

By-Law # 16

FIRE PREVENTION BY-LAW

1. This By-Law shall be known as the "Fire Prevention By-Law".

2. **Authority**

Sections 172 (a), (b) and (d) of the Municipal Government Act provide 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.

3. **Definitions**

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

- (a) "**Acceptable Fire Pit**" means an outdoor receptacle which is constructed from bricks, concrete blocks, heavy gauge metal, stone or other suitable non-combustible components, and has a spark arrestor or metal mesh screen of such a size as to work effectively.
- (b) "**Council**" means the Council for the Town of Mulgrave.
- (c) "**Fire Chief**" means the Fire Chief of the Mulgrave Volunteer Fire Department.
- (d) "**Garden and Yard Waste**" means any shrubbery, tree prunings, leaves, brush, weeds, grass, roots, tree stumps, turf and similar vegetation.
- (e) "**General Waste**" means any garbage, construction debris, painted materials, non-wooden material, packaging, containers, bottles, cans, rags, clothing, petroleum products, manure or sewer.
- (f) "**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.
- (g) "**Non-Designated Material**" means tires, waste dangerous goods as defined in the Dangerous Goods Management Regulations pursuant to the *Environmental Act*, Stats. NS, 1994-1995, c 1, and amendments thereto; used oil as defined in the used oil regulations pursuant to the *Environmental Act*, supra; railway ties or other wood

treated with wood preservative; material containing rubber or plastic; painted wood; garbage, food products; organics such as animal remains.

- (h) **“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.
- (i) **“Outdoor Wood Furnace”** means an outdoor wood-burning appliance, or a solid fuel burning appliance, used for the space heating of buildings, the heating of water or other similar purposes.
- (j) **“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.
- (k) **“Responsible adult”** means any person of 19 years of age or older who is not intoxicated by means of alcohol, prescribed medication, or any other substance that may cause such intoxication.
- (l) **“Town”** means the Town of Mulgrave.

4. **Outdoor Fires Prohibited**

- (a) No person shall be permitted to operate an open fire pit or use burn barrels within the Town;
- (b) No person shall be permitted to have an outdoor fire within the Town, on any land owned or occupied by such person, or on any public lands owned by the Town , unless contained in an acceptable fire pit and in accordance with current Nova Scotia Burn Restrictions;
- (c) No person shall be permitted to burn non-designated material or general waste on any lands owned or occupied by such person, or on any other lands within the Town, except as follows: Garden and Yard Waste not suitable for backyard composting may be transported to the area near the salt dome behind the Town Garage. Residents shall leave the waste in the area for the Public Works Department to burn as per the Department schedule.
- (d) No person shall be permitted to operate an Outdoor Wood Furnace within the Town;

- (e) Commercial enterprises that wish to burn material must obtain a Burning Permit in advance from the Town of Mulgrave.
- (f) No burning should take place contrary to the Nova Scotia Environment Act [Environment Act \(nslegislature.ca\)](http://nslegislature.ca).

Outdoor Fires Permitted

- 5. Persons shall be permitted to cook food using a portable barbeque, other food preparation appliances designed for outdoor use or outdoor wood burning appliances.
- 6. Persons using outdoor gas or wood burning appliances shall be permitted to do so with the following provisions:
 - (a) the manufacturer's installation instructions must be followed;
 - (b) only dry seasoned firewood shall be used to minimize smoke by-product;
 - (c) a spark arrestor or mesh screen is used to prevent sparks from escaping or blowing debris and is of such a size as to work effectively;
 - (d) the acceptable fire pit or wood burning appliance shall be located in excess of 15 feet (5 meters) from any building, flammable structure, combustible material or property line;
 - (e) the acceptable fire pit or wood burning appliance, may be operated on a wooden deck, provided it is positioned on a fire-proof pad and meets the requirements of Section 6 (d);
 - (f) the fire does not create a nuisance;
 - (g) a responsible adult must be present to supervise the activity;
 - (h) a fire extinguisher, or other means of extinguishing a fire, is within reasonable distance from where the fire is located;
 - (i) current Nova Scotia Burn Restrictions [Check before you burn - Government of Nova Scotia, Canada](http://www.government.ca) are being followed.

7. Permitted Circumstances

This By-Law shall not apply to persons acting directly under the authority of the Town of Mulgrave Mulgrave Volunteer Fire Department in the performance of their duties.

8. Offences and Penalties

(a) Any person who contravenes or fails to comply with any of the provisions of this By-law shall be liable to a penalty no less than \$250.00 and not exceeding \$5,000.00 for each offense, as per Schedule A (attached).


(b) 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.

9. Repeal

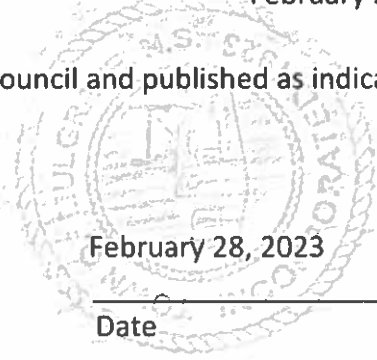
All former fire prevention By-laws of the Town of Mulgrave are hereby repealed and this By-law substituted therefore.

Date of First Reading:	November 21, 2022
Date of Advertisement of Notice of Intent to Consider:	November 30, 2022
Date of Second Reading:	December 19, 2022
Date of Advertisement of By-law Passage and Approval:	December 28, 2022
Date of mailing of Certified Copy to DMAH:	February 28, 2023

I certify that this Fire Prevention By-Law was adopted by Council and published as indicated above.



Chief Administrative Officer


February 28, 2023

Date

SCHEDULE A

OFFENCE	PENALTY
First	\$250.00
Second	\$1,000.00
Third	\$5,000.00