



**DISTRICT OF PORT EDWARD
OPEN AIR BURNING
BYLAW NO. 534**

A BYLAW FOR THE REGULATION OF OPEN AIR BURNING

The Council of the District of Port Edward, in open meeting assembled, enacts as follows:

1. CITATION

This Bylaw may be cited as “Open Air Burning Bylaw No. 534, 2013”.

2. REPEALS

That “Open Air Burning Bylaw No. 408, 1998” and its amendments be repealed in its entirety.

3. INTERPRETATION

(1) In this Bylaw:

“**Authorized Person**” means the Fire Chief, Deputy Fire Chief, RCMP Officer or the Public Works Superintendent or his designate;

“**Construction Waste**” includes wood and wood products arising from the construction, alteration or demolition of a building or structure;

“**Cooking Fire**” means a fire not exceeding 50 cm by 50 cm in diameter and 50 cm in height, contained within a fire pit and intended for cooking food;

“**Council**” means the Council of the District;

“**District**” means the District of Port Edward;

“**Garden Refuse**” includes leaves, foliage, pruning, or weeds for domestic purposes;

“**Nuisance**” means the emission into the atmosphere of smoke by any means, which disturbs the comfort or convenience of persons in the vicinity;

“**Open Air Burning**” means the lighting, ignition or continuation of a fire of any kind outside of a building;

4. CONDITIONS

- (1) Except as provided in this bylaw, a person shall not carry on or permit to be carried on Open Air Burning without first obtaining a permit from an authorized person.
- (2) A person may obtain a permit for the open air burning of construction waste, where:
 - (a) The construction waste has been created as a result of work carried out on the parcel on which the open air burning is to be carried out when piled and;
 - (b) The amount of construction waste to be burned arising from the work does not exceed 1 cubic meter and;
 - (c) The open air burning can be carried out within a single period of 6 hours on a single day and;
 - (d) The construction waste does not include any prohibited material.
- (3) All permitted materials to be burned must originate from the parcel of land on which to be burned.
- (4) The burn permit holder shall have the burning permit available on site for review by an authorized person.
- (5) The burning permit holder is responsible for controlling and extinguishing the fire and is responsible for any damages caused by the fire.
- (6) A person who carries out open burning shall ensure that a competent person of the age of at least 16 years is, at all times, in charge of the fire while it is burning or smoldering and until it is completely extinguished.
- (7) The person supervising the fire must have an adequate water supply and appropriate equipment required to control and extinguish the fire.
- (8) The fire or smoke from an open burn cannot create nuisance for those in the surrounding area.
- (9) Open burning is not permitted between the hours of 7 pm and 9 am or after dusk with the exception of cooking fires.

5. EXEMPTIONS

- (1) This bylaw does not apply to open air burning set for the purpose of fire training exercises.
- (2) A permit is not required for a small confined cooking fire used for cooking food on grills, barbeques and fire pits.
- (3) A permit is not required for burning on any land where:
 - (a) The material to be burned consists only of flammable garden refuse.
 - (b) The material originates on the property on which the burning is to take place.
 - (c) The burning takes place between the hours of 9 am and 7 pm or before dusk, whichever occurs earlier.

6. PROHIBITED BURNING MATERIALS

- (1) A person to whom a permit has been issued must not burn:
 - (a) Domestic waste
 - (b) Paint
 - (c) Oil
 - (d) Tar or petroleum product
 - (e) Asphalt shingles
 - (f) Tires
 - (g) Rubber
 - (h) Plastic material or any similar materials

7. CLEARANCES

- (1) Open burning is not allowed:
 - (a) Within 5 meters of and dwelling, fence or combustible structure;
 - (b) To exceed 1 cubic meter.

8. ENFORCEMENT AND COST RECOVERY

- (1) An authorized person may enter property to determine whether a requirement of this bylaw is being met or a regulation under this bylaw is being observed.
- (2) An authorized person may order any person to extinguish a fire that person has ignited or is maintaining.

- (3) If, in the opinion of the authorized person, the fire presents a hazard or is prohibited under the terms of this bylaw, the authorized person may summon the Fire Department to control or extinguish the fire.
- (4) The costs and expenses incurred by the District to control or extinguish the fire may be recovered from the owner.

9. AUTHORITY

- (1) The Fire Chief or Public Works Superintendent may, despite anything in this Bylaw, refuse to permit or refuse to issue a permit if he does not consider it safe to do so.
- (2) For the purpose of administration of this Bylaw, the Public Works Superintendent shall take direction from the Fire Chief.

10. OFFENCE

- (1) A person who contravenes a provision of this bylaw commits an offence and is liable, upon conviction, to a fine not exceeding \$1,000.00.

READ a first time this 26 day of March, 2013
READ a second time this 26 day of March, 2013
READ a third time this 9th day of April, 2013

ADOPTED this 23rd day of April, 2013

Mayor

Chief Administrative Officer

Certified a true copy of bylaw 534
cited as "District of Port Edward Open
Air Burning Bylaw No. 534, 2013".