

Town of Truro – Bylaws

Subject: Outdoor Fires
Bylaw Number: B140-001
Approval Date: July 9, 2012
Departments: Fire Service

Title

1. This Bylaw is entitled the “Outdoor Fires Bylaw”.

Definitions

2. In this Bylaw:

- (1) “Acceptable Fire Pit” means an outdoor receptacle which is constructed from bricks, concrete blocks, heavy gauge metal, stone or other suitable non-combustible components, has a spark arrestor or metal mesh screen, is positioned on a fire-proof surface, and does not exceed 1 metre in width or in diameter when measured between the widest point or outside edges;
- (2) “Camp Fire” means a fire not exceeding 60 centimetres in width at the largest point, and not piled higher than 45 centimetres in height, located at least 5 metres from other combustible materials, started and maintained with the permission of the owner of the property where the fire is located;
- (3) “Chimineea” means a chiminea or other small, commercially manufactured burning appliance constructed from a suitable fire resistant material and intended to burn small quantities of wood or charcoal;
- (4) “Fire Chief” means the Fire, Chief, Deputy Fire Chief, Fire Inspector, fire captain or other officer of the Truro Fire Service or other person designated by such person;
- (5) “Fire Proof Pad” means a pad made of non-combustible material(s), such as cement or concrete, that is resistant to heat;
- (6) “Nuisance” means unreasonable interference with a neighbouring property owner’s enjoyment of his or her property;
- (7) “Open Air” means anywhere that is not fully enclosed by a building or structure;
- (8) “Owner” has the same meaning as in the Municipal Government Act;

- (9) “Town” means the Town of Truro.

Prohibition on Open Air Fires

3. No person shall light, ignite, start, 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 4.

Permitted Open Air Fires

4. Except as may be otherwise prohibited by law, an open air fire is permitted:
- (1) For cooking food with propane, natural gas, charcoal or wood within a portable or fixed barbeque in which the fire is contained on its underside and on at least three sides;
 - (2) In an acceptable fire pit or chiminea, provided that:
 - (a) A spark arrestor or mesh screen is used to contain any sparks or blowing debris;
 - (b) Only clean, dry, untreated wood or charcoal is burned;
 - (c) In the case of an acceptable fire pit, the fire pit is located at least 5 metres from any building, flammable structure, combustible material or property line;
 - (d) In the case of a chiminea:
 - (i) The chiminea is positioned on a fire-proof pad that extends at least 50 centimetres outward from where the door of the chiminea is located and 20 centimetres on all other sides;
 - (ii) The chiminea is at least 5 metres from all buildings and at least 1 metre from any wooden surface that is not appropriately screened with a CSA approved fire-proof material;
 - (iii) If the operating instructions that come with the chiminea are stricter than the standards in this Bylaw, the position and operation of the chiminea must comply with those operating instructions;
 - (e) A responsible adult who is equipped with tools or equipment to contain an outdoor fire (which may include brooms, rakes, back tanks, shovels, hoses and an adequate water supply) is present on the property and supervising while the fire is burning and until the fire is fully extinguished;
 - (f) A fire extinguisher is available on the property and within a reasonable distance from where the fire is located; and
 - (g) The fire does not create a nuisance.
 - (3) 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 supervised by a fire department, brigade or service or by a person responding reasonably to an emergency;

- (4) For organized competitions where lighting fires is a component, such as the water boil in a woodsmen's competition;
- (5) By a person lost or in distress in a wooded area, if reasonable precautions are taken against the spreading of the fire;
- (6) Only between the hours of 6:00 a.m. and 12:00 midnight, unless:
 - (a) The fire is a fire permitted by subsections (2) or (5) hereof; or
 - (b) The fire is authorized by a permit under section 5 and the permit specifies other hours during which the fire is permitted.
- (7) For a fire authorized by a permit issued under section 5, provided that:
 - (a) The permit for the fire is available for inspection at the scene of the fire at any time;
 - (b) The conditions of the permit are complied with;
 - (c) The fire is initiated by or authorized by the owner of the property where the fire is situated;
 - (d) The fire is not within 100 metres of a dwelling located on other property, except with the express consent of the owner and occupant of such other property;
 - (e) The fire is not within 20 metres of any structure;
 - (f) The fire is not within 20 metres of another property, except with the express consent of the owner and occupant of such other property;
 - (g) The fire is not started or permitted to continue when the wind is blowing of sufficient velocity to jeopardize the permit holder's ability to contain a fire;
 - (h) The fire is not left unattended by the permit holder;
 - (i) The fire is not fueled by, or allowed to burn anything, except untreated wood, brush and vegetation or byproducts thereof; and
 - (j) Any smoldering embers from the fire are completely extinguished after the burning is completed.

Permits

- 5. The Fire Chief may issue a permit in the form attached as Schedule "A" to this Bylaw, upon application, for a fire for the purpose of:
 - (1) Weed control or other agricultural or forestry purposes, including the elimination of infestations of insects or disease;
 - (2) Brush removal;
 - (3) The burning of grass or other vegetation such as leaves, tree limbs or stumps.

Despite subsections (2) and (3), the Fire Chief must not issue a permit for a fire for the purpose of clearing undeveloped land of trees or other vegetation.

6. The Fire Chief, in considering an application for a permit under section 5 may refuse to issue a permit if the Fire Chief is not satisfied that the proposed burning complies with the other provisions of this Bylaw or if the Fire Chief is not satisfied that the proposed burning could be carried out safely having regard to:
 - (1) The number of permits issued on or for a particular day;
 - (2) The nature of the material intended to be burnt;
 - (3) The velocity of the wind or other weather conditions;
 - (4) Whether or not the applicant is suitably equipped with appropriate tools such as rakes, shovels, and water tanks or other suitable water sources, or, for substantial burning, mechanical equipment that may be used to suppress a fire, such as a bulldozer, and any other equipment deemed necessary or prudent;
 - (5) The proposed manner and method of burning;
 - (6) Whether the applicant has signed a waiver of liability and indemnity agreement in form satisfactory to the Town in respect of any death, injury or property damage arising and an undertaking, in a form satisfactory to the Town, to pay all expenses incurred in controlling or extinguishing any fire threatening to get, or getting, beyond control or extending onto other lands; and
 - (7) Whether the applicant has paid an open air fire permit fee of \$10.
7. The Fire Chief, in issuing a permit under section 5, may specify conditions upon which the permit is granted, including but not limited to:
 - (1) The times and dates for which the permit shall be valid;
 - (2) Location on the premises where the burning shall occur;
 - (3) Special equipment required to be available during the burning;
 - (4) The proposed manner and method of burning;
 - (5) The number of piles which may be burnt at one time and the size of such piles; and
 - (6) Any other matter the Fire Chief determines relevant to the safety of persons and protection of property, including forests.

8. The Fire Chief may revoke a permit issued under section 5 based upon the same considerations upon which the Fire Chief may issue a permit.

Immediate Notification of Fire Department

9. (1) In the case of a fire for which a permit has been issued, the permit holder must notify the fire department, brigade or service in and for the applicable fire protection district if the fire is or appears to be getting out of control.
- (2) In the case of any other fire, the person who lit or otherwise started the fire, or allowed the fire to start, must notify the fire department, brigade or service in and for the applicable fire protection district if the fire is or appears to be getting out of control.

Authority of Fire Chief

10. (1) The Fire Chief shall have control over the prevention and suppression of fires governed by this Bylaw, and shall have the authority to extinguish or order extinguished any fire which:
 - (a) Poses a health or safety hazard to persons or property;
 - (b) In the opinion of the Fire Chief is causing a nuisance; or
 - (c) Does not comply with the provisions of this Bylaw.
- (2) The Fire Chief may enter upon any land, at any reasonably necessary time, for the purpose of performing their duties and functions pursuant to this Bylaw.

Penalty

11. Any person who contravenes any provision of this Bylaw is guilty of an offence punishable on summary conviction by a fine of not less than \$100 and not more than \$5,000 and to imprisonment of not more than 6 months in default of payment thereof.
12. The Open Air Burning Bylaw is repealed upon the coming into force of this Bylaw.

Schedule "A"
TOWN OF TRURO
PERMIT TO BURN

PART I – PERMIT APPLICATION – TO BE COMPLETED BY PERMIT APPLICANT

Applicant: _____ Telephone: _____

Date: _____

Address: _____

Civic Address of Burn Site: _____

DESCRIPTION OF BURNING (purpose of burning, type of material to be burnt, expected duration of burn)

As holder of this Permit, I assume all responsibility for complaints, damage to property, injury or death resulting from the burning authorized by this Permit, and indemnify the Town of Truro and Truro Fire Service for all claims against them related to such damage, injury or death. I am aware that an additional Permit may be required to comply with the Forests Act. I understand and agree to comply with the terms and conditions of the Bylaw and of this Permit. I agree and undertake to pay all expenses incurred by the Town of Truro and Truro Fire Service in controlling or extinguishing any fire threatening to get or getting beyond control or extending onto other property.

Signature of Permit applicant/holder

PART II – TO BE COMPLETED BY FIRE OFFICIAL

A. Permit Approval

Permit valid from: _____ Expires: _____

CONDITIONS OF BURNING:

Burning permitted between the hours of _____ and _____.

Other conditions:

Pursuant to the Town of Truro Outdoor Fires Bylaw, permission is hereby granted to the above named to burn material at the site and during the time period specified, subject to the conditions set forth in the Bylaw and this Permit.

This Permit may be revoked at any time.

Signature of Fire Chief or
Designated Issuing Official

Date issued: _____

Fee collected: _____
(initials of issuing officer)

.....

B. Permit refusal

This application for a Burning Permit is refused.

Signature of Fire Chief or
Designated Official

Date refused: _____

NOTE: The Fire Chief or other fire official, in issuing a permit, may specify conditions upon which the permit is granted, including but not limited to:

- (1) The times and dates for which the permit shall be valid;
- (2) Location on the premises where the burning shall occur;
- (3) Special equipment required to be available during the burning;
- (4) The proposed manner and method of burning;
- (5) The number of piles which may be burnt at one time and the size of such piles; and
- (6) Any other matter the Fire Chief or other fire official determines relevant to the safety of persons and protection of property, including forests.