

**BY-LAW NO. 247**  
**FIRE PREVENTION BY-LAW**

The Council of the Town of Sackville, under the authority vested in it by section 109 of the *Municipalities Act, R.S.N.B., 1973, c. M-22*, enacts as follows:

**SECTION 1 - DEFINITIONS**

In this by-law:

- a) “By-Law Enforcement Officer” means a person designated by Council and sworn-in by the Province of New Brunswick to enforce the By-Law’s of the Town.
- b) “ Council” means the Council of the Town;
- c) “Deputy Fire Chief” means the Deputy Fire Chief of the Town;
- d) “Fire Chief” means the Fire Chief of the Town;
- e) “Fire Department” means the Fire Department of the Town;
- f) “Firefighter” means an active member of the Fire Department;
- g) “Fireworks” means firecrackers, cannon crackers, fireballs, mines, roman candles, skyrockets, squibs, torpedoes and any other explosives designated by the Lieutenant Governor in Council
- h) “Fire Prevention Act” means the *Fire Prevention Act, R.S.N.B., 1973, c. F-13* and includes regulations thereunder;
- i) “Fire Prevention Officer” means any person appointed by section 2.1 or under section 2.2 of this by-law to the position of Fire Prevention Officer;
- j) “National Fire Code” means the latest edition of the National Fire Code of Canada;
- k) “Town” means the Town of Sackville
- l) “Police Officer” means a member of the Royal Canadian Mounted Police.

## **SECTION 2 - FIRE PREVENTION OFFICERS**

- 2.1 The Fire Chief and Deputy Fire Chief and the persons holding the positions of Acting Fire Chief and Acting Deputy Fire Chief of the Fire Department are appointed as Fire Prevention Officers for the Town.
- 2.2 In addition to the persons appointed by section 2.1, Council may appoint any other member of the Fire Department to the position of Fire Prevention Officer.
- 2.3 Subject to directions of the Fire Chief, the duties of a Fire Prevention Officer are those necessary to enforce this by-law, the Fire Prevention Act and other laws relating to the prevention and extinguishing of fires and the protection of property from fire.
- 2.4 A Fire Prevention Officer:
  - a) is empowered to enforce the provision of this and any other by-law relating to the prevention and extinguishing of fires and the protection of property from fire;
  - b) is authorized to enforce the Fire Prevention Act; and
  - c) without limiting the generality of the foregoing, has the same powers under the same conditions as are conferred upon the Fire Marshall by sections 11, 12, 16 and 21 of the Fire Prevention Act.
- 2.5 A Fire Prevention Officer or any person authorized in writing by a Fire Prevention Officer may enter any building within the Town at reasonable times to inspect for fire prevention purposes or to investigate the cause or origin of a fire.

## **SECTION 3 - OUTSIDE FIRES**

- 3.1 Except as provided for in subsection 3.2, no person shall start, ignite, tend, fuel or make use of or cause to be started or ignited a fire of any kind whatsoever outside, unless a valid permit has been issued hereunder.
- 3.2 Notwithstanding subsection 3.1, outside fires are permitted in the following circumstances:
  - a) Outside fires set by Fire Department for educational or training purposes, or other outdoor fires as approved by the Fire Chief in writing;
  - b) Fires used for the purpose of cooking food on a barbeque; and
  - c) Fire used for agricultural purposes restricted to the burning of blueberry fields only as per Schedule 'A' attached;

- d) Fires set in an outdoor wood burning appliance, provided:
- i) it is located at a distance of not less than three (3) meters from any building, structure, property line, tree, hedge, fence, roadway, overhead wire or other combustible article;
  - ii) it is not placed on a wood deck or other combustible platform;
  - iii) only one appliance is to be used on the property at any one time;
  - iv) it is used to burn only dry, seasoned firewood;
  - v) a portable fire extinguisher or operable garden hose is readily available while the unit is in use;
  - vi) the owner or occupant maintains constant watch and control over the appliance when in use and until the fire is totally extinguished; and
  - vii) it does not allow smoke, smell, airborne sparks or embers to infringe on the use and enjoyment of other properties.

3.3 In this section “outdoor wood burning appliance” means a manufactured non-combustible enclosed container designed to hold a small fire for decorative purposes and the size of which is not larger than (1) meter in any direction and may include a chimney.

#### **SECTION 4 - FIREWORKS**

4.1 No person shall, within the Town of Sackville, set fire to, discharge or cause to explode any fireworks without the written permission of the Chief of Sackville Fire Department.

#### **SECTION 5 - DEMOLITION OF BUILDINGS**

5.1 The Fire Chief, Deputy Chief or the Officer in charge at the scene of a fire may, in order to prevent the spread of fire, issue an order for the pulling down, demolition or removal of any building or structure.

#### **SECTION 6 - PETROLEUM PRODUCTS**

6.1 No person shall store gasoline, oil, liquefied petroleum gases or other petroleum products except in facilities meeting the standards contained in the National Fire Code.

6.2 The establishment of self-service facilities for the dispensing of flammable liquids shall be in accordance with the requirements of the Fire Prevention Act and the National Fire Code.

## **SECTION 7 – TERMS AND CONDITIONS**

- 7.1 No Fireworks permit shall be issued hereunder until the applicant has provided proof to The Town of Sackville, of legal liability insurance in an amount not less than five million dollars (\$5,000,000.00) for recovery of damage to property or personal injury, arising from the storage, use or display of the fireworks.

## **SECTION 8 - ENFORCEMENT AND PENALTIES**

- 8.1 Any Police Officer or By-Law Enforcement Officer is authorized to take such action or issue such tickets as they may deem necessary to enforce any provisions of this by-law.
- 8.2 A person who violates any provision of this by-law or who fails to comply with an order of a Fire Prevention Officer authorized by this by-law commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category E offence.
- 8.3 Where a person is convicted of an offence under subsection 8.2, the court may in addition to any penalty imposed under subsection 8.2, order that person to comply with the order.
- 8.4 A person who fails to comply with an order of the court under subsection 8.2 commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category F offence.

## **SECTION 9 - REPEAL**

- 9.1 *By-Law No. 204, A By-Law Respecting the Prevention of Fires*, and all amendments thereto, is repealed upon third and final reading of this By-Law
- 9.2 The repeal of *By-Law # 204, A By-Law Respecting the Prevention of Fires*, shall not affect any penalty, forfeiture or liability incurred before such repeal.

Read a first time this 14<sup>th</sup> day of December, 2015

Read a second time this 11<sup>th</sup> day of January, 2016

Read a third time and passed Council this 11<sup>th</sup> day of January , 2016.

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Mayor

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Clerk