



## **TOWN OF KENTVILLE BY-LAW CHAPTER 78 OUTDOOR FIRE**

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### **1. AUTHORITY**

Sections 172 (a), (b), and (d) of the Municipal Government Act provides municipalities with the power to make bylaws 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. INTERPRETATIONS**

In this bylaw

“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.

“Council” means the Council for the Municipality of the Town of Kentville.

“Emergency Management Organization” means the Emergency Management Organization, as established for the Town, under the provisions of Chapter 73 – Emergency Management Bylaw for the Town of Kentville.

“Fire Chief” means the Fire Chief of the Kentville Volunteer Fire Department.

“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 or sewer.

“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.

“Nuisance” means the causing of any smoke or other emission from any fire permitted under this bylaw, or otherwise, that adversely affects the reasonable enjoyment by other persons of their property.

“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.

“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.

“Town” means the Town of Kentville.

**3. OUTDOOR FIRES PROHIBITED**

- 1) No person shall be permitted to operate an Outdoor Wood Furnace within the Town;
- 2) 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;
- 3) 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 within the Town;

**4. OUTDOOR FIRES PERMITTED**

- 1) Persons shall be permitted to cook food using a portable barbecue or other food preparation appliances designed for outdoor use;
- 2) Persons shall be permitted to burn only clean, dry wood in an acceptable fire pit, providing that:
  - i. a spark arrestor or mesh screen is used to contain any sparks or blowing debris;
  - ii. the acceptable fire pit is located in excess of 15 feet from any building, flammable structure, combustible material or property line;
  - iii. Notwithstanding 4.2.2, the acceptable fire pit, may be operated on a wooden deck, provided it is positioned on a fire-proof pad;
  - iv. the fire does not create a nuisance;
  - v. a responsible adult is present on the property while the fire is burning and until the fire is extinguished;
  - vi. a fire extinguisher, or other means of extinguishing a fire, acceptable to the Fire Chief/or designate, is within reasonable distance from where the fire is located;

**5. OTHER PERMITTED CIRCUMSTANCES**

Persons or organizations shall be permitted to ignite an outdoor fire providing that:

- i. the burning is for the purpose of training members for the Emergency Management Organization or the Kentville Volunteer Fire Department;

**6. OFFENCES AND PENALTIES**

Any person who contravenes or fails to comply with any of the provisions of this bylaw shall be liable to a penalty no less than \$250 and not exceeding \$5,000 for each offence, as per Schedule A attached.

**7. REPEAL**

Chapter 22 (a) Prevention of Fires Bylaw and Chapter 74, Outdoor Fire Bylaw of the Town of Kentville Bylaws and any amendments thereto, shall be hereby repealed.

**8. EFFECTIVE DATE**

This bylaw repeals Chapter 74 – Outdoor Fire Bylaw and shall be effective upon publication.

**CLERK’S ANNOTATION FOR OFFICIAL BY-LAW BOOK**

Date of first reading:	July 9, 2008
Date of advertisement of Notice of Intent to Consider:	August 21, 26, 2008 September 2, 9, 2008
Date of second reading:	September 10, 2008
*Date of advertisement of Passage of By-Law:	September 23, 2008
Date of mailing to Minister a certified copy of By-Law:	September 23, 2008

I certify that this Outdoor Fire Bylaw – Chapter 78 was adopted by Council and published as indicated above.



CAO Mark Phillips

\*EFFECTIVE DATE OF THE BY-LAW UNLESS OTHERWISE SPECIFIED IN THE BY-LAW

## **SCHEDULE "A": PENALTIES**

<b>Offence</b>	<b>Penalty</b>
<b>First Offence</b>	<b>\$250.00</b>
<b>Second Offence</b>	<b>\$1,000.00</b>
<b>Third Offence</b>	<b>\$5,000.00</b>