

TOWN OF O'LEARY, PEI  
A BYLAW TO REGULATE BACK YARD FIRE PITS AND CAMP FIRES  
BYLAW # 2019-03

**BE IT ENACTED** by the Council of the Town of O'Leary as follows:

1. TITLE

1.1 This bylaw shall be known and cited as the "Fire Pits and Camp Fires Bylaw".

2. PURPOSE

2.1 The purpose of this bylaw is to set safety measures and restrictions for fire pits and camp fires located on private property within the Town of O'Leary.

3. AUTHORITY

3.1 Division 2, Section 180 of the Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1, provides the authority for O'Leary Town Council to pass bylaws and provide services for municipal purposes respecting the safety, health and welfare of people and the protection of persons and property.

4. APPLICATION

4.1 This bylaw applies to all residents and visitors to the Town of O'Leary. It operates together with, and as a supplement to, the applicable common law and the following statutes, any regulations or other delegated legislation made pursuant to them:

- (A) the Municipal Government Act
- (B) the Fire Prevention Act.

5. DEFINITIONS

5.1 In this bylaw, any word and term that is defined in the Municipal Government Act has the same meaning as in that Act.

5.2 In the bylaw,

- (A) "Act" means the Municipal Government Act.
- (B) "Chief Administrative Officer" or "CAO" means the administrative head of a municipality as appointed by Council under clause 86(2)(c) of the Municipal Government Act.
- (C) "Council" means the Mayor and other members of the Council of a municipality,
- (D) "Councillor" means a member of Council other than the Mayor,
- (E) "Fire Chief" and "Deputy Fire Chief" means officers of the O'Leary Volunteer Fire Department.

6. BURNING

6.1 Camp fires and any open fires are prohibited by law if the forest fire index for Western Prince Edward Island reaches high or above.

- 6.2 Camp fires and any open fires are prohibited when winds are gusty or a steady 20 km/h or higher.
- 6.3 Camp fires and any open fires must not exceed 0.6 metres by 0.6 metres and must be located at least seven metres from any building and three metres from any shrubbery, wooden fences, overhanging trees or combustible material.
- 6.4 Property owner or other adult, where camp fire or any open fire is located, must provide proper supervision while fire is burning and ensure water containers or a working garden hose and firefighting tools are nearby.
- 6.5 No person shall burn garbage which includes but is not limited to plastics, rubber material, treated wood, construction/demolition waste including asphalt material or household waste such as but not limited to cloth material, mattresses, and furniture. When burned, these products release toxic chemicals that are dangerous to humans.
- 6.6 Notwithstanding any other provisions of this bylaw, the following shall be permitted:
  - (A) the burning of brush, grass or other vegetation in areas zoned as Agricultural in the Town of O'Leary Zoning and Subdivision Control Bylaw provided that the Chief or Deputy Chief is notified at least 24 hours in advance and that property owner has obtained necessary permit from the Province of PEI;
  - (B) the burning of wood in enclosed outdoor fireplaces with built in chimneys;
  - (C) gas, propane and charcoal barbeques;
  - (D) controlled burns by the O'Leary Volunteer Fire Department provided proper permits are obtained from the Province of PEI.

7. REPEAL OF EXISTING BYLAW

- 7.1 Not applicable.

8. EFFECTIVE DATE

- 8.1 This BACK YARD FIRE PITS AND CAMP FIRES BYLAW # 2019-03 shall be effective on the date of approval and adoption below.

**FIRST READING:**

This Back Yard Fire Pits and Camp Fires Bylaw, Bylaw # 2019-03 was read a first time at the Council meeting held on 12<sup>th</sup> day of June, 2019.

This Back Yard Fire Pits and Camp Fires Bylaw, Bylaw # 2019-03 was approved by a majority of Council members present at the Council meeting held on the 12<sup>th</sup> day of June, 2019.

**SECOND READING:**

This Back Yard Fire Pits and Camp Fires Bylaw, Bylaw # 2019-03 was read a second time at the Council meeting held on the 11<sup>th</sup> day of July, 2019.

This Back Yard Fire Pits and Camp Fires Bylaw, Bylaw # 2019-03 was approved by a majority of Council members present at the Council meeting held on 11<sup>th</sup> day of July, 2019.

**APPROVAL AND ADOPTION BY COUNCIL:**

This Back Yard Fire Pits and Camp Fires Bylaw, Bylaw # 2019-03 was adopted by a majority of Council members present at the Council meeting held on the 11<sup>th</sup> day of July, 2019.

**SIGNATURES:**

Eric Gavin, Mayor  
July 11, 2019

Beverley Shaw, CAO  
July 11, 2019

This Back Yard Fire Pits and Camp Fires Bylaw, Bylaw # 2019-03 adopted by the Council of the Town of O'Leary on July 11, 2019 is certified a true copy.

Beverley Shaw, CAO  
October 16, 2019