

TOWN OF STEWIACKE

BYLAW RESPECTING THE BURNING OF BRUSH, WOOD, AND YARD DEBRIS IN THE TOWN OF STEWIACKE

Bylaw # 2000-01

Name

1. This by-law shall be known as the “By-Law Respecting the Burning of Brush, Wood, and Yard Debris in the Town of Stewiacke.”

Definitions

2. In this By-Law,
 - (a) “Department” means the Stewiacke and District Volunteer Fire Department;
 - (b) “Fire Chiefs” means the Chief, Deputy Chief or the Assistant Deputy Chief of the Stewiacke and District Volunteer Fire Department;
 - (c) “fire season” means the period of time when a burning permit is required before a fire may be set;
 - (d) “lands” means all or any part of land within the boundaries of the Town of Stewiacke;
 - (e) “Mayor” means the Mayor of the Town of Stewiacke;
 - (f) “permit to burn” means an instrument issued pursuant to this By-Law authorizing the holder to burn brush, wood and yard debris;
 - (g) “Town” means the Town of Stewiacke.
 - (h) “Yard debris” means any natural material such as twigs, leaves and raked grass that may accumulate around the yard.

Prevention and Suppression of Fires

3. The Fire Chiefs has control over the prevention and suppression of wild fires within the Town and shall take reasonable steps to extinguish all fires within the town boundaries. Where the Fire Chiefs, or officer in charge, feels action being taken is not adequate, the Fire Chiefs, or officer in charge, shall notify the Department of Natural Resources for assistance.

Fire Season

4. The fire season in the Town shall be from January 01 to December 31.

Permit to Burn

5. (a) Unless a permit to burn has been issued pursuant to this by-law, during the fire season no person shall set, start, kindle, or maintain a fire or cause a fire to be ignited.
- (b) A permit to burn shall be in the form prescribed by the Town of Stewiacke and may be issued by the Fire Chiefs.
- (c) A member of the Department authorized to issue permits to burn may impose such additional items and conditions or may refuse to issue permits to burn as that person deems necessary.
- (d) A permit to burn may by written notice be canceled or suspended at any time by the Fire Chiefs and upon receiving notice of such cancellation or suspension, the permit holder shall extinguish any fire started under the permit and upon request shall forthwith surrender the permit to the Fire Chiefs.
- (e) The possessor of a valid permit to burn or any person acting on that person's behalf who ignites or causes a fire to be ignited shall take every reasonable precaution to prevent the fire from spreading and shall not leave the fire unattended until it is extinguished.
- (f) Where a person is permitted to ignite a fire pursuant to this By-Law, that person shall take every reasonable effort to prevent the fire from spreading and shall not leave the fire unattended until it is completely extinguished.
- (g) A fee of \$10.00 shall be payable with the issuance of a permit to burn. Such fee shall be collected by the Stewiacke and District Volunteer Fire Department and shall be accounted for in their financial statements.

Fire Proclamation

6. (a) Notwithstanding any other provision of this By-Law, the Mayor may, whenever the Mayor deems it necessary for the protection of property, by proclamation prohibit the setting of fires for any purpose in the Town of Stewiacke during the period specified in the proclamation.
- (b) Where a proclamation is made pursuant to subsection (a), no person shall ignite or cause to be ignited a fire in the Town of Stewiacke.
- (c) Notice of any proclamation issued pursuant to this By-Law shall be given in such manner as the Mayor deems will give the most prompt and adequate publicity.

- (d) A copy of the Truro Daily Newspaper containing the proclamation shall be evidence in court of the publication and the content of the proclamation without further proof of the matter.

Entry Upon Land

- 7. (a) After making reasonable efforts to notify the owner or occupier, the Fire Chiefs, or a member of the Department authorized by the Fire Chiefs, may enter upon any land, at any reasonable time, for the purpose of performing their duties and functions pursuant to this By-Law.
- (b) No action in trespass or nuisance may be brought against a member of the 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 except where such trespass or nuisance results in actual injury to the person or actual damage to property.

Penalty

- 8. Any person who violates the provision of this by-law shall be guilty of an offence and shall be liable to a penalty of \$500.00 (five hundred dollars) and in default of payment to imprisonment for not more than 30 days.

Application

- 9. The provisions of this by-law shall not apply to, nor shall it be construed so as to apply to, the following:
 - (a) if the fire is for cooking and the fire is made in a suitable place and precautions are taken against the spreading of the fire; or
 - (b) if the fire is confined to a suitable container equipped with a spark arrester, is in an area where there is no brush or flammable material and precautions are taken against the spreading of the fire.

Repeal

- 10. The previous by-law “By-Law to Control Burning of Brush, Grass, Wood and Other Waste Products, etc.” as approved by the Minister of Municipal Affairs on March 27, 1981 is hereby repealed.

