



MUNICIPALITY OF THE DISTRICT OF CLARE

BY-LAW NO. 31 FIRE SAFETY BY-LAW

PART 1 – CONDITIONS

- 1.1 This By-law shall be known as the FIRE SAFETY BY-LAW, By-law Number 31, for the Municipality of the District of Clare, in consideration of the *Fire Safety Act*, R.S.N.S. 2002, c. 6 and the *Forests Act*, R.S.N.S. 1989, c. 179.
- 1.2 In this By-law:
- a) “Chief of the Fire Department” shall mean the Fire Chief for the Municipal Fire Department of the area in which the fire will be set;
 - b) “fire permit” means a permit to burn;
 - c) All other words and phrases may have the meaning ascribed to them in section 3 of the *Fire Safety Act*, R.S.N.S. 2002, c. 6 or the *Forests Act*, R.S.N.S. 1989, c. 179, unless otherwise indicated.
- 1.3 A person may set a fire at the following times:
- a) From March 15 to October 15 of each year:
By following the directives found on the Nova Scotia Department of Lands and Forestry’ website: <https://novascotia.ca/burnsafe>
 - b) From October 16 to March 14 of each year:
By acquiring the required fire permit from the Chief of the Fire Department (or a volunteer member designated by the Chief of the Fire Department) responsible for the area in which the fire is to be set.
- 1.4 Any person setting a fire shall practice fire safety and shall arrange for adequate help to prevent the fire from spreading and shall tend it until completely extinguished, and:
- a) A person setting a fire may be required to pay all expenses incurred by the Fire Department in controlling or extinguishing any fire which may get beyond control or be in danger of doing so or extend to lands owned by others.
 - b) No person shall ignite or cause to be ignited a fire on privately owned land without permission of the owner and/or occupant.
- 1.5 Any person setting a fire shall do so on the following conditions:
- a) Sufficient help must be engaged and care taken to exercise fire safety to prevent the fire from spreading and the fire must be watched until completely extinguished.

- b) A fire shall not be set when strong wind is blowing.
- c) Long strips or windrows of brush must be divided into piles.

PART 2 – PERMITS

- 2.1 A fire permit shall be issued on a form as set out in Schedule "A" annexed hereto.
- 2.2 Supervised fire pits and small contained bonfires (for family enjoyment) do not require a fire permit under this By-law, but may be banned by the Nova Scotia Department of Lands and Forestry during dry weather in accordance with *Forest Fire Protection Regulations* made under Section 40 of the *Forests Act*, R.S.N.S. 1989, c. 179.
- 2.3 Any permit is automatically cancelled upon Order of Wood Closures by the Nova Scotia Department of Lands and Forestry, when the forest is extremely dry and the hazard of fire is extreme.

PART 3 – FEES

- 3.1 Fees for fire permits issued by Municipal Fire Departments as described under Section 1.3 b) shall be as set by Policy of Council, in accordance with Section 49(1)(c)(iii) of the *Municipal Government Act*.
- 3.2 A certified copy of the said Policy shall be affixed to this By-law as Schedule "B". In the event that the fee so is changed, a certified copy of the new policy shall be affixed in place of the previous one.

PART 4 – PENALTIES

- 4.1 Every person who fails to comply with this by-law or who fails to carry out an order made under this by-law is guilty of an offence and is liable on summary conviction to a fine of not less than One Hundred Dollars (\$100.00) and not more than Two Thousand Dollars (\$2,000.00) or, in default of payment of the fine, imprisonment for a term not exceeding six (6) months.
- 4.2 A person alleged to have violated this by-law, and who has been given notice of the alleged violation and penalty amount, may pay a penalty in the amount of the fine to the Municipality of the District of Clare, provided that said payment is made within a period of fourteen (14) days following the day on which the alleged violation was committed, and where the said notice so provides, payment shall be in full satisfaction, releasing and discharging all penalties and imprisonments incurred by the person for the said violation.
- 4.3 In addition to any fine or imprisonment imposed pursuant to subsection 4.1, the Court or judge may order the person convicted to pay all expenses incurred in correcting the contravention of this by-law or any damages associated with such conviction.

THIS IS TO CERTIFY that the forgoing is a true and correct copy of the By-Law Respecting Fire Safety adopted and in full force in the Municipality of the District of Clare.

DATED at Little Brook, Nova Scotia this 6 day of August, 2021.




Stéphane Cyr,
Chief Administrative Officer

Chief Administrative Officer's Annotation for Official By-Law Book	
Date of First Reading	June 16, 2021
Date of First Publication	June 24, 2021
Date of Hearing of Public Objections	July 21, 2021
Date of Second Reading and Enactment	July 21, 2021
Date of Final Publication Following Second Reading	August 5, 2021
Date Sent to Nova Scotia Department of Municipal Affairs	August 6, 2021

Schedule "A"

**Municipality of the District of Clare
FIRE PERMIT**

It shall be a Policy of the Council of the Municipality of the District of Clare that the Fire permits shall be as follows:

Mr., Mrs., Ms. _____, Tel. No: _____

has permission to burn the following materials _____

_____ on land owned by _____

located at (address) _____

_____ from _____ 20__ to _____ 20__ ,

between the hours of _____ and _____ .

Notes:

- a) The permit holder may be required to pay all expenses incurred by the Fire Department in controlling or extinguishing any fire which may get beyond control or be in danger of doing so or extend to lands owned by others.
- b) No person shall ignite or cause to be ignited a fire on privately owned land without permission of the owner and/or occupant.
- c) This permit is automatically cancelled upon Proclamation of Wood Closure by the Nova Scotia Department of Lands and Forestry.

Conditions:

- a) Sufficient help must be engaged and care taken to exercise fire safety to prevent the fire from spreading and same must be watched until completely extinguished.
- b) A fire shall not be set when a wind is blowing.
- c) Long strips or windrows of brush must be divided into piles.

I, _____ ,
the undersigned have read and understand
the contents of this municipal burning permit.

Dated at _____ ,
County of Digby this _____ day of
_____ 20__ .

(Applicant Signature)

*(Signature of Fire Chief)**

Not valid unless signed by permit applicant.

* Or any person appointed by Fire Chief for area in which fire is to be set.

Schedule "B"

Municipality of the District of Clare

POLICY RELATING TO FIRE PERMIT FEES

It shall be a Policy of the Council of the Municipality of the District of Clare that the fees for Fire permits issued by the Municipal Fire Departments as described under Section 1.3 b) of By-law No. 31 FIRE SAFETY BY-LAW shall be as follows:

There is currently no fee for a fire permit issued by the Municipal Fire Departments.