



Enabling Legislation

Municipal Government Act, R.S.N.S. 1998, c. 18:

- 172 (1) A council may make by-laws, for municipal purposes, respecting
- (a) the health, well being, safety, and protection of persons;
 - (b) the safety and protection of property;
 - (c) persons, activities and things in, on or near a public place or place that is open to the public;
 - (d) nuisances, activities and things that, in the opinion of the council, may be or may cause nuisances, including noise, weeds, burning, odours, fumes and vibrations...

Fire and Emergency Services

Powers where fire

- 297 (1) When any fire, rescue or emergency occurs, the fire chief or other officer in charge, and any person under the direction of that officer, shall endeavour to extinguish the fire and prevent it from spreading, conduct the rescue or deal with the emergency and, for that purpose, may
- (a) command the assistance of persons present and any inhabitant of the municipality;
 - (b) remove property from buildings on fire or in danger of fire;
 - (c) take charge of property;
 - (d) enter, break into or tear down any building;
 - (e) exclude and remove persons and vehicles from the building or vicinity; and
 - (f) generally do all things necessary to respond to the emergency.
- (2) It is an offence to disobey any lawful order or command of the officer in charge.



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OUTDOOR FIRES BY-LAW

RO-001

Title

1. This By-Law is entitled the "Outdoor Fires By-Law".

Definitions

2. In this By-Law:

- (1) "acceptable appliance" 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 one (1) meter (3.3 feet) in width or in diameter when measured between the widest point or outside edges;
- (2) "campfire" means a fire not exceeding sixty (60) centimeters in width at the largest point, and not piled higher than forty-five (45) centimeters in height, located at least five (5) meters (16.4 feet) from other combustible materials, started and maintained with the permission of the owner of the property where the fire is located;
- (3) "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;
- (4) "Fire Chief" means a fire chief, fire captain or chief officer of a fire department, or other person designated by such person in and for the applicable fire protection district or area;
- (5) "fire-proof pad" means a pad made of non-combustible material(s), such as cement or concrete, that is resistant to heat;
- (6) "Municipal and/or Municipality" means West Hants Regional Municipality;
- (7) "nuisance" means the causing of any smoke or other emissions from any fire permitted under this By-law or otherwise, that adversely affects the reasonable



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enjoyment by other persons on their property as determined by a Fire Chief, Special Constable, Fire Inspector, and/or RCMP. Smoke from seasoned firewood does not constitute a nuisance under this by-law.

- (8) “open air” means anywhere that is not fully enclosed by a building or structure;
- (9) “owner” has the same meaning as in the Municipal Government Act;
 - (a) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building,
 - (b) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care or control of the land or building,
 - (c) a person who occupies shores, beaches or shoals, and
 - (d) in the absence of proof to the contrary, the person assessed for the property.
- (10) “solid waste” means solid waste as defined in the former Municipality of West Hants Solid Waste Management By-law and former Town of Windsor Solid Waste By-law;
- (11) “special constable” means a person(s) appointed by the Municipality to enforce Municipal by-laws;
- (12) “rural area” means that part of West Hants Regional Municipality which is not an urban area as defined herein;
- (13) “urban area” means those areas within West Hants Regional Municipality which are serviced by Municipal water and sewer but excludes properties with existing agricultural or resource designation.



Prohibition on Open Air Fires

3. Subject to the provisions of Provincial legislation regarding fires, 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 appliance or chiminea, provided that:
 - (a) a spark arrestor or mesh screen is used to contain any sparks or blowing debris;
 - (b) only clean, seasoned firewood or charcoal is burned;
 - (c) in the case of an acceptable appliance, it is located at least five (5) meters (16.4 feet) 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 fifty (50) centimeters (19.7 inches) outward from where the door of the chiminea is located and twenty (20) centimeters on all other sides;
 - (ii) the chiminea is at least five (5) meters (16.4 feet) from all buildings and at least one (1) meter (3.3 feet) from any wooden surface that



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- 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 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.
- (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 which is registered pursuant to the Fire and Emergency Service Policy, COGE-007.00 or by any 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) for a campfire in a rural area;
 - (7) in a rural area between March 15th to October 15th as per the [NS Forest Act \(as amended\)](#) and as permitted on the [NS Check Before You Burn](#) website provided that:



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- (a) the fire is initiated by, or authorized by the owner of the property where the fire is situated;
 - (b) the fire is for the purpose of:
 - (i) weed control or other agricultural or forestry purposes, including the elimination of infestations of insects or disease;
 - (ii) brush removal or land clearing;
 - (iii) the burning of grass or other vegetation; or
 - (c) the fire is not within one hundred (100) meters (328 feet) of a dwelling located on other property;
 - (d) the fire is not within twenty (20) meters (66 feet) of any structure;
 - (e) the fire is not within twenty (20) meters (66 feet) of another property, except with the express written consent of the owner and occupant of such other property;
 - (f) the fire is not within three hundred five (305) meters (1,000 feet) of woods as per the Nova Scotia Forest Act;
 - (g) the fire is not started or permitted to continue when the wind is blowing of sufficient velocity to jeopardize the ability to control the fire;
 - (h) the fire is not left unattended by the owner of the property or an adult authorized and designated by the owner to be responsible for the fire;
 - (i) the owner or adult responsible for the fire is suitably equipped with appropriate tools such as rakes, shovels, and water tanks or other suitable water source, or, for substantial burning, mechanical equipment that may be used to suppress a fire, such as a bulldozer, and any other equipment that is necessary or prudent to control or extinguish the fire;
 - (j) the fire is not fueled by, or allowed to burn anything, except wood, brush, and vegetation or byproducts thereof; and



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- (k) any smoldering embers from the fire are completely extinguished after the burning is completed.
- (8) between the dates of October 15 to March 15 (in alignment with the [NS Forest Act \(as amended\)](#) and as permitted on the [NS Check Before You Burn](#) website), provided that:
- (a) the owner or person responsible for the fire have received any necessary approvals from the Province with respect to the fire;
 - (b) the fire is not within twenty (20) meters (66 feet) of any structure;
 - (c) the fire is not within twenty (20) meters (66 feet) of another property, except with the express written consent of the owner and occupant of such other property;
 - (d) the fire is not started or permitted to continue when the wind is blowing of sufficient velocity to jeopardize the ability to control the fire;
 - (e) the fire is not left unattended by the owner of the property or an adult authorized and designated by the owner to be responsible for the fire;
 - (f) the owner or adult responsible for the fire is suitably equipped with appropriate tools such as rakes, shovels, and water tanks or other suitable water source, or, for substantial burning, mechanical equipment that may be used to suppress a fire, such as a bulldozer, and any other equipment that is necessary or prudent to control or extinguish the fire;
 - (g) the fire is not fueled by, or allowed to burn anything, except wood, brush, and vegetation or byproducts thereof; and
 - (h) and any smoldering embers from the fire are completely extinguished after the burning is completed.



Outdoor Furnaces

5. Wood burning furnaces or appliances which are located outside a building intended to receive heat or hot water from such furnace or appliance may not be installed or used
- (1) in an urban area unless:
 - (a) it has a chimney that extends to a height of at least four (4) meters above the grade of the surrounding soil; and
 - (b) the furnace or appliance, its chimney, and any support structure for the chimney, complies with any applicable requirements pursuant to the *Building Code Act, Fire Safety Act*, and the Municipality's Building Code Act By-Law RB-001; and
 - (c) the furnace or appliance is constructed, installed and operated in compliance with the same requirements as are set out in subsection (2) for such furnaces or appliances in rural areas;
 - (2) in a rural area unless:
 - (a) the manufacturer's installation instructions are followed;
 - (b) the furnace or appliance is not placed on a wooden deck or other combustible platform;
 - (c) clearance of five (5) meters is observed in all directions from other combustible materials, including any dwelling; and

Immediate Notification of Fire Department

6. In the case of any fire, the person who lit or otherwise started the fire, or allowed the fire to start, must notify the fire department in and for the applicable fire protection district if the fire is or appears to be unable to be controlled.



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Authority

7. (1) The Fire Chief, Special Constable, Fire Inspector, and/or RCMP shall have control over the prevention and suppression of fires governed by this By-Law, 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 Authorities is causing a nuisance; or
 - (c) does not meet the provisions of this By-law.
- (2) The Fire Chief, Special Constable, Fire Inspector, and/or RCMP may enter upon any land, at any reasonably necessary time, for the purpose of performing their duties and functions pursuant to this By-Law.

Penalty

8. (1) Any person who contravenes any provision of this By-Law is guilty of an offence punishable on summary conviction by a fine of not less than two hundred fifty dollars (\$250.00) and not more than five thousand dollars (\$5,000).
- (a) In addition to any fine or imprisonment imposed, the Court may order the person convicted to pay all expenses incurred in correcting the contravention of the by-law or any damages associated with such contravention.
 - (b) Where any person is in contravention of any provision of this By-law, the Authority(ies) may direct in writing, that the contravention be remedied in the manner and within the time specified.
 - (c) Upon the failure of the person to comply with such notice, the Authority(ies) may order the remedy, and recover the cost of such work from the property owner.
 - (d) The Municipality's cost to remedy the contravention pursuant to any provision of the by-law shall constitute a lien against the property owner



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which shall be applied and enforced in the same manner as for rates and taxes.

- (2) In lieu of prosecution under this By-law, a Special Constable, Fire Inspector and/or RCMP may, in their sole and absolute discretion, issue to any person they believe, upon reasonable grounds, has committed an offence under this By-law, a Notice of Violation, which Notice shall require the person to whom it is directed, to pay to the Municipality with fourteen (14) days of the issuance of the Notice, the sum of \$100.00 (one hundred dollars), for an offence outside that of Provincial legislation. Where a Notice of Violation is issued and if that sum is paid as required therein, no prosecution shall ensue in respect to the matter or matters referred to in the Notice. For greater certainty, nothing in this by-law requires the Municipality to issue a Notice of Violation before initiating a prosecution.

Repeal

9. (1) The former Town of Hantsport - By-Law 1-93 Fires and Burning of Materials By-law approved by the Minister on the 29th day of October, 1993; and
The former Town of Windsor Windsor Outdoor Fires Bylaw - #39 approved December 02, 2010; and
The former Municipality of the District of West Hants Fire Protection By-law dated September 14, 2004 are all hereby repealed.

I, Deanna Snair, Municipal Clerk of the West Hants Regional Municipality, the Province of Nova Scotia, do hereby certify that this is a true copy of the By-law as adopted by the Council of the West Hants Regional Municipality at a meeting duly called and held on the 22nd day of November, 2022.


Deanna Snair, Municipal Clerk



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By-law Adoption	
First Reading	October 25, 2022
Notice Published	November 8, 2022
Public Hearing	November 22, 2022
Second Reading & Approval	November 22, 2022
Final Publication	November 29, 2022
Notice to Municipal Affairs	November 30, 2022
Description: Initial approval of the Regional Outdoor Fires By-law RO-001, which includes repealing the Fire related By-Laws for the former Town of Hantsport (By-Law 1-93 Fires and Burning of Materials By-law), the former Town of Windsor (Windsor Outdoor Fires Bylaw - #39) and the former Municipality of the District of West Hants Fire Protection By-law.	