

1.0 Authority

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.

2.0 Definitions

In this By-law, the following definitions shall apply:

- a) "Acceptable Fire Pit" means an outdoor receptacle open to the sky that:
 - i. Is designed to contain fire and prevent it from spreading
 - ii. Is constructed on all sides, including the bottom, from heavy gauge materials 4mm in thickness or greater, such as metal, bricks, concrete blocks, or other suitable non-combustible components
 - iii. Has a steel spark arrestor or screen with a standard mesh opening of no greater than 1.25cm that fully covers the receptacle's opening;
 - iv. Is encircled by a border or sand, gravel, or paving stones a minimum of 39cm (15") in width
 - v. Is no larger than 77cm (30") in any internal dimension
- b) "Barbeque" means any appliance used for the purpose of cooking food outdoors, normally fuelled by liquefied petroleum gas, natural gas, compressed briquettes, or charcoal.
- c) "By-law Enforcement Officer" means the By-law Enforcement Officer of the Town of Mahone Bay.
- d) Combustible means able to catch fire and burn easily, such as buildings, trees, lumber, and/or yard waste.
- e) "Council" means the Council for the Town of Mahone Bay.
- f) "Fire Chief" means the Chief of the Mahone Bay and District Fire Department.
- g) "Garden and Yard Waste" means any shrubbery, tree prunings, leaves, brush, weeds, grass, roots, tree stumps, turf, or similar vegetation.
- h) "General Waste" means any rubbish, garbage, non-wooden material, packaging, containers, bottles, cans, rags, clothing, petroleum products, manure or sewage.
- i) "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.

- j) “Non-designated material” means tires, waste dangerous goods as defined in the Dangers 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 preservative; material containing rubber or plastic; painted wood; garbage, food products; organics such as animal remains.
- k) “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.
- l) “Open-Air Fire” means any fire located anywhere on a property which is not within an acceptable fire pit or an outdoor burning appliance, or any appliance that is not C.S.A. or U.L.C. approved. This does not include burning for Emergency Service Training.
- m) “Outdoor Burning Appliance” means an appliance such as a chiminea or commercially manufactured burning appliance constructed from a suitable fire-resistant material with minimal capacity intended to burn small quantities of dry firewood. The use of an outdoor burning appliance is for recreation purposes only. An outdoor burning appliance must be fitted with a spark arrestor with a standard mesh opening of no greater than 1.25cm (0.5”) in any direction. The size of the firebox in an outdoor burning appliance shall not be larger than 76 cm (30 inches) in any direction. An outdoor wood burning appliance does not include an outdoor wood burning furnace.
- n) “Regional Emergency Management Organization” means the Regional Emergency Management Organization, as established for the Town, under the provisions of the Town of Mahone Bay Regional Emergency Management By-law.
- o) “Town” means the Town of Mahone Bay.

3.0 Outdoor Fires Prohibited

1. No person shall be permitted to have an open-air fire within the Town without a signed notice of approval from the By-law Enforcement Officer or the Fire Chief.
2. No person shall be permitted to have an outdoor fire within the Town unless contained in an acceptable fire pit or permitted under 4.1 or 4.2.
3. No person shall be permitted to burn non-designated material, general waste, or garden and yard waste on any lands within the Town.
4. No person shall be permitted to operate an outdoor fire in Mahone Bay when a Provincial Authority issues a ban on open fires that includes Lunenburg County.
5. No person shall ignite a fire when the weather conditions may jeopardize the ability to contain or control the fire.

4.0 Outdoor Fires Permitted

1. A person shall be permitted to cook food using a barbeque or other food preparation appliances designed for outdoor uses.
2. A person is permitted to use an outdoor burning appliance in accordance with the following regulations:
 - a. The construction and/or manufacturing instructions must be followed;
 - b. Only dry, seasoned firewood shall be used, notwithstanding the use of charcoal in barbeques;
 - c. The fire does not create a nuisance;
 - d. A responsible adult is present on the property while the fire is burning and until the fire is extinguished;
 - e. A fire extinguisher, or other means of extinguishing a fire, acceptable to the By-law Enforcement Officer, Fire Chief or designate, is within reasonable distance from the location of the fire.
3. The use of an acceptable fire pit or outdoor burning appliance is limited to private recreational enjoyment only; provided always that such use is peaceful, orderly and does not create or constitute a nuisance.
4. The acceptable fire pit or outdoor burning appliance shall be located in excess of 4.5m (15') from any building, flammable structure, combustible material, and property line.
5. Notwithstanding anything in 4(4) of this by-law to the contrary, an outdoor burning appliance may be operated on a wooded deck provided it is positioned on a CSA approved fire-proof pad that extends a minimum of eighteen 45.7 cm (18") from where the door is located and a minimum of 20.3 cm (8") on all other sides, it is a minimum of 2.13m (7') from the house and a minimum of 0.91m (3') from any wooden surface that is not appropriately screened with a CSA approved fire-proof material.
6. In the event of a question of the acceptability of a fire pit or outdoor burning appliance, an Inspection may be made by the Fire Chief for the Town of Mahone Bay or the Town of Mahone Bay By-law Enforcement Officer. Upon the completion of Inspection, copies of the Completed Inspection Report (Appendix A) will be provided to the property owner and the Fire Department, and the original will be filed at the Town.

5.0 Emergency Services Training

1. Persons or organizations may be permitted to ignite an outdoor fire providing that:
 - a. The burning is for the purpose of training members of the Regional Emergency Management Organization or the Mahone Bay and District Fire Department
 - b. All Municipal, Provincial, and Federal regulations are conformed to regarding this activity.

6.0 Offences and Penalties.

1. Any person who contravenes or fails to comply with any of the provisions of this By-law is guilty of a summary offense and is liable, upon conviction, to the following:
 - a. For a first offence, a fine of not less than Two Hundred Fifty Dollars (\$250.00)
 - b. For a second offence, a fine of not less than One Thousand Dollars (\$1,000.00)
 - c. For a third and subsequent offence, a fine of not less than Five Thousand Dollars (\$5,000.00)
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.

7.0 Repeal

All previous Burning By-laws of the Town, and any amendments thereto, are hereby repealed. This by-law shall supersede any existing clauses in respect to burning in the Town of Mahone Bay.

8.0 Effective Date

This By-law is effective upon publication.

David W. Devenne, Mayor

Maureen Hughes, Town Clerk

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 MAHONE BAY, held on the 8th day of September 2020.

Given under the hand of the Mayor and the Town Clerk and the seal of the Town of Mahone Bay this 17th day of September 2020.

First Reading:	March 26, 2020
“Notice of Intent” Publication:	April 22, 2020
Second Reading:	September 8, 2020
Ministerial Approval:	N/A
Date of Publishing:	September 11, 2020
Forwarded to the Minister:	September 17, 2020
Forwarded to Town Website:	September 18, 2020



Inspection Report

Fire Pit/Outdoor Fire Receptacle

Date: _____

Civic Address: _____

Inspector (print name): _____

- constructed from appropriate material
 - heavy gauge metal 4mm in thickness or larger
 - bricks
 - concrete blocks
 - stone, or
 - other suitable non-combustible components _____
- Spark Arrestor
 - No greater than 1.25cm
- Size of receptacle no greater than 76.5cm (30”) in any direction
- Placed on a non-combustible pad
- Used for quiet enjoyment purposes only

Approved

Rejected

Reason for Refusal: _____

* Inspection Report must be returned to Town Office (copies for: Property Owner, Fire Department)

Signature of Inspector