

Whereas under Sections 172 (a), (b), and (d) of the 1999 Municipal Government Act, Council may 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;

Now, therefore, the Council of the Town of Wolfville duly assembled enacts as follows:

1. Interpretation

In this Bylaw:

“Acceptable Fire Pit” means an outdoor receptacle whereby the fire pit opening does not exceed 1 metre in width or in diameter when measured between the widest points or outside edges.

“Council” means the Council of the Town of Wolfville.

“Emergency Measures Organization” means the Emergency Measures Organization as established for the Town pursuant to the provisions of Chapter 57 within the Bylaws and Amendments of the Town of Wolfville.

“Fire Chief” means Fire Chief for the Town of Wolfville.

“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, human or animal excrement, sewage or the whole or part of an animal carcass.

“Hazard” means a risk of fire or damage to property and/or person(s) which may be caused by the burning of any waste and includes any nuisance.

“Nuisance” means the causing of any smoke by or from any fire permitted or allowed under this Bylaw with compromises surrounding property owners with respect to the quiet enjoyment of their property.

“Portable Barbecuing Appliance” means any appliance sold or constructed for the purpose of cooking food outdoors, normally fuelled by liquefied petroleum gas, natural gas, compressed briquettes, or charcoal.

“Town” means the Town of Wolfville.

2. Open Air Fires Prohibited

(1) No person shall be permitted to have an open air fire or any other fire upon land owned or occupied by such person, or on any other lands within the Town.

(2) 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.

(3) Notwithstanding Section 1, persons are permitted under this Bylaw to conduct:

- (a) the cooking of food using a portable barbecuing appliance;
- (b) the cooking of food in acceptable fire pits or acceptable fireplaces provided:

- (i) only clean fuel is used such as natural gas, dry wood or charcoal in

amounts which will be contained within the fire pit or fireplace below the mesh screen;

- (ii) the fire does not create a nuisance, which is offensive to any other person;
- (iii) the fire does not create a hazard to persons or to other properties;
- (iv) a means, acceptable to the Fire Chief, of controlling or extinguishing the fire is available on the property and within reasonable distance from where the fire occurs;
- (v) a responsible adult is present on the property with the fire is burning;
- (vi) the fire is extinguished before supervision of the fire ends;
- (c) burning in fireplaces in or attached to dwellings as provided by legislation;
- (d) burning in Town-owned parks where fireplaces, stoves and fire pits are provided by or approved by the Town;
- (e) burning by the Emergency Measures Organization for the purpose of training members;
- (f) burning for municipal purposes at the direction of the Fire Chief.

3. Requirements for acceptable fire pits, outdoor fireplaces and structures

- (1) Acceptable fire pits, outdoor fireplaces, or structures must meet the following requirements:
 - (a) A minimum of 4.5 metres (15 feet) clearance shall be maintained from buildings;
 - (b) Installations must have enclosed sides made from bricks, concrete blocks, heavy gauge metal, stone, or other suitable non-combustible components;
 - (c) A spark arrestor mesh screen of ½ inch expanded metal (or equivalent) to contain sparks shall be provided over the fire.

4. Offences and Penalties

- (1) Every person who contravenes or fails to comply with any of the provisions of this Bylaw shall be liable to a penalty not exceeding \$250.00.

CERTIFICATE

I, Brian Porter, Town Clerk of the Town of Wolfville do hereby certify that the foregoing is a true copy of the Open Air Fires Bylaw passed at a duly called meeting of the Town Council of the Town of Wolfville on January 15, 2001.

Notice of the said Bylaw passing was published in ***THE ADVERTISER***, a newspaper circulating in the Town of on the 23rd day of January, 2001.

GIVEN under the hand of the Town Clerk and the Corporate seal of the Town of Wolfville this 24th day of January, 2001.

BRIAN PORTER, Town Clerk

*First Reading December 18, 2000
Second Reading January 15, 2001*