

# Fire Prevention By-Law # 021



Town of Quispamsis

**BY - LAW NO. 021**

**A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING THE  
PREVENTION OF FIRES**

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## **BY-LAW NO. 021**

### **A BY-LAW OF THE MUNICIPALITY OF QUISPAMISIS RESPECTING THE PREVENTION OF FIRES**

The Council of the town of Quispamsis, pursuant to the authority granted under Section 109 of the Municipalities Act of New Brunswick, enacts as follows:

#### **1. TITLE**

A. This by-law may be cited as the Fire Prevention By-law.

#### **2. DEFINITIONS**

A. In this by-law:

- i. “Deputy Chief” means the Deputy Chief of the Kennebecasis Valley Fire Department;(AMENDMENT #1 DATED 2007-09-04)
- ii. “Fire Chief” means the Fire Chief of the Kennebecasis Valley Fire Department;(AMENDMENT #1 DATED 2007-09-04)
- iii. “Fire Prevention Officer” means The Fire Chief and those persons appointed by him/her pursuant to Section 3 of this By-law;
- iv. “Officer in Charge” means the senior officer of the Kennebecasis Valley Fire Department (AMENDMENT #1 DATED 2007-09-04) at the scene of a fire;
- v. “Town” means Quispamsis, a municipality in the county of Kings and the Province of New Brunswick;

#### **3. FIRE PREVENTION OFFICERS**

A. The Fire Chief and any person appointed by him/her as a Fire Prevention Officer shall be a Fire Prevention Officer for purposes of this By-law;

- i. A Fire Prevention Officer is authorized to enforce the Fire

Prevention Act of New Brunswick, Chapter F-13 and the regulations made thereunder together with any other laws of the Province of New Brunswick relating to the prevention and extinguishment of fires;

- ii. Without limiting the generality of the foregoing, a Fire Prevention Officer shall have 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 of New Brunswick;
- iii. A Fire Prevention Officer is authorized to enforce the provisions of this By-law and shall perform such other duties as may be prescribed by the Fire Chief.

#### **4. GENERAL PROVISIONS**

- A. No person shall burn or cause to burn any material out of doors on public or private property within the Town limits except as follows and subject to any provincial laws or regulations to the contrary:
  - i. Recreational Campfires are permitted within the Town upon advance notice having been given to the Kennebecasis Valley Fire Department (AMENDMENT #1 DATED 2007-09-04) and on the following conditions being complied with:
    - a. The fire is to be in a contained area using only untreated wood as a fuel and being no larger than one (1) square metre in area;
    - b. The owner of the property where the campfire is located has given permission for the fire;
    - c. Not more than one recreational campfire is located on a private lot at any one time;
    - d. The campfire is attended at all times;
    - e. A means of extinguishment of the campfire is readily available; and
    - f. The fire is completely extinguished prior to the campfire area being vacated.

ii. Burning of untreated wood materials, dry grass and dry leaves is permitted with the approval of the Kennebecasis Valley Fire Department (AMENDMENT#1 DATED 2007-09-04), which approval shall be based on whether or not the following conditions are complied with:

- a. A source of water is readily available sufficient to extinguish the fire;
- b. The fire is attended at all times;
- c. The fire does not exceed nine (9) square meters in area;
- d. The burning is consistent with the policies of the Department of Natural Resources and the Department of Environment; and

e. Without limiting the requirement that only untreated wood materials can be burned, the following materials are specifically forbidden to be burned in the Town:

- (1) Animal cadavers;
- (2) Animal manure;
- (3) Pathological waste;
- (4) Garbage or refuse other than untreated wood products;
- (5) Railway ties;
- (6) Combustible materials from automobiles bodies;
- (7) Tires;
- (8) Rubber or plastic or anything containing or coated with rubber or plastic or similar substances;
- (9) Waste or contaminated oils;
- (10) Urea formaldehyde foam insulation;
- (11) Solid waste from sawmills; and
- (12) Wood or wood products containing substances for the purposes of preserving wood.

B. Storage of flammable liquids is prohibited in the Town except as provided for in the National Fire Code of Canada.

C. Whenever the Fire Chief, Deputy Chief or Officer in Charge at the scene

of a fire deems it advisable to guard the locality of such fire from the crowding of persons or vehicles, he may place or cause to be placed a rope or other barrier across any street or public place to indicate the area from which persons or vehicles are prohibited.

- i. No person, except a member of the Kennebecasis Valley Fire Department (AMENDMENT #1 DATED 2007-09-04), a member of the Rothesay Regional Police Force, or persons authorized by the Fire Chief, Deputy Chief or Officer in Charge shall enter or be within an area marked off by ropes or barriers to indicate an area from which persons or vehicles are prohibited.
  
- D. No person shall disobey the orders or directions of the Fire Chief, Deputy Chief or Officer in Charge while in the performance of their duties at a fire nor shall any person interfere with or obstruct any such officer or any fire fighter while in the performance of any duty at a fire.
  
- E. Every person attending a fire shall, upon the request of the Fire Chief, Deputy Chief or Officer in Charge, assist any firefighter engaged at such a fire and shall obey all orders and directions given to them by the Fire Chief, Deputy Chief or Officer in Charge in connection with such fire.
  
- F. Where the Fire Chief, Deputy Chief or Officer in Charge determines that a fire is in contravention of this By-law they may enter upon public or private property and take such steps as required to extinguish the fire.

## **5. SEVERABILITY**

- A. If any part of this By-law shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this By-law.

## **6. PENALTIES**

- A. A person who breaches or fails to comply with a provision of this By-law or fails to comply with an order of a Fire Prevention Officer commits an offence punishable under Part II of the Provincial Offences Procedure Act as a category E offence, with a maximum fine five thousand dollars (\$5,000).
  
- B. Where a person is convicted of an offence under this By-law for failure to

comply with an order of a Fire Prevention Officer the Court, in addition to any penalty imposed, may order that person to comply with the order.

- C. A person who fails to comply with an order of the Court under Section 6(b) commits an offence punishable under Part II of the Provincial Offences Procedure Act as a category F offence, with a maximum fine seven thousand five hundred dollars (\$7,500).

**7. EFFECTIVE DATE**

- A. This by-law comes into effect on the date of final enactment thereof.

**READ FIRST TIME: January 2, 2001**

**READ SECOND TIME: January 2, 2001**

**READ THIRD TIME AND ENACTED: May 2, 2001**

**AMENDMENT NO.1 READ THIRD TIME AND ENACTED: September 4, 2007**

**SEAL**

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CLERK**