

VILLAGE OF TAHSIS

BYLAW NO. 516

A Bylaw to Regulate Burning within the Village of Tahsis

Whereas pursuant to Section 8 (3) (g) Section 63 and Section 66 of the *Community Charter* Council may, by bylaw, regulate the use of fires in the open air or elsewhere and authorize the Fire Chief or person under the authority of the Fire Chief to issue permits for outdoor fires when considered safe to do so;

Whereas under Section 48 of the Fire Services Act and the regulations made under it, Council is required to enforce local regulations for the protection of persons and property to regulate the use of outdoor fire;

NOW THEREFORE, the Council of the Village of Tahsis, in open meeting assembled, **ENACTS AS FOLLOWS:**

TITLE

This Bylaw may be cited as the "Outdoor Burning Regulation Bylaw No. 516, 2005"

1. INTERPRETATION

In this Bylaw

(a) Animal Organic Waste

"Animal Organic Waste" means solid organic waste material of animal origin and includes flesh, carcasses, offal, hides, feces and feathers;

(b) Approval

"Approval" means acceptance as satisfactory to the Fire Chief or an officer of the Fire Department of the Village of Tahsis;

(c) Construction Waste

"Construction Waste" means waste materials resulting from the construction, alteration, renovation or demolition of any building, structure or improvement to land and without limiting the generality of

the foregoing includes paper, plastic, drywall and wood materials such as dimensional lumber, plywood and particle board;

(d) Council

“Council” means the Municipal Council of the Village of Tahsis;

(e) Debris

“Debris” means disturbed or undisturbed vegetative matter targeted for management or disposal by open burning;

(f) Domestic Incinerator

“Domestic Incinerator” means any metal or masonry container equipped with a tight-fitting wire screen lid of a mesh not greater than 1 centimetre (or 3/8”) to restrict any sparks or flying debris. Burning garden refuse in a domestic incinerator is classed as open burning defined under (n);

(g) Domestic Waste Materials

“Domestic Waste Materials” means household material and food waste but does not include newspaper and cardboard;

(h) Fire Chief

“Fire Chief” means the person appointed by the Council of the Village of Tahsis to be in charge of the Fire Department and the firefighting personnel or firefighters of the Village of Tahsis, and includes the duly appointed Deputy;

(i) Firefighter

“Firefighter” means a member of the Village of Tahsis Volunteer Fire Department;

(j) Garden Refuse

“Garden Refuse” means leaves, foliage, prunings, weeds, or crops for domestic purposes;

(k) Garbage

“Garbage” means all household and commercial waste or refuse, whether it contains the remains of edible food or not;

(l) Incinerator

“Incinerator” means a combustion device specifically designed for controlled high temperature burning of waste materials and equipped with a stack or chimney for discharge of contaminants (smoke) to the atmosphere.

An incinerator does not include a “domestic incinerator” as defined in (f) above;

(m) Noxious Material

“Noxious Material” includes tires, plastics, rubber products, domestic waste materials, garbage, drywall, demolition waste, construction waste, paint, special waste, animal organic waste, vegetable waste, food waste, biomedical waste, tar, asphalt products, battery boxes, plastic materials, waste petroleum products;

(n) Open Burning

“Open Burning” means the combustion of material without control of the combustion air and without a stack or chimney to vent the emitted products of combustion to the atmosphere. Open burning includes burning of garden refuse in a domestic incinerator operated outdoors, but it does not include portable appliances, for the purpose of cooking food;

(o) Order

“Order” means any order, decision, requirement or direction given by the Fire Chief or his/her designate;

(p) Permit

“Permit” means a document issued pursuant to the provisions of this Bylaw authorizing a person to undertake backyard burning under the conditions specified in the document;

(q) Campfire

“Campfire” means a small, open air burn no larger than 30” in diameter

(r) Village

“Village” means the Municipal Council of the Village of Tahsis;

(s) Smoke

“Smoke” means the gases, particulate matter and products of combustion emitted into the atmosphere from burning; and

(t) Ventilation Index

“Ventilation Index” means the Environment Canada forecast Ventilation Index which provides regional information on airflow venting.

2. OPEN BURNING (FOR OPEN FIRES)

In this section, “open burning” refers to burning of dry, combustible, garden refuse as defined in Section 1 (j)

Open burning is prohibited during times specified by the Fire Chief as burning ban periods and Ministry of Forest fire ban regulations April 14th to October 14

2.3 No person shall light, ignite, start, or burn any fire for the purpose of open burning, without first having obtained a permit to do so from the Fire Chief or designate. The Fire Chief may issue permits for open burning of garden refuse only on condition that:

(a) the garden refuse to be burned is thoroughly dried and fed to the fire in such a way that rapid ignition and burning occurs;

(b) the fire is for the purpose of burning garden refuse that is produced on the property where burning is taking place;

- (c) the fire is burning during the time period between 10:00 A.M. and 4:00 P.M. of the same day;
- (d) the fire is on designated days during the period and October 15th to April 14th , on other days or periods in spring and fall of each year designated by the Fire Chief for open burning;
- (e) the fire on a person's property must not be more than 1 metre across and not exceed 1 metre in height and must be at least 7.5 meters from all buildings and combustible materials and 1.5 meters from any grass or shrubs;
- (f) for the purpose of preventing danger, damage and injury to property and/or a person because of the fire, the fire must be continuously supervised and controlled by a person who is at least 16 years old;
- (g) the person supervising the fire has emergency equipment and an adequate supply of water that is readily available and is sufficient to completely extinguish the fire in five minutes at any stage for the purposes in paragraph (f);
- (h) the person supervising the fire is taking every reasonable precaution to prevent smoke being generated or becoming a nuisance;
- (i) the location of the fire is within forty (40) metres of a point accessible to Fire Department vehicles;
- (j) the holder of the permit complies with any other conditions, restrictions and provisions specified by the Fire Chief is issuing the permit;
- (k) unless otherwise directed by the Fire Chief, open burning must not be initiated unless the Ventilation Index is forecast as "good" for the period during which the burning is to take place.
- (l)

2.4

2.5 The Fire Chief or his/her designate may withhold a permit or cancel any permit issued where, in his/her opinion, the igniting of a fire may create a hazard or nuisance to persons or property, and the Fire Chief or his/her

designate may extinguish or order the extinguishing of any fire that is causing a nuisance to persons, or any fire started without a permit.

2.6 Every person who starts or maintains or permits or supervises a fire shall ensure that the fire is completely extinguished and that any residue from the fire is broken up and disposed of in a manner that eliminates any fire hazard.

3. PROHIBITED WASTE

3.1 No person shall dispose of animal organic waste, construction waste, domestic waste materials, garbage or noxious material by open burning.

4. INSPECTION AND ORDERS

4.1 The Fire Chief or any person under his/her authority may:

- (a) enter at all reasonable times on any property that is subject to the requirements or regulations of this Bylaw, to ascertain whether the regulations in this Bylaw or directions made under this Bylaw are being observed;
- (b) make orders directing the owners or occupiers of property to bring a fire into compliance with this Bylaw;
- (c) call on the Ministry of Water, Land and Air Protection's Conservation Officers if a person is burning waste in contravention of the *Waste Management Act*; and,
- (d) order any person to extinguish a fire that person has ignited or is maintaining.

4.2 No person shall obstruct or prevent the Fire Chief or person acting under the Fire Chief's authority from conducting an inspection under this Bylaw.

5. ISSUANCE OF BURNING PERMITS

5.1 A written burning permit shall be in the form set out in Schedule A attached hereto, or to like effect, and shall be valid during the specified burning period designated under Section 2.3 (d) of this bylaw. A person shall apply for separate permit for each burning period.

5.2 A valid written burning permit shall be available for inspection at the burn site while open burning is in progress.

6. COST RECOVERY

6.1 Every person of a dwelling who starts or allows to be started any outdoor fire or open burning is responsible for such fire. If, in the opinion of the Fire Chief, the fire presents a hazard, has escaped or threatens to escape from the owner's control or is prohibited under the terms of this Bylaw, the Fire Department may be summoned to control or extinguish the fire. The owner shall be liable for all costs and expenses incurred by the Fire Department or the Town to control or extinguish the fire.

6.2 The costs and expenses incurred by the Fire Department to extinguish or control a fire may be recovered from the owner together with any administration costs in like manner as municipal taxes.

7. LIABILITIES FOR DAMAGES

This Bylaw shall not be construed to hold the Village of Tahsis nor its authorized agent or agents responsible for any damage to persons or property by reason of:

- (a) inspections authorized by this Bylaw, or
- (b) failure to carry out an inspection, or
- (c) a permit issued as herein provided

8. SCOPE AND PENALTIES

8.1 In the event of there being any conflict between the terms and provisions of this Bylaw and the terms and provisions of the *Fire Services Act* or the *Waste Management Act* and regulations thereunder or other provincial acts or regulations, the terms and provisions of the said acts and regulations shall prevail.

8.2 Any person guilty of an offence under this Bylaw shall be punishable in accordance with the *Offence Act*.

8.3 Each day a violation is caused or allowed to continue constitutes a separate offence.

9. EXEMPTIONS:

The following are exempted from applying for a permit to burn under the provisions of this bylaw:

(a) employees of the Village of Tahsis who, during the course of his/her employment, burns garden refuse or debris on Town property; and,

(b) firefighters who light fires for the purpose of training.

(c) Campfires of other small confined fires used for the cooking of food on barbecues and grills.

10. EFFECTIVE TIME

10.1 This bylaw is effective and in force and binding on all persons as from the day following the day of its adoption.

READ a First time this the 8th day of November, 2005.

READ a Second time this 8th day of November, 2005.

READ a Third time this 8th day of November, 2005

RECONSIDERED AND FINALLY ADOPTED this the 15th day of November , 2005

Mayor Sylvia McNeil

Corporate Officer

SCHEDULE "A"

TO BYLAW NO. 516, 2005

CLASS 'B' BURNING PERMIT

DESCRIPTION: A PERMIT TO ALLOW FOR THE BURNING OF GARDEN REFUSE (I.E. GRASS CLIPPINGS, TREE PRUNINGS, LEAVES AND LIKE MATERIAL) IN THE OPEN AIR IN ACCORDANCE WITH VILLAGE OF TAHSIS BYLAW NO. 516, 2005.

AUTHORITY IS HEREBY GRANTED TO (PERMITTEE):		EFFECTIVE PERIOD FOR THIS PERMIT Y M D	
PERMITTEE'S REPRESENTATIVE NAME:	TITLE:	FROM: _____	_____
ADDRESS:		PHONE NO.;	_____
POSTAL CODE		FAX NO.:	_____
TO SET FIRE ON THE FOLLOWING DESCRIBED LANDS:			

DEFINITIONS/CONDITIONS - SEE REVERSE

SPECIAL CONDITIONS:

SIGNATURE OF PERMITTEE'S REPRESENTATIVE (INDICATING HE/SHE HAS READ AND UNDERSTANDS THE CONDITIONS OF THIS PERMIT)		
SIGNATURE OF PERSON ISSUING THE PERMIT:	POSITION/TITLE	DATE SIGNED Y M D

DEFINITIONS

Animal Organic Waste - "Animal Organic Waste" means solid organic waste material of animal origin and includes flesh, carcasses, offal, hides, feces and feathers.

Construction Waste - "Construction Waste" means waste materials resulting from the construction, alteration, renovation or demolition of any buildings, structures or improvement to land and without limiting the generality of the foregoing includes paper, plastic, drywall and wood materials such as dimensional lumber, plywood and particle board.

Domestic Waste Materials - "Domestic Waste Materials" means household material and food waste, but does not include newspaper and cardboard.

Garden Refuse - "Garden Refuse" means leaves, foliage, prunings, weeds, or crops for domestic purposes.

Garbage - "Garbage" means all household and commercial waste or refuse, whether it contains the remains of edible food or not.

Noxious Material - "Noxious Material" includes tires, plastics, rubber products, domestic waste materials, garbage, drywall, demolition waste, construction waste, paint, special waste, animal organic waste, vegetable waste, food waste, biomedical waste, tar, asphalt products, battery boxes, plastic materials, waste petroleum products.

CONDITIONS - Outdoor Burning Regulation No. 516, 2005 provides that:

- 2.3 No person shall light, ignite, start, or burn any fire for the purpose of open burning, without first having obtained a permit to do so from the Fire Chief. The Fire Chief may issue permits for open burning of garden refuse only on condition that:
- (a) the garden refuse to be burned is thoroughly dried and fed to the fire in such a way that rapid ignition and burning occurs;
 - (b) the fire is for the purpose of burning garden refuse that is produced on the property where burning is taking place;
 - (c) the fire is burning during the time period between 10:00 A.M. and 4:00 P.M. of the same day;
 - (d) the fire on a person's property must not be more than 1 meter across and not exceed 1 metre in height and must be at least 7.5 metres from all buildings and combustible materials and 1.5 metres from any grass or shrub;

- (e) for the purpose of preventing danger, damage and injury to property and/or a person because of the fire, the fire must be continuously supervised and controlled by a person who is at least 16 years old;
- (f) the person supervising the fire has emergency equipment and adequate supply of water that is readily available and is sufficient to completely extinguish the fire in five minutes at any stage for the purposes in paragraph (f);
- (g) the person supervising the fire is taking every reasonable precaution to prevent smoke being generated or becoming a nuisance; and
- (h) The location of the fire is within forty (40) metres of a point accessible to Fire Department vehicles;
- (i) The holder of the permit complies with any other conditions, restrictions and provisions specified by the Fire Chief in issuing the permit;
- (j) Unless otherwise directed by the Fire Chief, open burning must not be initiated unless the Ventilation Index is forecast as “good” for the period during which the burning is to take place.

Section 2.6 states: Every person who starts or maintains or permits or supervises a fire shall ensure that the fire is completely extinguished and that any residue from the fire is broken up and disposed of in a manner that eliminates any fire hazard.

Section 3 states: No person shall dispose of animal organic waste, construction waste, domestic waste materials, garbage or noxious material by open burning.

Section 5.2: A valid written burning permit shall be available for inspection at the burn site while open burning is in progress.

Section 6.1 and 6.2 State: Every person of a dwelling who starts or allows to be started any outdoor fire or open burning is responsible for such fire. If, in the opinion of the Fire Chief, the fire presents a hazard, has escaped or threatens to escape from the owner’s control or is prohibited under the terms of this Bylaw, the Fire Department may be summoned to control or extinguish the fire. The owner shall be liable for all costs and expenses incurred by the Fire Department or the Village to control or extinguish the fire. The owner or occupier shall pay the costs of the services provided by the Fire Department within thirty (30) days of receipt of an invoice from the Village of Tahsis. Pursuant to Section 17 of the Community Charter, any charges remaining unpaid on December 31st in any year shall be collected in the same manner as municipal taxes.

_____ INITIAL BY APPLICANT

VILLAGE OF TAHSIS

Residential Backyard Burning Bylaw

SCHEDULE "B"
TO BYLAW NO. 516, 2005

FEES

PERMIT FEES

	FEE
For each permit issued	\$25.00