

TOWN OF BERWICK

Outdoor Fire Bylaw

1. Authority

Sections 172 (1) (a), (b), and (d) of the Municipal Government Act provides municipalities with the power to make bylaws respecting the health, well-being, safety and protection of persons, the safety and protection of property, and activities that may cause nuisances including burning, odours and fumes.

2. Interpretation

In this bylaw

“Acceptable Fire Pit” means an outdoor receptacle which is constructed from bricks, concrete blocks, heavy gauge metal, stone or other suitable non-combustible components, and has a spark arrestor or metal mesh screen.

“Council” means the Council for the Municipality of the Town of Berwick.

“Emergency Management Organization” means the Emergency Management Organization, as established for the Town, under the provisions of Chapter 73 – Emergency Management Bylaw for the Town of Berwick.

“Fire Chief” means the Fire Chief of the Berwick Volunteer Fire Department.

“Garden and Yard Waste” means any shrubbery, tree prunings, leaves, brush, weeds, grass, roots, tree stumps, turf and similar vegetation.

“General Waste” means any rubbish, garbage, non-wooden material, packaging, containers, bottles, cans, rags, clothing, petroleum products, manure or sewer.

“Hazard” means a risk of damage or nuisance which may be caused by the burning of any general waste, and which may adversely affect property and/or persons.

“Nuisance” means the causing of any smoke or other emission from any fire permitted under this bylaw, or otherwise, that adversely affects the reasonable enjoyment by other persons of their property.

Portable Barbecuing Appliance” means any appliance used for the purpose of cooking food outdoors, normally fuelled by liquefied petroleum gas, natural gas, compressed briquettes or charcoal.

“Town” means the Town of Berwick.

3. Outdoor Fires Prohibited

- (1) No person shall be permitted to have an outdoor fire within the Town, on any land owned or occupied by such person, or on any public lands owned by the Town, unless contained in an acceptable fire pit;
- (2) No person shall be permitted to burn general waste, or garden and yard waste on any lands owned or occupied by such person, or on any other lands within the Town;

4. Outdoor Fires Permitted

- (1) Persons shall be permitted to cook food using a portable barbecue or other food preparation appliances designed for outdoor use;
- (2) Persons shall be permitted to burn only clean, dry wood in an acceptable fire pit, providing that:
 - (i) a spark arrestor or mesh screen is used to contain any sparks or blowing debris;
 - (ii) the acceptable fire pit is located in excess of 15 feet from any building, flammable structure, combustible material or property line;
 - (iii) a responsible adult is present on the property *at all times* while the fire is burning and until the fire is extinguished;
 - (iv) a fire extinguisher, or other means of extinguishing a fire, acceptable to the Fire Chief/or designate, is within reasonable distance from where the fire is located;

5. Other Permitted Circumstances

Persons or organizations shall be permitted to ignite an outdoor fire providing that:

- (i) the burning is for the purpose of training members for the Emergency Management Organization or the Berwick Volunteer Fire Department;

6. Offences and Penalties

Any person who contravenes or fails to comply with any of the provisions of this bylaw shall be liable to a penalty no less than \$250 and not exceeding \$5,000 for each offence, as per Schedule A attached.

NEW - In addition to any penalty imposed pursuant to this Bylaw, the court may impose the full cost or any portion of the cost or expense incurred by the Municipality or Fire Department in controlling or extinguishing a fire, together with costs or expenses related removing a fire hazard.

7. Repeal

The Outdoor Fire Bylaw of the Town of Berwick Bylaws does not repeal a pre-existing outdoor fire bylaw.

8. Effective Date

This bylaw shall be effective upon publication following approval by the Province.

Clerk's Annotation (Office Use Only)

First Reading – October 12, 2010

Advertising of Second Reading – Week of October 18, 2010

Second Reading – November 9, 2010

Notice of Passing – TBA

Notice to Minister – TBA

**I hereby certify that
the Outdoor Fire Bylaw –
has been adopted by Council
and published as indicated above.**

Date,
October 25, 2010

**Bob Ashley
Town Clerk**

Schedule "A"

Offence	Penalty
First Offence	\$250.00
Second Offence	\$1,000.00
Third Offence	\$5,000.00