

BY-LAW NO. 275
FIRE PREVENTION BY-LAW

The Council of the Town of Sackville, under the authority vested in it by the *Local Governance Act*, SNB. 2017, c. 18, hereby enacts as follows:

SECTION 1 - DEFINITIONS

In this by-law:

- a) “By-Law Enforcement Officer” means the By-Law Enforcement Officer of the Town of Sackville and includes anyone designated by the Council to act on their behalf. This also includes any RCMP Officer.
- 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.
- M) “Outdoor wood burning appliance” or “appliance” means a non-combustible enclosed

container designed to hold a small fire for decorative purposes and the size of which is not larger than one (1) meter in any direction, and may include, but shall not be limited to, chimneys, but does not include outdoor propane or natural gas appliances.

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) Live fires set by the 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.
- 3.3 Outdoor wood burning appliances may be used throughout the Town provided that, the requirements outlined below have been met:
- a) In the case of commercially manufactured appliances, the manufacturers’ instructions for the safe installation and operation of the appliance have been followed.
 - b) Non-commercially manufactured wood burning devices shall:
 - i. be less than 0.6 meters high;
 - ii. be less than 1 meter wide;
 - iii. have fully enclosed sides made from non-combustible materials such as bricks, concrete or heavy/gauge metal; and
 - iv. have a mesh screen on top to stop sparks (spark-arrestor) with openings no greater than 1 centimetre.
- 3.4 When using an outdoor wood burning appliance, residents shall ensure that:
- 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. area under the burning appliance should be bared to mineral soil or composed of non-flammable material such as brick or concrete;
 - iv. only one appliance is to be used on the property at any one time;
 - v. it is used to burn only dry, seasoned firewood;
 - vi. the appliance shall not be used to burn pressure treated wood, painted wood, leaves, grass, other vegetation, any plastic material, any food material or any material of any kind which produces an unreasonable amount of smoke or other respiratory irritants;
 - vii. a portable fire extinguisher or operable garden hose is readily available while the unit is in use;
 - viii. the owner or occupant maintains constant watch and control over the appliance when in use and until the fire is totally extinguished;
 - ix. it does not allow smoke, smell, airborne sparks or embers to infringe on the use and enjoyment of other properties; and
 - x. The appliance shall not be used when the New Brunswick Department of Natural Resources and Energy have placed a ban on open burning in the region.

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 is liable on conviction to a fine of not less than two hundred and forty dollars (\$240.00) and not more than five thousand two hundred dollars (\$5,200.00). All such fines shall be recovered under the Provincial Offences Act, S.N.B 1987, c.P-22.1.
- 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 is guilty of an offence and liable on conviction to a fine of not less than two hundred and fifty dollars (\$250.00).

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.

9.3 The repeal of *By-Law # 247, Fire Prevention By-Law*, and all amendments thereto, is repealed upon third and final reading of this By-Law.

Read a first time this 13th day of July, 2020

Read a second time this 10th day of August, 2020

Read a third time and passed Council this 10th day of August, 2020.

Mayor

Clerk

SCHEDULE "A"
GUIDELINES FOR ISSUING BURNING PERMITS
FOR TREATING EXISTING BLUEBERRY FIELDS

REQUIREMENTS

All blueberry fields must be field checked by the Fire Chief of the Sackville Fire Department or his/her designate prior to any burning permits being issued. Owners or their designates must be present during field inspection.

Permits are for non-treaded woody material only.

A firebreak bared to mineral soil, with a minimum width of 3 meters (10 feet) or in the case of an established and existing field a 4-meter break burnt with a commercial burner. A burnt firebreak must be patrolled to ensure that all flames are extinguished, and no smokes are visible before the main fire is lit.

All newly developed fields must have a bared to mineral soil break as described above.

Certain fields with a higher hazard rating may require more fire equipment or wider fire breaks.

EQUIPMENT REQUIREMENTS

A 500-gallon mobile tank or 2-250-gallon mobile tanks equipped with a first pump, or a fire pump and hose set-up in a brook or pond that has the capacity to carry water to all parts of field.

A minimum of three (3) people on site during all burning operations. More people may be required depending on the potential hazard of a given field.

All burning fields must be patrolled during daylight hours for forty-eight (48) after the initial burning.

During the last twelve hours of the inspection period, if flames or smoke are found workers must continue the patrol for one extra day.

ISSUING OF PERMITS

Winds must be less than 10 km/hr.

A written permit to burn a specific field should be in the possession of the operator.

Burning should be done preferably early in the morning and late in the evening.

Permits are subject to cancellation if operators do not comply with the permit requirements.

Operators should supply the Fire Chief of the Town of Sackville or his/her designate with a schedule of the fields to be burned for the season. The operator should update this schedule from time to time if the situation changes. This would help the Town of Sackville Fire Department in scheduling field checks, thereby speeding up the process of issuing burning permits.

Spot checks may be done during operations to ensure that the requirements for burning are being observed.

NOTE

The Town of Sackville Fire Department or designate will examine any grower who has had recurring escape fires and will reserve the right to deny any future burning permits until stronger conditions are met, up to and including the establishment of a 3-meter bared to mineral soil perimeter.

The Town of Sackville will maintain accurate records.

BLUEBERRY FIELD INSPECTION FORM

Producer: _____ Phone: _____

Address: _____

Field Location: _____

Access Road (Location & Condition): _____

Grid: _____ Field Size: _____

Area to be burned this year: _____

Distance from Residence: _____

Fire Break

Width	_____ feet	_____ meters
Mineral Soil	yes	yes
Acceptable	yes	no

Improvement required on Fire Break: _____

Fuel on Field: Heavy Slash _____ Brush Piles _____ No Fuel _____

Previously Burned _____ Other _____

Fuel Adjacent to Field: (Stand type and fuel description)

North _____ East _____

South _____ West _____

Water Source: Location _____

Distance _____

Suppression Equipment

500 gal Tank & Pump	Description	Owner
Fire Pump	Make	Size
No. of Hose Lengths		Need More? Yes/no
Equipment Operability	Satisfactory	Needs Repairs

I recommend this field and operator for a fire-burning permit _____

Operation is not acceptable for burning permit at this time _____

Comments: _____

Inspected by: _____ Date _____

Next Inspection (if required) _____



SCHEDULE 'A'
BLUEBERRY FIELD
BURNING PERMIT FORM

BY-LAW NO. 275
FIREPREVENTION BY-LAW

Date: _____

Name: _____

Address: _____

Location of Burn: _____

Date of Burn: _____

This permit is subject to all requirement of By-Law No. 275

Fire Chief or Designate