

BE IT RESOLVED THAT THE FOLLOWING BE AND THE SAME IS HEREBY ADOPTED AND ENACTED AS A BY-LAW OF THE MUNICIPALITY OF THE DISTRICT OF WEST HANTS

FIRE PROTECTION BY-LAW

1. The Fire Protection By-law passed by the Council of the Municipality of the District of West Hants on the 11th day of May, A.D., 1994 and approved by the Minister of Municipal Affairs on the 12th day of May, A.D., 1994 be and is hereby repealed and the following is substituted therefor.
2. In this By-law,
 - (a) “Controlled Combustion Unit” means an incinerator, furnace, barrel, drum, tank or container;
 - (b) “Designated Material” means:
 - (i) tires;
 - (ii) waste dangerous goods as defined in the Dangerous Goods Management Regulations pursuant to the *Environment Act*, Stats. N.S., 1994-1995, C. 1 and amendments thereto;
 - (iii) used oil as defined in the used oil regulations pursuant to the *Environment Act*, supra;
 - (iv) a railway tie or other wood treated with wood preservative;
 - (v) a material containing rubber or plastic;
 - (vi) painted wood;
 - (vii) garbage, food products, organics such as animal and human remains but does not include dry leaves and dry grass.
 - (c) “Furnace” means any equipment, apparatus, device or structure designed to burn solid, liquid or gaseous fuel for the purpose of heating, drying, generating power or processing steam or any combinations thereof;
 - (d) “Incinerator” means any equipment, apparatus, devise or structure designed to incinerate waste which is capable of controlling the combustion temperature,

the degree of gaseous mixing and the length of time that the combustion gases reside in the incinerator;

- (e) “Material” means combustible material other than designated material;
 - (f) “Municipality” means the Municipality of the District of West Hants;
 - (g) “Open Burning” means burning of material not carried out in a controlled combustion unit.
3. (a) No person shall carry out, cause, permit or be responsible for the open burning of designated material.
- (b) Subsection (a) does not apply to open burning conducted by a person or organization that is authorized by the Province to conduct courses to train fire fighting personnel.
- (c) Subsection (a) does not apply to a Municipality that conducts open burning in accordance with the provisions of the Municipal Waste Incinerator Regulations.
4. (a) Subject to Section 5(a)(ii) and 5(a)(iii), the burning of material shall be permitted at all times within a controlled combustion unit.
- (b) Subject to Section 5(a)(i), open burning of materials shall be permitted except between the 15th day of April and the 15th day of October in each year without a permit.
- (c) Subject to Section 5(a)(i), between the 15th day of April and the 15th day of October in each year, no person shall carry out, cause, permit or be responsible for the open burning of material without a permit issued by the Department of Natural Resources.
5. (a) No person shall carry out, cause, permit or be responsible for:
- (i) the open burning of material;
 - (ii) burning of material in a barrel, drum, tank or other container;
 - (iii) burning within a furnace that is used for heating purposes which is

external to the building being heated;

within 30.48 meters or 100 feet of another property owner's building.

- (b) Subsection (a) shall not apply to the burning of charcoal or propane within a barbecue for cooking purposes.
6. (a) Any person who carries out, causes, permits or is responsible for the burning of a fire which goes out of control is guilty of an offence.

(b) The Court may, in addition to any penalty imposed for this offence order the accused to pay the cost of putting out such fire and the cost shall be charged at the Department of Natural Resources (Nova Scotia) rates, and the sum so ordered by the Court shall constitute a first lien on the property of the accused and shall bear interest at the same rate as taxes and may be collected in the same manner as provided for ordinary rates and taxes under the *Municipal Government Act*, Stats. N.S., 1998 Chapter 18.
 7. Any person who carries out, causes, permits or is responsible for the burning of a fire shall abide by the provisions of the *Environment Act*, Stats. N.S., 1994-1995, C. 1 and the regulations thereunder.
 8. In any prosecution for an offence under this By-law, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused, whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without the knowledge or consent of the accused.
 9. Where a corporation commits an offence under this By-law, any officer or director of the corporation who directed, authorized, assented to, acquiesce in or participated in the violation of this By-law is guilty of the offence and is liable to the punishment provided for the offence, whether or not the corporation has been prosecuted.
 10. Where an offence under this By-law is committed or continued on more than one day, each day shall constitute a separate offence.
 11. Anyone who violates the provisions of this By-law shall be liable to a minimum penalty of not less than Two Hundred Dollars (\$200.00) and not exceeding Ten Thousand Dollars (\$10,000.00) and in default in payment thereof to imprisonment for not more than one year or both, including the imposition of a minimum fine.

I, Dwight M. Bennett, C.A.O. and Municipal Clerk-Treasurer of the Municipality of the District of West Hants, do hereby certify that the foregoing is a true copy of the Fire Protection By-law duly passed at a duly called meeting of the Municipal Council of the Municipality of the District of West Hants duly convened and held on the 14 day of September, A.D., 2004 and published in the Hants Journal, a newspaper circulating in the Municipality on the 22 day of September, A.D., 2004.

GIVEN under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this 22 day of September, A.D., 2004.

First Reading: Aug 10/04

Second Reading: Sept 14/04



DWIGHT M. BENNETT, C.A.O.
MUNICIPAL CLERK-TREASURER