

BE IT ENACTED by the Cape Breton Regional Council that Bylaw \_\_\_\_\_ Respecting Open Air Burning is hereby enacted:

**CAPE BRETON REGIONAL MUNICIPALITY**  
**BYLAW NUMBER B \_\_\_\_\_**  
**RESPECTING OPEN AIR BURNING**

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**Title**

1. This Bylaw shall be known as the “Cape Breton Regional Municipality Burning Bylaw”.

**Definitions**

2. In this Bylaw;

- a) “Fire Chief” means , for the purposes of this Bylaw, the Captain or Chief Officer of “fire department” or “fire company”, or his designate, in and for the fire protection district of the Municipality in which the fire is proposed to be ignited;
- b) “Fire Protection District” means that area of the Municipality which a fire department or a fire company serves and for which it is responsible.
- c) “Municipality” means Cape Breton Regional Municipality;
- d) “Permit” means a Permit for burning in the open air issued by the Fire Chief under the authority of this Bylaw;
- e) “Suitably Equipped” means being in possession of tools or equipment, including without limitation, brooms, rakes, back-tanks, shovels, hoses and an adequate water supply, which may be used to contain and/or prevent the spread of a fire ignited in the open air;
- f) “Grate” means a metal rack supported on a non-combustible enclosure;
- g) “Open Air” means not within a building;

## **Area of Application**

3.
  - a) The Permitting provisions of this Bylaw shall apply to those areas of the Municipality listed in Schedule “A”.
  - b) Burning is prohibited in the areas of the Municipality listed in Schedule “B”.

## **Prohibition**

4.
  - (1) Notwithstanding any other provision of this Bylaw, but subject to Section 4 (3) and (4), no person shall ignite a fire in the open air in any area of the Municipality identified in Schedule “B” attached to and forming part of this Bylaw.
  - (2) Except as hereinafter provided, and while a Permit is in force, no person shall light, ignite or start to allow or cause to be lighted, ignited or started, a fire of any kind whatsoever in the open air without first having obtained a Permit to do so from the Fire Chief in the form set out at Schedule “C” attached to and forming part of this Bylaw.
  - (3) Nothing in this Bylaw shall prohibit the making of a fire by a person travelling in the woods for the purpose of cooking or obtaining warmth or as a distress signal if the fire is made in a suitable place and precautions are taken against the spreading of the fire.
  - (4) This Bylaw does not apply to fires made to cook food in barbecues, grates, or other cooking appliances.

## **Permit Application**

5.
  - (1) Any person who proposes to ignite a fire shall make application to the Fire Chief for a Permit.
  - (2) The Fire Chief may issue a Permit where it is determined that the provisions of this Bylaw are met and that the proposed burning does not pose a hazard to persons or property.
  - (3) In making a determination under subsection (2) the Fire Chief shall take into consideration the following:
    - a) the number of Permits issued on a particular day;
    - b) the velocity of the wind;

- c) the general weather conditions prevalent;
- d) whether or not the applicant is suitably equipped to ensure the fire is maintained and under control;
- e) the proposed manner and method of burning;
- f) whether the applicant owns or is the occupant of the land upon which the burning is intended to occur, or has the written consent, produced prior to the issuance of the Permit, of the owner of the land upon which the burning will occur;
- g) whether the applicant is 19 years of age or older and ensures that at least one other person, of 19 years of age or greater, suitably equipped to control the fire, will be present while the fire is burning or smouldering;
- h) any other matter that the Fire Chief determines is relevant to safety.

(4) A Permit issued under the authority of this Bylaw may be revoked by the Fire Chief at any time where it is determined that the proposed burning will pose a hazard to persons or property;

(5) Where the Fire Chief determines that the proposed burning would be a hazard to safety or where there is a failure to meet the requirements of the Bylaw, the Fire Chief shall refuse to issue a Permit.

(6) The Fire Chief may designate the location where and hours during which applications for Permits shall be received.

(7) The Fire Chief may specify on the Permit the hours of the day and the number of days during which the Permit shall be valid, and in so doing, may distinguish between Permits issued for commercial or other uses, but no Permit shall be issued for a period exceeding two weeks.

(8) 

- a) A Domestic Permit may be issued to a landowner, or an occupant with the landowners permission, to burn Permitted material on a single lot.
- b) A Domestic Permit may be issued to Permit burning of blueberry fields under two hectares.
- c) An Industrial/Commercial Permit shall be required for:
  - I) blueberry burning in excess of 2 hectares
  - II) any burning that an individual or contractor has been paid to do
- d) The fees for burning Permits shall be:  
Domestic      Not Determined

## Industrial

- e) The fees for burning Permits will not be added to those already required from the Department of Natural Resources.
- (9) Taking into respect all other conditions, the issuing of a Permit to burn at any time of year, during our frequent periods of wet weather, may apply. i.e. grass, sticks, garden stumble, etc. may be piled and protected by a tarp until rainy weather.

## Restrictions

- 6. The following requirements shall apply at all times to the making of the fire for which a Permit is issued:
  - a) the holder of the Permit shall ensure that the Permit is available at the scene of the fire;
  - b) no person shall burn rubber tires, oil, plastic, petroleum products or other like materials;
  - c) all material to be burned shall be piled and placed at least 15 metres from other combustible material;
  - d) where two or more piles to be burned are situate on a single site, only one pile may be burned at a time;
  - e) no fire shall be ignited when the wind is blowing off sufficient velocity such that it may jeopardize the Permit holder's ability to control the fire;
  - f) the person to whom a Permit is issued shall ensure that the fire is not left unattended and that all smouldering embers are completely extinguished after burning is completed;
  - g) the person to whom a Permit is issued shall ensure that the method of burning and material burned is consistent with the information provided to the Fire Chief when the Permit was issued;
  - h) the fire department shall be notified immediately if the fire is or appears to be getting out of control;
  - i) no burning shall commence before 8:00 am and fires must be extinguished by 9:00 p.m. of the same day;

- j) The Permit Holder may be required to pay all expenses incurred in controlling or extinguishing any fire which may get beyond control or be in danger of doing so or extend to lands of others.

## **Penalty**

7. (1) Any person who makes, lights, ignites, or starts or allows or causes a fire to be lighted, ignited or started in the open air without a Permit shall be liable to a penalty on conviction of not less than One Hundred Dollars ( \$100) and not more than Five Thousand Dollars ( \$5000) or in default of payment, to imprisonment for a period not exceeding thirty (30) days;
- (2) Any person to whom a Permit has been issued who fails to comply with any provision of this Bylaw or any Permit issued hereunder or any condition of such a Permit shall be liable to a penalty on conviction of not less than One Hundred Dollars (\$100) and not more than Five Thousand Dollars (\$5000) or in default of payment, to imprisonment for a period not exceeding thirty (30) days.

## **Compliance With Other Acts**

8. Nothing in this Bylaw serves to exempt any person from obtaining any license, permission, Permit, authority or approval required by any other Bylaw or regulation of the Municipality or any statute or regulation of the Province of Nova Scotia.

## **Previous Bylaws Repealed**

9. All Burning Bylaws or similar Bylaws adopted by the former municipalities of Cape Breton County to regulate and prohibit open air burning are hereby repealed and the provisions of this Bylaw substituted therefore.

**PASSED AND ADOPTED** by a majority of the whole Council at a duly called meeting of the Cape Breton Regional Municipal Council held on May 18<sup>th</sup>, 1999.

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**MAYOR**

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**CLERK**

**THIS IS TO CERTIFY** that the attached is a true and correct copy of the Burning Bylaw of the Cape Breton Regional Municipality adopted by Council during a meeting held on May 18<sup>th</sup>, 1999.

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**BERNIE WHITE, CLERK**

**PUBLICATION DATE: May 28, 1999**

## **SCHEDULE “A”**

Burning in the open air is Permitted in the following areas of the Municipality as defined on (date of Bylaw):

Albert Bridge	Grand Lake Road
Bateston	Howie Centre
Big Pond	Marion Bridge
Birch Grove	Mira Road
Boisdale	New Victoria
Christmas Island	Northside East Bay
Coxheath	Port Morien
Donkin	Reserve Mines
East Bay	Scotchtown
Florence	South Bar
Frenchvale	Southside Boularderie
Gabarus	Sydney River
George’s River	Tower Road
	Westmount

## **SCHEDULE “B”**

Burning in the open air is prohibited in the following areas of the Municipality as defined on ( date of Bylaw):

Dominion	New Waterford
Glace Bay	North Sydney
Louisbourg	Sydney
	Sydney Mines

## SCHEDULE “C”

### CAPE BRETON REGIONAL MUNICIPALITY PERMIT TO BURN

Issued to:	Telephone	Date
Address		Community
Civic Address of burn site	Valid from	Expires

#### DESCRIPTION OF PROPOSED BURNING

As holder of this Permit, I assume all responsibility for Complaints or damage resulting from the burning authorized by this Permit.	I am aware that an additional Permit may be required to Comply with the <i>Forest Act</i> .	I understand and agree to Comply with the terms and Conditions of the Bylaw and of this Permit.
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Signature of Permit holder

Date

Pursuant to Cape Breton Regional Municipality Burning Bylaw, permission is hereby granted to the above named to burn material at the site and during the time period specified, subject to the conditions set forth in the Bylaw and this Permit. ( See Reverse)

**This Permit may be revoked at any time.**

Signature of Fire Chief of  
Designated Issuing Officer

Date

Fee Collected	Mailed to Prevention	Customer Service Centers xxx-xx-x-x---xxxx3700
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1. In determining whether or not to issue a Permit, the Fire Chief shall take into consideration the following:
  - (a) the number of Permits issued on a particular day;
  - (b) the velocity of the wind;
  - (c) the general weather conditions prevalent;
  - (d) whether or not the applicant is suitable equipped to ensure the fire is maintained under control;
  - (e) the proposed manner and method of burning
  - (f) whether the applicant owns or is the occupant of the land upon which the burning is intended to occur, or has the written consent, produced prior to the issuance of the Permit, of the owner of the land upon which the burning will occur;
  - (g) whether the applicant is 19 years of age or older and ensures that at least one other person, of 19 years of age or greater, suitable equipped to control the fire, will be present while the fire is burning or smouldering;
  - (h) any other matter that the Fire Chief determines is relevant to safety.
2. The following requirements shall apply at all times to the making of the fire for which a Permit is issued:
  - (a) the holder of the Permit shall ensure that the Permit is available at the scene of the fire;
  - (b) no person shall burn rubber tires, oil, plastic, petroleum products or other like materials
  - (c) all material to be burned shall be piled and placed at least 15 metres from other combustible material;
  - (d) where two or more piles to be burned are situate on a single site, only one pile may be burned at a time;
  - (e) no fire shall be ignited when the wind is blowing of sufficient velocity such that it may put at risk the Permit holder's ability to control the fire;

- (f) the person to whom a Permit is issued shall ensure that the fire is not left unattended and that all smouldering embers are completely extinguished after burning is completed;
- (g) the person to whom a Permit is issued shall ensure that the method of burning and material burned is consistent with the information provided to the Fire Chief when the Permit was issued;
- (h) the fire department shall be notified immediately if the fire is or appears to be getting out of control
- (i) all burning shall be conducted between the hours of 8:00 am and 9:00 p.m.