

BY-LAW NO. 11

A BY-LAW RELATING TO SALISBURY FIRE RESCUE AND THE PREVENTION AND EXTINGUISHMENT OF FIRES IN SALISBURY

WHEREAS the Council of the Town of Salisbury, pursuant to Section 186(1) of the *Local Governance Act*, S.N.B., 2017, c. 18 has the authority to make a By-law respecting the prevention and extinguishment of fires;

WHEREAS The enactment of this by-law repeals By-law No. 48, *Prevention & Extinguishment of Fires*, of the Village of Salisbury, and any and all amendments;

BE IT ENACTED by the Council of Salisbury, under the authority of an incorporated Town by the *Local Governance Act*, S.N.B., 2018, c.18 as follows:

1) TITLE

This By-law shall be cited as the "Fire Prevention By-Law".

2) DEFINITIONS

In this By-Law, the following definitions apply:

- a) "Appliance" means an outdoor wood burning appliance manufactured or handmade, non-combustible container designed to hold a wood fire and the size of which is not larger than one (1) meter in any direction, but does not include outdoor propane or natural gas appliances;
- b) "Act" means the Fire Prevention Act, RSNB 1973, c F-13 and the regulations thereunder;
- c) "Applicant" means any person, owner or occupant, applying for a Permit under this By-Law;
- d) "Council" means the Council of the Town of Salisbury;
- e) "Fire Chief" means the Chief of the Fire Department, as appointed by Council;
- f) "Fire Department" means the Salisbury Fire Rescue Department;
- g) "Fire Prevention Officer" means a fire prevention officer appointed pursuant to this By-Law and the *Fire Prevention Act*, R.S.N.B. 1973, c. F-13;
- h) "Fireworks" means a device containing gunpowder and other combustible chemicals that causes a spectacular explosion when ignited;
- i) "Outdoor wood burning appliance" means a non-combustible container designed to hold a small fire for decorative purposes and which the size is not greater than one (1) metre in any direction, and may include, but not limited to including, chimneys;
- j) "Permit" means a permit for control burn and fireworks issued under this By-Law;
- k) "Permit holder" means the holder of a Permit, once issued;
- l) "Public Firework Display" means a coordinated and permitted display of fireworks, authorized under this By-law, accessible to the general public or a group of people;

- m) "Town" means the Town of Salisbury, established under regulation(s) of the Act;
- n) "Waste" means trash, garbage, litter, or any items deemed for disposal, including but not limited to items made of or containing construction or demolition material, including but not limited to, painted or treated wood, railway ties, saw dust, wood shavings, planking, siding, wood beams.

3) SALISBURY FIRE RESCUE DEPARTMENT

- a) The Town of Salisbury shall have a Fire Department, with the operation and management of which is under the control of the Fire Chief or their designate.
- b) The Fire Department will hereafter be known as "Salisbury Fire Rescue".
- c) The Fire Chief shall report to the Chief Administrative Officer (CAO).
- d) The Fire Chief:
 - i. May make general orders and rules as may be necessary for the care and protection of the property of the Fire Department, the conduct of Members of the Fire Department, and, generally, the efficient operation of the Fire Department, provided that such general orders shall not conflict with the provisions of any By-law of the Town or any applicable legislation that supersedes this By-law;
 - ii. Shall review, periodically, policy and procedure guidelines of the Fire Department;
 - iii. Will provide that the Fire Department be responsible for fire protection and prevention education within the Town;
- e) The Fire Chief shall be appointed by Salisbury Town Council.
- f) The Fire Rescue Department shall be responsible for responding to emergency situations, including but not limited to: fires, motor vehicle accidents, fire alarms, downed power poles, and individual search/rescues.
- g) Salisbury Fire Rescue, through an Officer appointed by the Town for the purposes of enforcing By-laws, may charge the owner of a building an administrative penalty for a generated false alarm. In a calendar year each subsequent false alarm which originates from the same building may cause additional administrative penalties in addition to the previous charge.

4) FIRE PREVENTION OFFICERS & AUTHORITY

- a) A Fire Prevention Officer(s) may be appointed by way of resolution by Salisbury Town Council.
- b) Despite any other section in the By-Law, the Fire Chief and the Deputy Fire Chief of Salisbury Fire Rescue, and any Officer that may be appointed by way of resolution of Council, or those acting in those positions, are hereby appointed as Fire Prevention Officers.
- c) Pursuant to Section 186(1)(b) of the *Local Governance Act, SNB 2017 c 18*, Fire Prevention Officers appointed herein are hereby authorized to enforce the *Fire Prevention Act* and the regulations made under that Act and any and all of its amendments.

- d) The Fire Chief, Fire Prevention Officer(s), or their designate(s) may authorize the pulling down or demolition of buildings or other erections to prevent the spread of fire.
- e) The By-law Enforcement Officer is responsible for administration of this By-Law.
- f) The Fire Chief, any Fire Prevention Officer, any peace officer or other Officer appointed by resolution of Council is hereby authorized to take such actions, exercise such powers and perform such duties, as may be set out in this By-Law, in the *Fire Prevention Act*, or in the *Local Governance Act* and as they may deem to be necessary to enforce any provisions of this By-Law.
- g) Any Fire Prevention Officer appointed by Council, shall be conferred the same powers under the same conditions as are conferred on the fire marshal by sections 11, 12, 16 and 21 of the *Fire Prevention Act*.

5) OUTSIDE FIRES – GENERAL PROVISIONS

- a) No person, owner or occupant shall light, ignite, start, alter or cause to be lighted, ignited or started, an outdoor fire of any kind whatsoever within municipal limits, shown in Schedule A, including on both private and or public property, except as provided in this By-Law.
- b) No outdoor fire, unless a stove or fire pit that uses a liquid or gaseous fuel that can be extinguished by a lid or by closing a fuel control valve, is permitted under any circumstance during a restricted burn period of the Department of Natural Resources.
- c) Salisbury Fire Rescue or a Fire Prevention Officer may order any outdoor fire to be extinguished.
- d) The Chief, any Fire Prevention Officer, or a Peace Officer shall reserve the authority to visit a property for the purposes of inspecting an Appliance in residential areas that require such appliance(s).
- e) The Fire Chief, a Fire Prevention Officer, or any responding Member of Salisbury Fire Rescue shall have the authority to extinguish or order to be extinguished and suppressed any and all fire(s), that, in their discretion, poses or may pose a fire hazard to persons or property, or any fire(s) that does not meet the provisions of this By-Law.
- f) No person shall refuse to extinguish and suppress a fire pursuant to an order of Fire Chief, any Fire Prevention Officer, or the Salisbury Fire Rescue Department.
- g) A person who starts, ignites, tends, fuels, makes use of or is in charge of any fire or who causes a fire to be started or ignited:
 - i. Shall take every reasonable precaution to prevent the fire from spreading, and;
 - ii. Shall not leave the fire unattended until it is completely extinguished.
- h) Any outside fire that exceeds the Category 1 Classification requires appropriate permit(s), which are required and issued by the Department of Natural Resources, under provincial legislation.

6) BONFIRE & BRUSH BURNING

- a) Outdoor fires that are for recreational purposes and/or burning of brush that meet the Department of Natural Resources Category 1 Fire (Campfires and burning woody material), may be permitted in the municipal boundaries, shown in Schedule A, subject to the provisions of this By-law.
- b) Properties that are zoned Residential Use (RU), Residential Zone (R), Residential Neighborhood Service (RNS) Village Centre (VC), Open Space Conservation (OSC), Highway Commercial (HC), or Industrial (I), or any property deemed to densely populated at the discretion of a Fire Prevention Officer, are required to contain any outdoor fire in an Appliance, as defined in this By-law, and meet the following provisions:
 - i. For commercially made appliances, the safe installation and operation of the appliance must be followed;
 - ii. The Appliance must be located at a distance of not less than three (3) metres between it and any combustible materials (which includes, but is not limited to: a building, structure, property line, tree, hedge, fence, roadway, overhead wire or other combustible article);
 - iii. The Appliance must not be placed on a wood deck or other combustible platform;
 - iv. The Appliance must only be used to burn dry, seasoned firewood;
 - v. The Appliance must not be used to burn pressure treated wood, painted wood, leaves, grass, other vegetation, garbage, any plastic material, any food material, or any material of any kind which produces an unreasonable amount of smoke or other respiratory irritants;
 - vi. Only one appliance shall be used on a property at one time;
 - vii. No flammable material shall be used in any appliance, other than propane or natural gas utilized in an approved appliance.
 - viii. No outdoor fire shall be permitted in these Zones that exceed a Category 1 fire, without approval of the Fire Chief or designate, in addition any required permit as per Section 5(h) of this By-law.
- c) Any property that is shown in Schedule A that is not zoned in accordance to the zoning listed in Section 6(b), or any deemed densely populated for the purposes of this By-law, may burn Category 1 fires, as defined by the Department of Natural Resources. In addition to any provision contained in Section 5 of this By-law, the Department of Natural Resources requirements for Category 1 burns shall still apply, which include:
 - i. Burn piles must not exceed three (3) metres in diameter;
 - ii. Piles must not be more than two (2) metres high;
 - iii. No more than four (4) piles can be burning at one time;
 - iv. In the event of multiple piles, they must be at least ten (10) metres apart;
 - v. Landowner's permission is required before lighting a fire, if on private land.

7) HYDRANTS

- a) No person shall obstruct, paint or take action to conceal a fire hydrant.
- b) No person shall use or authorize the use of a fire hydrant without the written permission of the Fire Chief.

8) FIREWORKS

- a) Pursuant to Section 29.2 of the *Fire Prevention Act, RSNB 1973, c F-13*, a public display of fireworks may be permitted, with conditions.
- b) No person shall discharge fireworks, including consumer fireworks, or other explosive materials of any kind, on any property that is zoned Residential Use (RU), Residential Zone (R), Residential Neighborhood Service (RNS) Village Centre (VC), Open Space Conservation (OSC), Highway Commercial (HC), or Industrial (I), or any property deemed to be densely populated at the discretion of a Fire Prevention Officer, without a public firework display permit.
- c) Fireworks, including those that are not deemed firework displays, are permitted on properties not zoned in areas listed in 8(b), insofar as they do not cause a nuisance or disturbance to neighboring properties and follow standard principles of fire safety.
- d) Fireworks for public display shall only be permitted by the Town by issuance of a Firework Display Permit and insofar as display(s) are held in accordance with the conditions attached to such permit. This permit shall constitute written permission of the Fire Marshall or the Chief of the Fire Department for the purposes of the *Fire Prevention Act, RSNB 1973, c F-13*.
- e) No person, under any circumstance or in any geographic area, shall discharge a firework display of any kind when the Department of Natural Resources and Energy has placed a ban on open burning in the area.

9) PERMIT

- a) A Chief, Deputy Chief, Fire prevention Officer or other Officer appointed by Council may issue a Permit under this By-Law where the Fire Chief is satisfied that the Applicant has complied with the requirements of this By-Law.
- b) A permit under this By-law shall not be granted to:
 - i. An Applicant who has been convicted of an offence under this By-Law; or
 - ii. Any person who has not reached the age of majority; or
 - iii. Any person other than the owner of the property where the permit is intended to be used, except on a presentation of written consent from the owner.
- c) An application for a Permit may be refused and a Permit may be revoked or suspended by the Fire Chief or a Fire Prevention Officer, provided that:
 - i. The application must not be unreasonably refused;
 - ii. The Permit must not be unreasonably revoked or suspended; and
 - iii. The person revoking shall give reasons for the refusal, revocation or suspension.

- d) A Permit may be revoked or suspended where the subject activity constitutes a risk to the health or safety of the public.
- e) When a Permit is suspended, the Permit holder shall immediately cease the subject activity.

10) INSPECTION

- a) Pursuant to Section 11 of the *Fire Prevention Act*, a Fire Prevention Officer upon complaint of a person interested, or when he or they deem it necessary without such complaint, may inspect any building or premises within their jurisdiction, and for the purpose may, at all reasonable hours, enter into and upon any building or premises.
- b) In the event that an inspection carried out under this Section of the By-law, a Fire Prevention Officer shall be authorized to carry out the necessary Order(s) respecting safety measures, discontinuance of power or dangerous appliance, apparatus or place and duty of tenant under the *Fire Prevention Act*.

11) APPLICATION

- a) This By-law applies to the geographic limits of the Town of Salisbury, as established under Section 33 of *Regulation 2022-50* of the *Act* and as shown in Schedule A.

12) OFFENCES

- a) Any person who violates a provision(s) of this By-law has contravened this By-law and is liable to an Administrative Penalty outlined in Schedule B, to be paid within 30 days of the date in which a penalty is given, and in which shall not exceed fifteen hundred dollars (\$0.00-\$1,500.00).
- b) Any person who fails to pay the administrative penalty within the time prescribed is guilty of an offence and is liable on summary conviction to an additional fine of, at minimum, \$140.00 but that shall not exceed \$2,100 (\$140.00-\$2,100.00).
- c) The proceeds of all Administrative Penalties assessed because of summary conviction are payable to the Town of Salisbury.

13) SEVERABILITY

- a) 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.

14) EFFECTIVE DATE

This By-Law comes into effect on the date of the final passing thereof.

Read a first time this 13th day of May, 2024.

Read a second time this 13th day of May, 2024.

Read a third time and passed by Council on this 8th day of July, 2024



Mayor



Clerk



Schedule B

Administrative Penalties & Fees

Administrative Penalties

Section(s) of By-law Contravened	Administrative Penalty
Section 5 – Outside Fires Section 6 – Fire Hydrants Section 7 – Waste Burning Section 8 – Fireworks	<ul style="list-style-type: none">• First Offence : \$100.00• Second Offence : \$250.00• Third Offence and each subsequent offence in a calendar year : \$500.00
Section 3(g) – False Alarms	<ul style="list-style-type: none">• First Offence : No Charge• Second Offence : \$100.00• Third Offence and each subsequent offence in a calendar year : \$200.00

Fees

Permit	Fee
Firework Public Display Permit	<ul style="list-style-type: none">• \$100.00