



TOWN OF TRENTON BY-LAW NO.2023-01 OUTDOOR FIRES

Title: This by-law shall be known and cited as the Outdoor Fires By-law for the Town of Trenton.

Definitions

1. In this By-law, unless the context otherwise requires:

“Acceptable Fire Pit” means an outdoor receptacle which is constructed from bricks, concrete blocks, heavy gauge metal, stone or other suitable noncombustible components, has a spark arrestor or metal mesh screen, is positioned on a Fireproof Pad, and does not exceed 1 metre in width or in diameter when measured between the widest point or outside edges;

“Campfire” means any open fire that burns no larger than 0.5 meter in diameter and is intended for recreation and not for survival, 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;

“Chiminea” 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;

“Domestic Brush Burning” means burning (for no remuneration) woody debris in 2 piles or fewer which are no wider than 3 metres and no taller than 2 metres or blueberry burning which is less/equal to 2 hectares. Domestic Brush Burning includes Campfires (except in licensed private, municipal, and provincial campgrounds).

“Fire Chief” means the Fire Chief, or Deputy Fire Chief when designated, of the Trenton Volunteer Fire Department;

“Fireproof Pad” means a pad made of non-combustible material(s), such as cement or concrete, that is resistant to heat;

“Nuisance” means unreasonable interference with a neighbouring property Owner’s enjoyment of his or her property;

“Outdoor Fire” means the burning outside a building and includes Domestic Brush Burning, burning in a Chiminea, and a Campfire;

“Owner” has the same meaning as in the Municipal Government Act;

“Running Fire” means a fire which has escaped its confinement, or which is burning without proper control or any control by any person;

“Town” means the Town of Trenton;

“Wildfire-risk Season” is March 15 to October 15 (both dates included) as set by the Province of Nova Scotia;

Authority

2. Pursuant to Section 172 of the Municipal Government Act (S.N.S. 1998, c. 18).

Purpose

3. This By-law is intended to regulate Outdoor Fires in the Town of Trenton for the purpose of fire safety, to control the Nuisance effect of such fires, and limit fire risks or unsafe practices.

Outdoor Fires Prohibited

4. No person within the boundaries of the Town of Trenton shall:

4.1 Be permitted to have an Outdoor Fire, except as permitted in Section 5.

4.2 Light an Outdoor Fire when Provincial burning restrictions are in place. During the Wildfire-risk Season, the Province of Nova Scotia provides burning restrictions by county daily at 2:00pm. Restrictions are available by calling the toll-free phone line, recorded message updated daily at: 1-855-564-2876(BURN) or by checking online at <https://novascotia.ca/burnsafe>. Always check before you burn.

4.3 Light an Outdoor Fire when the weather conditions are such that there is a risk of creating a Running Fire.

4.4 Be permitted to burn general waste or garden and yard waste on any lands owned or occupied by such person, or on any other public or privately owned lands.

4.5 Light an Outdoor Fire and allow the smoke from the fire to be a Nuisance to another person. When a person has ignited an Outdoor Fire that has become a Nuisance to another person due to more than two consecutive minutes of smoke drift, the person shall extinguish the fire immediately. Notwithstanding the previous sentence, the person shall not be required to extinguish the fire if the Nuisance due to more than two consecutive minutes of smoke drift occurs during a thirty-minute period following the starting or re-fueling of an Outdoor Fire, to a maximum of one time during any four-hour period.

4.6 Light an Outdoor Fire in Trenton Park, except as permitted in Section 5.6.

Permitted Outdoor Fires

5. Except where may be otherwise prohibited by law, an Outdoor Fire is permitted:

5.1 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 Fireproof 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 fireproof material;
 - iii. If the operating instructions that come with the Chiminea are stricter than the standards in this By-law, 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.

5.2 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;

5.3 Only between the hours of 2:00 p.m. and 12:00 midnight during the Wildfire-risk Season, unless the fire is authorized by a permit under section 6 and the permit specifies other hours during which the fire is permitted. There is no Domestic Brush Burning or Campfires permitted in Nova Scotia between 8:00 am and 2:00 pm, except Industrial Permits obtained from the Department of Lands and Forestry.

5.4 For a fire authorized by a permit issued under section 6, 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.

5.5 Within the boundaries of Trenton Park only when ignited and under the control of the Town of Trenton employees and/or authorized workers during Town sanctioned events.

Permits

6. The Fire Chief may issue a permit in the form attached as Schedule "A" to this By-law, upon application, for a fire for the purpose of:

- 6.1 Weed control or other agricultural or forestry purposes, including the elimination of infestations of insects or disease;
- 6.2 Brush removal;
- 6.3 The burning of grass or other vegetation;

Despite subsections 6.2 and 6.3, the Fire Chief must not issue a permit for a fire for the purpose of clearing undeveloped land of trees or other vegetation.

7. The Fire Chief, in considering an application for a permit under section 6 may refuse to issue a permit if the Fire Chief is not satisfied that the proposed burning complies with the other provisions of this By-law or if the Fire Chief is not satisfied that the proposed burning could be carried out safely having regard to:

- 7.1 The number of permits issued on or for a particular day;
- 7.2 The nature of the material intended to be burnt;
- 7.3 The velocity of the wind or other weather conditions;

- 7.4 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;
 - 7.5 The proposed manner and method of burning;
 - 7.6 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 to pay all expenses incurred in controlling or extinguishing any fire threatening to get, or getting, beyond control or extending onto other lands; and
 - 7.7 Whether the applicant has paid the Outdoor Fire One-time Burn Permit Fee as stated in the Town's Outdoor Fires Policy No.OTH-20230509.
8. The Fire Chief, in issuing a permit under section 6, may specify conditions upon which the permit is granted, including but not limited to:
 - 8.1 The times and dates for which the permit shall be valid;
 - 8.2 Location on the premises where the burning shall occur;
 - 8.3 Special equipment required to be available during the burning;
 - 8.4 The proposed manner and method of burning;
 - 8.5 The number of piles which may be burnt at one time and the size of such piles; and
 - 8.6 Any other matter the Fire Chief determines relevant to the safety of persons and protection of property, including forests.
 9. The Fire Chief may revoke a permit issued under section 6 based upon the same considerations upon which the Fire Chief may issue a permit.

Immediate Notification of Fire Department

10. If a fire is or appears to be getting out of control, the Trenton Volunteer Fire Department must be notified immediately by:
 - 10.1 The permit holder in the case of a fire for which a permit has been issued;
 - 10.2 The person who lit or otherwise started the fire or allowed the fire to start in the case of any other fire.

Enforcement

11. The following authority shall be permitted to the Fire Chief or designates:
 - 11.1 The Fire Chief or designates have control over the prevention and suppression of Outdoor Fires within the Town and shall have the authority to extinguish or ordered extinguished any Outdoor Fire which poses a health or safety hazard to persons or property, or which does not meet the provisions of this By-law.

11.2 The Fire Chief or designates may enter upon any land, at any reasonably necessary time, for the purpose of performing their duties and functions pursuant to this By-law.

11.3 No action in trespass or Nuisance may be brought against a member of a Fire Department for the doing of any act or the carrying out of any operation necessarily incidental to the exercise of any duty or power pursuant to this By-law.

Offences and Penalties

12. Notwithstanding any other By-law of the Town, any person who contravenes any provision of this By-law is punishable on summary conviction by a fine of not less than \$100.00 and not more than \$5,000, and in default of payment to imprisonment of not more than 30 days for each offence.

Cost of Work

13. In addition to any fine imposed pursuant to Section 12, the property Owner will be responsible for any expenses or damages, or other work lawfully done pursuant to this By-law, which are a result of a person contravening or failing to comply with this By-law, the cost of the work, with interest at the rate determined by Council, from the date of the completion of the work until the date of payment, is a first lien on the property upon which, or for the benefit of which, the work was done.

Compliance with Other Acts and By-laws

14. Nothing in this By-law shall exempt any person from obtaining any license, permission, permit, authority, or approval required under any other By-law or regulation of the Town or any statute or regulation of the Province of Nova Scotia. If this By-law conflicts with any other statute or regulation of the Province of Nova Scotia the more restrictive statute shall apply.

Repeal

15. The "Fire Prevention By-law 98-002" is repealed upon the effective date of this By-law.

Date of First Reading: April 11, 2023
Date of Advertisement of Notice of Intent to Consider: April 12, 2023
Date of Second Reading: May 09, 2023
Date of Advertisement of By-law Passage and Approval: May 17, 2023
Date of Mailing Certified Copy to Dept. of Municipal Affairs: May 10, 2023

I certify that this Outdoor Fires By-law 2023-01 was adopted by Council and published as indicated above.

Alanna MacDonald
Chief Administrative Officer

May 9, 2023
Date



**TOWN OF TRENTON BY-LAW NO.2023-01
OUTDOOR FIRES**



Schedule A

**Outdoor Fire Burn Permit
Trenton Volunteer Fire Department**

BURN PERMIT NO: _____ **Date of Burn:** _____

Location: _____

Size of area to be burned: Pile Acres _____

Material Type: Sticks or Twigs Infestation
 Brush or Stumps Demolition or Junk Pile
 Slash

**THIS PERMIT MUST COMPLY WITH MUNICIPAL LEGISLATION, INCLUDING ALL PROVISIONS OF THE
TOWN OF TRENTON OUTDOOR FIRES BY-LAW NO.2023-01 (COPY OF BY-LAW ENCLOSED)**

Name: _____ Private
 Company
 Home Owner
Phone: _____ **Phone (Cell):** _____

Signature of Responsible Adult Supervising Burn: _____

Signature of Property Owner (if different from above): _____

Any other important details regarding this property or the burn area:

**Trenton Volunteer Fire Dept.
(Fire Chief) Approval:** _____ **Date:** _____

- | | | |
|--|---|--|
| <ol style="list-style-type: none"> 1. This permit allows the above-mentioned to burn within the Town of Trenton, as per the Town of Trenton’s Outdoor Fire By-law and must take place within two (2) weeks of the above date. 2. The permit may be cancelled orally or in writing at any time by the Fire Chief, Fire Inspector or designate. 3. The applicant must have the permit before the fire is started. | | |
| COPY 1 – SUPERVISING PERSON
COPY 2 – FIRE CHIEF (or designate)
COPY 3 – TOWN OFFICE | Town of Trenton
P.O. Box 328, 120 Main Street
Trenton, NS B0K 1X0 | Tel: 902-752-5311
Fax: 902-752-0090
E-mail: firechief@trenton.ca |