

## Open Air Burning By-Law

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### General

1. This By-Law is entitled the "Open Air Burning By-Law."
2. The purpose of this By-Law is to prohibit open air fires which are hazardous or which pose a threat to public safety. The By-Law is also intended to prevent nuisance associated with open air burning in densely populated areas.
3. In this By-Law:
  - a. "fire chief" means a fire chief, fire captain or chief officer of a fire department, brigade or company or other person designated by such person in and for the applicable fire protection district or area;
  - b. "fire department" means a Volunteer Fire Company approved by the Council of the Municipality of Cumberland;
  - c. "open air" means anywhere that is not fully enclosed by a building;
  - d. "open air fire" does not include a fire in an appliance which is designed and being used to burn propane, natural gas, charcoal or wood for the purpose of cooking food; and
  - e. "recreational outdoor wood burning appliance" means an appliance that is designed to contain a small fire for recreation and entertainment purposes and includes an outdoor fireplace, an outdoor dome fireplace, a fire pit, a fire bowl and a chimney, but does not mean an appliance that is designed or used to provide heat to a building.

### Open Air Fires

4. No person shall light, ignite or start or allow or cause to be lighted, ignited or started, or add fuel to, or otherwise permit or encourage to burn a fire of any kind whatsoever in the open air except as permitted under section 5.
5. Except as may be otherwise prohibited by law, provided all necessary provincial permits are obtained, the Nova Scotia Department of Natural Resources has not issued a ban on open air burning and some method of fire suppression is directly accessible, an open air fire is permitted:

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- a. for property maintenance purposes, if the burning is carried out or directly supervised by a fire department;
- b. for training purposes, or as a preventative measure intended to reduce the risk or spreading of a more serious fire, if the burning is carried out or directly supervised by a fire department;
- c. for agricultural purposes, provided all provincial requirements are met;
- d. by a person lost or in distress in a wooded area, if reasonable precautions are taken against the spreading of the fire;
- e. in a recreational outdoor wood burning appliance, provided the manufacturer's instructions for installation and use are followed;
- f. for a campfire not exceeding 75 centimeters in width at the largest point, and not piled higher than 45 centimeters, provided:
  - i. the fire is located at least 9 meters from a dwelling located on another property,
  - ii. the fire is not within 6 meters of another property, unless the fire was started with the express written consent of the owner and occupant of such other property;
  - iii. the fire is authorized by the owner of the property where the fire is situated;
  - iv. the fire is not started or permitted to continue when the wind is blowing with sufficient velocity to jeopardize the ability of the person responsible to control the fire;
  - v. the fire is not left unattended;
  - vi. the fire is not fueled by, or allowed to burn anything except wood, brush and vegetation or byproducts thereof;
  - vii. any smoldering embers from the fire are extinguished after the burning is complete; and
  - viii. the fire does not appear to be getting out of control and has not gotten out of control; and
- g. for a campfire not exceeding 120 centimeters in width at the largest point, and not piled higher than 60 centimeters, provided:

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- i. the fire is located at least 30 meters from all adjacent properties;
  - ii. the fire is authorized by the owner of the property where the fire is situated;
  - iii. the fire is not started or permitted to continue when the wind is blowing with sufficient velocity to jeopardize the ability of the person responsible to control the fire;
  - iv. the fire is not left unattended;
  - v. the fire is not fueled by, or allowed to burn anything except wood, brush and vegetation or byproducts thereof;
  - vi. any smoldering embers from the fire are extinguished after the burning is complete; and
  - vii. the fire does not appear to be getting out of control and has not gotten out of control.
6. A fire chief may extinguish or order to be extinguished any open air fire, if in the opinion of the fire chief the fire is not in compliance with any requirement set out in section 5 of this By-Law.

### Penalties

7. Any person who contravenes section 4 of this By-Law is guilty of an offence punishable on summary conviction by a fine of not less than \$200 and not more than \$10,000.
8. Any person who contravenes section 4 of this By-Law and who is given a Notice of the By-Law violation by the Municipality's By-Law Enforcement Officer in accordance with the Municipality's Payment in Lieu of Prosecution Policy may pay to the Municipality, at the place specified in the Notice, the sum of \$100 within 14 days of the date of Notice and shall thereby avoid prosecution for that contravention.
9. Any person who contravenes section 4 of this By-Law and thereby causes a fire department to be dispatched shall upon conviction pursuant to section 7 of this By-Law be subject to a penalty of \$500 in addition to any fine imposed to defer the cost associated with dispatching a fire department.

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

Date of first reading: September 6, 2006  
Date of advertisement of Notice of Intent to Consider: September 20, 2006  
Date of final reading: October 11, 2006  
\*Date of advertisement of Passage of By-Law: October 18, 2006  
Date of mailing to Minister a certified copy of By-Law: Oct 24/06

I certify that this OPEN AIR BURNING BY-LAW was adopted by Council and published as indicated above.

Rennie J. Buckley October 23, 2006  
~~Rennie Buckley~~ Clerk Date

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