

## UNOFFICIAL OFFICE CONSOLIDATION



### BY-LAW 500-11

#### A BY-LAW RESPECTING FIRE PROTECTION OF THE INHABITANTS OF THE TOWN OF RIVERVIEW.

BE IT ENACTED by the Council of the Town of Riverview under the authority vested in it by the Local Governance Act, SNB 2017, c 18 as follows:

#### Title

1. This by-law may be cited as the “Fire Protection By-law”.

#### Definitions

2. In this by-law, unless context otherwise requires:

“Act” means the *Fire Prevention Act*, RSNB 1973, c F-13 and the regulations thereunder.

“Fire Chief” means the chief of the Fire Department.

“Fire Department” or “Department” means Riverview Fire & Rescue.

“Fire Prevention Officer” means a fire prevention officer appointed pursuant to this by-law and includes the Fire Chief.

“Fireworks” shall mean and include any combustible or explosive composition, or any substance or combination of substances, or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, DayGo bombs, sparklers, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, and any other explosives designated by the Lieutenant-Governor in Council, except that the term fireworks" shall not include paper caps containing not in excess of an average of twenty- five hundredths of a grain of explosive content per cap, and

toy pistols, toy canes, toy guns or other devices for use of such caps.

“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.

“Town” means The Town of Riverview.

### **Fire Protection**

3. The Town shall have a Fire Department, the operation and management of which is under the control of the Fire Chief.
4. Town Council shall appoint the Fire Chief and Deputy Chiefs as a Fire Prevention Officer and shall appoint members of the Fire Department as Fire Prevention Officers on the recommendation of the Fire Chief.
5. The Fire Chief is responsible to the Town Council, through the Town Chief Administrative Officer, for the administration and operation of the Department.

The Fire Chief:

- a) may make general orders and rules as may be necessary for the care and protection of the property of the Department, the conduct of the members of the Department and, generally, the efficient operation of the Department, provided that such general orders and rules shall not conflict with the provisions of any by-law of the Town;
- b) shall review, periodically, policies and guidelines of the Department, and may establish an advisory committee consisting of such officers as he/she may determine from time to time to assist in this duty;
- c) shall oversee and direct the Department in fulfilling its responsibilities of fire protection and fire prevention education within the Town; and
- d) shall, subject to applicable legislation, ensure that the Department becomes the lead agency in the areas of fire, emergency medical services, environmental emergencies, and life-safety rescue within the Town.

Fire Prevention Officers appointed pursuant to this by-law:

- e) have the authority to conduct inspections and take steps to enforce or administer this by-law or remedy a contravention of this by-law in accordance with all other applicable by-laws in the Town and the Act; and
- f) shall enforce all provisions of the Act and this by-law in the Town.

6. No person shall burn or cause to burn any material out of doors on public or private property in the Town except as permitted in Section 7 of this by-law. Fire Prevention Officers may order any outdoor fire be extinguished. Notwithstanding the foregoing, this provision shall not apply to:
  - a) Live or training fires conducted by the Department; or
  - b) Any fire (e.g. bonfires) conducted by Town staff that have been authorized by a Fire Prevention Officer.
  
7. Outdoor wood burning appliances may be used throughout the Town provided that, in the opinion of a Fire Prevention Officer, 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;
    - iv. Have a mesh screen on top to stop sparks (spark-arrestor) with openings no greater than 1 centimetre; and
    - v. Have been inspected and approved in writing by a Fire Prevention Officer.
  - c) When using an outdoor wood burning appliance, residents shall ensure that:
    - i. There is an operable water hose or portable fire extinguisher readily available and in close proximity to the appliance; and
    - ii. Fires are not left unattended and shall at all times be supervised by a responsible adult until the fire is completely extinguished.
  - d) The appliance shall not be placed on a wood deck or other combustible platform, or within 3 metres of any wood deck or combustible platform.
  - e) The appliance shall be used to burn only dry, seasoned firewood.
  - f) 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.

- g) The appliance shall be installed with a clearance of 3 meters in all directions from any combustible materials or property lines.
  - h) Only one appliance shall be used on a property at one time.
  - i) 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.
8. Fire Prevention Officers may order property owners to extinguish or prohibit any fire:
- a. In which a person is using an improperly installed and/or constructed appliance;
  - b. In which a person is burning any improper materials; or
  - c. In which a person is otherwise violating any other provision or requirement of this by-law.
9. No person shall obstruct, paint or take actions to conceal a Town fire hydrant without the written permission of the Town's Public Works Department or the Fire Chief.
10. No person shall use or authorize the use of a Town fire hydrant without the written permission of the Town's Public Works Department or the Fire Chief.
11. A Fire Prevention Officer may, upon complaint of a person interested, or when he or she deems it necessary without such complaint, inspect any building or premises within the Town, and for the purpose of inspection, at all reasonable hours, enter into and upon any buildings or premises.
12. When the Fire Prevention Officer finds a building or other structure that, for any cause, is especially liable to fire, or that there are in or upon any building or premises, combustible or explosive material or conditions dangerous to the safety of persons, building or premises, he or she may order the owner or occupant to remove such combustible or explosive material or remove or repair anything that may constitute a fire hazard.
13. A Fire Prevention Officer may make any other order contemplated under the Act in its enforcement of the Act and this by-law, including those set out under Sections 11, 12, 16 and 21 of the Act.
14. An order made under Section 10 or 11 of this by-law shall be served on the person named in the order by the Fire Prevention Officer:
- a. By leaving a copy of the order with the person, or
  - b. By sending a copy of the order by registered mail to the last known address of the person.
15. A Fire Prevention Officer, may authorize the pulling down or demolition of buildings or other structure to prevent the spread of a fire.

16. No person shall turn off, reset, or otherwise interfere with, an activated fire alarm prior to the arrival of the Fire Department.
17. Every person who is required under the National Fire Code to prepare and implement a fire safety plan approved by the Fire Chief shall install and maintain a lock box on his or her premises.
  - a. No more than one lock box shall be located and maintained on each premise.
  - b. The type of lock box installed shall be approved by the Fire Chief.
  - c. The lock box shall be surface mounted within 3 metres of the main entrance of the premises at a height between 1.5 metres to 1.8 metres above the ground. The Fire Chief may authorize a deviation for the lock box location due to the structural design of the premises.
18. No person shall, set fire to, discharge or cause to explode, any fireworks, within the Town without first obtaining a written permit from the Fire Chief.
  - a. The granting of permits shall be at the discretion of the Fire Chief and shall generally be limited to public displays intended for the general public or associated public events.
  - b. No permit shall be issued hereunder until the person applying for a permit has filed with the Town a certificate of insurance of a licensed insurer confirming that it has issued to the applicant a legal liability insurance policy carrying coverage in an amount not less than \$100,000.00 in respect of bodily injury or damage to property arising from such display of fireworks, which at the date of the certificate is in full force and effect.
  - c. Any written permit issued by the Fire Chief authorizing the applicant to set fire to, discharge or cause to explode any fireworks shall be subject to the provisions of the Act.

### **Enforcement**

19. Every owner of a building that has generated or permitted to generate a false fire alarm is guilty of an offence and liable on conviction to a fine of not less than two hundred and fifty dollars (\$250.00).
20. Any person who violates any provision of this by-law, with the exception of Sections 18 or 20, or fails to comply with any order issued by a Fire Prevention Officer pursuant to this by-law, is guilty of an offence and 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).
21. Any Fire Prevention Officer, peace officer or By-Law Enforcement Officer of the Town is hereby authorized to take such action or to issue such tickets or information as they may deem necessary to enforce any provision of this by-law.

22. Any person who violates section 18 or 20 of this by-law is guilty of an offence and liable on conviction to a fine of not less than two hundred and fifty dollars (\$250.00).

**Severability**

23. Where a Court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue in force unless the Court makes an order to the contrary.

**Repeal Provisions**

24. By-law R500-10 "A By-law Relating to Fire Protection in the Town of Riverview", ordained and passed the 28<sup>th</sup> day of September, 2010 and all amendments thereto is hereby repealed.

**ORDAINED AND PASSED this**

**First Reading:                March 9, 2020**

**Second Reading:            April 14, 2020**

**Third Reading:              April 14, 2020**

**Original by-laws and amendments thereto are on file in the Office of the Town Clerk. This document is for convenient reference purposes only. Any questions should be forwarded to the Office of the Town Clerk.**