

## Town of Annapolis Royal Outdoor Fire By-law

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### 1. Authority

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

Fire Safety Act

### 2. Interpretation

In this by-law:

**"Acceptable Outdoor Fire Pit / Outdoor Fireplace"** means an above ground, outdoor receptacle which is constructed from bricks, concrete blocks, heavy gauge metal, stone, or other suitable non-combustible components, and has a combustion area / fire box no greater than 1 square meter (11 square feet) and that a ½ inch or 12 mm spark arrestor or mesh screen covering is used to contain any sparks or blowing debris.

**"Adult"** means a person over 19 years of age.

**"Council"** means the Council for the Municipality of the Town of Annapolis Royal.

**"Emergency Management Organization"** means the Regional Emergency Management Organization, as established for the Town, under the provisions of the Regional Emergency Management By-law for the Town of Annapolis Royal.

**"Fire Chief"** means the Fire Chief/designate of the Annapolis Royal 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 sewage.

**"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.

**"Local Assistant"** means the Town's Fire Chief/designate appointed by the Fire Marshall's Office under the Fire Safety Act.

**"Outdoor Wood Furnace"** means, but is not limited to, any enclosed device, appliance, equipment, or apparatus that is designed, intended and/or used to provide heat and/or hot water to any associated residential, commercial, mixed-use, or institutional structure that operates by burning wood or any other fuel, including, but not limited to, paper pellets and agricultural products, is not located within the structure to be heated, and includes, but is not limited to, devices referred to as wood furnaces, outdoor boilers, and outdoor stoves.

**"Other Wood-burning Appliance"** means the class of enclosed devices which burn wood but are not outdoor wood furnaces. The devices must have a combustion chamber of less than .25 cubic meters (9 cubic feet), have a chimney, and have a ½ inch or 12 mm spark arrestor or mesh screen covering which is used to contain any sparks or blowing debris.

**"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.

**"Propane Fire Pit/Table"** means any appliance used for the purpose of creating an open fire outdoors, fueled by liquefied petroleum gas, natural gas, or bio ethanol, and has a maximum dimension of 3 (three) feet by 3 (three) feet.

**"Town"** means the Town of Annapolis Royal.

### **3. Outdoor Fires Prohibited**

- a) No person shall be permitted to operate an Outdoor Wood Furnace 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 outdoor fire pit, outdoor fireplace, other wood-burning appliance, or an acceptable propane fire pit/table, section 4 notwithstanding.
- c) 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 lands within the Town.

### **4. Outdoor Fires Permitted**

- a) Persons shall be permitted to cook food using a portable barbecue or other food preparation appliances designed for outdoor use.
- b) Persons shall be permitted to burn only clean, dry wood in an acceptable outdoor fire pit, outdoor fireplace, or other wood-burning appliance, providing that:
  - i. a ½ inch or 12 mm spark arrestor or mesh screen is used to contain any sparks or blowing debris;

- ii. the acceptable outdoor fire pit, outdoor fireplace, or other wood-burning appliance is located in excess of 25 feet (7.6) meters from any building, flammable structure, or combustible material;
  - iii. notwithstanding 4b (ii), the acceptable outdoor fire pit, outdoor fireplace, or other wood-burning appliance, may be operated on a wooden deck, provided it is on a fireproof pad;
  - iv. an adult is present on the property while the fire is burning and until the fire is extinguished;
  - v. a fire extinguisher, or other means of extinguishing a fire, acceptable to the Fire Chief/designate, is within reasonable distance from where the fire is located.
  - vi. Provincial Fire Restrictions are monitored and that all outdoor woodfires are conducted in a safe manner.
- c) Persons shall be permitted to have an open fire in a propane fire pit/table, providing that:
- i. an adult is present on the property while the fire is burning and until the fire is extinguished;
  - ii. a fire extinguisher, or other means of extinguishing a fire, acceptable to the Fire Chief/designate, is within reasonable distance from where the fire is located.
  - iii. the propane fire pit table, may be operated on a wooden deck if there is at least 91cm(36 inches) clearance on all sides from any structure. It is the responsibility of the owner/operator of the fire pit table to follow manufacturer instructions regarding overhead clearance.
  - iv. the appliance is certified by CSA, ULC or any other recognized certification agency
  - v. the propane fire pit / table conforms to the requirements of the Fuel Safety Regulations as passed under the Technical Safety Act of Nova Scotia.

## **5. Other Permitted Circumstances**

Persons or organizations shall only be permitted to ignite an outdoor fire for the purpose of training members for the Emergency Management Organization or the Annapolis Royal Volunteer Fire Department Chief, with the written permission of the Fire Chief.

## **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 as defined in the Town's Fees and Fines Policy.

## 7. Repeal

The Outdoor Fire By-law published on October 19th, 2009 of the Town of Annapolis Royal shall be hereby repealed.

## 8. Effective Date

This by-law shall be effective upon publication.

This is to certify that the foregoing is a true copy of a bylaw passed at a duly convened meeting of the Council of the Town of Annapolis Royal, held the day of 2023.

*This is to certify that the foregoing is a true copy of a by-law passed at a duly convene meeting of the Council of the Town of Annapolis Royal, held the 17<sup>th</sup> day of May 2023.*

*Given under the hand of the Mayor and Chief Administrative Officer and the seal of the Town of Annapolis Royal this 22<sup>nd</sup> day of June, 2023.*

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Amery Boyer, Mayor

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Sandi Millett-Campbell, CAO

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