

BYLAW NO. 2

A BYLAW RESPECTING BURNING

BE IT ENACTED by the Council of the Region of Queens Municipality, under the authority of the Queens Regional Municipality Act, S.N.S. 1995, Chapter 9, as follows:

1. This Bylaw shall be known as Bylaw Number 2 and may be cited as "The Burning Bylaw".
2. This bylaw shall apply only within the area known as Liverpool and shall apply only from April 1 to October 15 of any particular year.

DEFINITIONS

3. Words in this bylaw have their normal dictionary and contextual meanings, except as follows:
 - a. "Municipal Solid Waste" means as defined in the Solid Waste Resource Management regulations pursuant to the Environment Act (NS) - which includes garbage, refuse, sludge, rubbish, tailings, debris, litter or the refuse from landscaping activities such as cut grass, leaves or yard trimmings of less than one centimetre in diameter.

PROHIBITIONS

4. No person shall light, ignite or start, or cause to be lighted, ignited or started, a fire of any kind whatsoever outside of the confines of the walls of a fully-enclosed structure, without having first obtained a Burning Permit pursuant to this bylaw.
5. Notwithstanding the foregoing, a Burning Permit shall not be required for the following:

- a. a fire which is confined to a grill, barbeque structure or appliance when the purpose of the fire is for the cooking of food or warmth;
- b. a fire wholly-contained within a non-combustible container;
- c. a fire set by persons acting under the supervision of the local Fire Department.

GENERAL

- 6. Any person wishing to obtain a Burning Permit shall fill out, and submit to the local Fire Department, a written application similar to that attached as Schedule "A" to this bylaw.

- 7. The fee for a Burning Permit shall be:
 - a. Lot or parcel of land containing a residence \$ 5.00
 - b. Commercial, Industrial, Institutional fire \$50.00

- 8. The Chief Officer of the Fire Department for the community of Liverpool, or the agent of such Chief Officer, shall administer the issuance or otherwise of Burning Permits pursuant to this bylaw and shall be referred to herein as the Issuing Authority.

- 9. If the wind is gusting dangerously that day or if, in the opinion of the Issuing Authority, the fire to which the Permit application relates would pose a hazard to the health or safety of the public the Issuing Authority may:
 - a. refuse to issue a Burning Permit; or
 - b. revoke or cancel a Burning Permit.

CONDITIONS

10. Every Burning Permit is subject to the following conditions:
 - a. a fire shall not be lighted, ignited or started within 30 feet or 9.23 metres of a residence;
 - b. a fire shall not be started when the wind is gusting;
 - c. petroleum-based products, including tires, shall not be used as an accelerant;
 - d. sufficient help must be engaged to prevent the fire from spreading;
 - e. every fire shall be attended at all times by an adult - until completely extinguished;
 - f. the person attending the fire shall have on hand a functioning water hose and / or a fire extinguisher;
 - g. the catchment area from which materials may be gathered together for burning per any one Burning Permit shall be a maximum of 6,000 square feet;
 - h. every Burning Permit shall expire two (2) weeks after issuance;
 - i. burning is prohibited between the hours of 10:00 p.m. and 9:00 a.m.
 - j. burning on a lot or parcel of land containing a residence shall only be permitted from 5:00 pm to 10:00 pm., unless special permission has been obtained by the Issuing Authority
 - k. Commercial, Industrial and Institutional fires shall only be permitted from 9:00 am to 5:00 pm.

MATERIAL RESTRICTIONS

11. No person shall burn the following materials:
 - a. tires
 - b. waste dangerous goods
 - c. used oil
 - d. railway ties or other wood treated with wood preservative

- e. rubber or plastic
- f. asphalt shingles; or
- g. Municipal Solid Waste - as defined in this bylaw.

PENALTIES

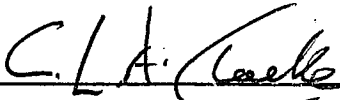
12. Any person found to be in violation of this bylaw shall be liable, upon conviction, to a fine of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00) and, in default of payment, to a term of imprisonment not to exceed Thirty (30) days.

REPEAL

13. The Inflammable Material Bylaw adopted by the Council of the Town of Liverpool on the 16th day of October 1991, and any amendments thereto, are hereby repealed.

THIS IS TO CERTIFY THAT this bylaw was passed by the Council of the Region of Queens Municipality at a duly constituted meeting of said Council held the 16th day of March, 1998.

SIGNED by the Mayor and Regional Clerk this 16th day of March, 1998.



MAYOR



REGIONAL CLERK

READINGS

First Reading: February 16, 1998

Second Reading: March 16, 1998

Third Reading: March 16, 1998

Date of Publication: March 4, 1998

Newspaper: March 25, 1998

Office of the Minister of Housing and Municipal Affairs

Filed / Approved: _____

SCHEDULE "A"

1. Name of Applicant: _____
Address: _____

Telephone: _____

2. I/We am/are the owner(s) of the following lands upon which the fire is proposed to be lighted:

3. Location, size and dimensions of the Lot (and Civic Address or Subdivision Name and Lot Number)

4. Type of material proposed to be burned

5. The undersigned hereby agrees to hold harmless the Region of Queens Municipality, its officers, agents, employees, successors and assigns from and against all claims, actions, damages, costs and expenses - including legal fees - arising out of, or resulting from, the burning to which this Burning Permit application relates.

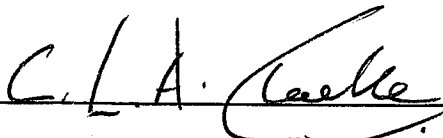
I have read and understood the above waiver clause.

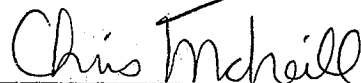
DATED at Liverpool, Nova Scotia, this day of , 1998.

APPLICANT

THIS IS TO CERTIFY THAT the bylaw of which the foregoing is a true copy was passed by the Council of the Region of Queens Municipality at a meeting duly held the 16th day of March, 1998.

SIGNED by the Mayor and Regional Clerk this 16th day of March , 1998.


MAYOR


REGIONAL CLERK

Date of First Reading:	February 16, 1998
Date of Second Reading:	March 16, 1998
Date of Third Reading:	March 16, 1998
Approved by Council:	March 16, 1998