pit opening does not exceed 1 metre in width or in diameter when measured between the widest points or outside edges.

“Burn” means to light or set fire to any material.

“Certified” means certified as meeting the standards of the Canadian Standards Association (CSA approved) or another internationally recognized testing organization.

“Council” means the Council of the Town of Lockeport.

“Dry seasoned fire wood” means wood that has not been chemically treated, stained or painted and has been store in a manner that deters dampness and permits the wood to dry;

“Emergency Measures Organization” means the Emergency Measures Organization as established for the Town pursuant to the provisions of By-Law #104 and amendments of the Town of Lockeport.

“Fire Chief” means Fire Chief for the Town of Lockeport.

“Fire Inspector” means the fire inspector of the Town of Lockeport.

“Fireplace” mans a masonry heater or similar structure for burning solid fuel having the major portion of one or more essentially vertical sides open, or capable of being opened, for visual observation of the flames while the fuel is burning.

“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, petroleum products, manure, human or animal excrement, sewage or the whole or part of an animal carcass.

“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.

“Nuisance” means the causing of any smoke by or from any fire permitted or allowed under this By-Law which compromises surrounding property owners with respect to the quiet enjoyment of their property.

“Outdoor appliance” means a grill, outdoor fireplace or other appliance for cooking food.

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

“Solid fuel” means dry seasoned hard or soft wood, charcoal, mechanically processed fibre wood, pelletized wood and wood chips, suitable for the cooking of food.

“Suitable 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.

“Town” means the Town of Lockeport.

“Yard waste” includes leaves, brush, branches, grass clippings and construction debris.

### **3. Open Air Fires Prohibited**

- (1) No person shall be permitted to have an open air fire or any other fire upon land owned or occupied by such person, or on any other lands within the Town.
- (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 with the Town.
- (3) Notwithstanding Section 1, persons are permitted under this By-Law to conduct:
  - (a) the cooking of food using a certified 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 seasoned fire wood or charcoal in amounts which will be contained within the fire pit or fireplace below the mesh screen;

- (c) burning by the Fire Department or the Emergency Measures Organization for the purpose of training members;

#### **4. Requirements for acceptable fire pits, outdoor fireplaces and structures**

- (1) Acceptable fire pits, outdoor fireplaces, or structures must meet the following requirements:
  - (a) A minimum of 4.5 metres (15 feet) clearance shall be maintained from buildings;
  - (b) Installations must have enclosed sides made from bricks, concrete blocks, heavy gauge metal, stone, or other suitable non-combustible components;
  - (c) A spark arrestor mesh screen of ½ inch expanded metal (or equivalent) to contain sparks shall be provided over the fire.

#### **5. Restrictions**

- (1) Persons burning solid fuel within a grill or barbeque must:
  - (a) have at least one responsible person nineteen years of age or older present while an open air fire is burning;
  - (b) have suitable fire protection equipment available while open air fires are burning, kept within a reasonable distance from where the fire is located;
  - (c) not be placed on wooden decks, pads or combustible platforms;
  - (d) ensure that the fire is not left unattended and all smoldering embers are completely extinguished.

**\*These Restrictions do not apply to gas appliances.**

- (2) No person shall ignite a fire when:
  - (a) The Nova Scotia Department of Natural Resources has issued a fire ban for this area of the Province;
  - (b) the weather conditions may jeopardize the ability to control or contain the fire; attention to low (0-10 KPH) or high (over 50 KPH) wind conditions, as well as low barometer readings which will all lead to poor air quality and reduce smoke dissipation is required;
  - (c) the fire would create a nuisance, which is offensive to any other person;

## **6. Construction Requirements**

- (1) An outdoor appliance must be properly constructed of 1/8 inch (4mm) steel in thickness or larger, natural stone, brick, block, concrete or similar non-combustible materials as approved by the fire inspector and be placed on a non-combustible pad.
- (2) An outdoor appliance must be constructed in such a way that the products of combustion are directed vertically with a chimney.
- (3) An outdoor appliance must be fitted with a spark arrester that has an opening no larger than 1/2 inch (12mm).
- (4) The actual size of the firebox in an outdoor appliance shall not be larger than 30 inches (762mm) in any dimension.
- (5) An outdoor appliance must not be located within 2 meters (6 feet 6 inches) from any combustible structure, vegetation, brush, trees, etc.
- (6) Only one outdoor wood burning appliance shall be operated on a property at one time.
- (7) Only dry seasoned fire wood is to be used in any outdoor wood burning appliance.
- (8) If the outdoor appliance is manufactured, the manufacturer's installation, care and use instructions shall be followed; if there is a discrepancy between the manufacturer's instructions and this By-Law the approval of the fire inspector for the installation is required.
- (9) All natural gas or liquefied propane units must have a certification from a Canadian testing agency.

## **7. Enforcement**

- (1) The fire chief, fire inspector and any police officer may extinguish or order extinguished any fire that poses a fire hazard to persons or property, or does not meet the provision of this By-Law.
- (2) It is an offence to refuse to extinguish a fire pursuant to an order under subsection (1).
- (3) The person in charge of a fire may be required to pay all expenses incurred in controlling or extinguishing any fire which gets beyond control, is in danger of doing so, or extends to the lands of others.

- (4) The Nova Scotia Department of Natural Resources or the Fire Chief may impose a ban on all outdoor fires within the Town if in their opinion weather conditions have created an unacceptably high risk of fire.
- (5) It is an offence to light or maintain an outdoor fire if there has been a ban imposed.

**8. Offences and Penalties**

- (1) Every person who contravenes or fails to comply with any of the provisions of this By-Law shall be liable to a penalty not less than \$250.00 and not exceeding \$5,000 for each offence.

**9. Repeal**

The former Open Air Fires By-Law #107 passed by the Town of Lockeport is hereby repealed and this By-Law substituted therefore.

Date – First Reading: <u>September 14, 2020</u>
Date – Notice, in paper, to Public: <u>September 30, 2020</u>
Date – Second Reading: <u>October 13, 2020</u>
Date – mailed to SNS&MR a certified copy of By-Law: <u>October 28, 2020</u>
*Date – ad Re: Passage of By-Law: <u>October 28, 2020</u>
Adopted by the Council of the Town of Lockeport on the <u>13th</u> day of <u>October, 2020</u>
Clerk/Treasurer (Sign) <u>Joyce Y. Young</u>
Clerk /Treasurer (Print) <u>Joyce Y. Young</u> Date: <u>October 28, 2020</u>
*Effective Date of By-Law unless otherwise specified in the text of the By-Law

THIS IS TO CERTIFY that the foregoing is a true copy of a By-Law passed at a duly convened meeting of the Council of the Town of Lockeport, held the 13<sup>th</sup> day of October, 2020.

Given under the hand of the Town Clerk/Treasurer and under the seal of the Town of Lockeport this 28<sup>th</sup> day of October, 2020.

Joyce Y. Young  
Town Clerk/Treasurer