

BY - LAW NO. 315
A BY - LAW RELATING TO THE PREVENTION AND EXTINGUISHMENT OF
FIRES IN THE TOWN OF OROMOCTO

The Council of the Town of Oromocto under the authority vested in it by Section 109 of the **Municipalities Act**, being Chapter M-22, Revised Statutes of New Brunswick 1973 and amendments thereto, enacts as follows:

TITLE

1. This By - Law may be cited as the Town of Oromocto Fire Prevention By - Law.

DEFINITIONS

2. (a) **Act** means any or all of the following in whole or in part:
- (i) R.S.N.B. 1995, Chapter F - 13 and all amendments thereto and the successor acts thereof (hereinafter called **The Fire Prevention Act**).
 - (ii) the latest edition of the National Building Code adopted by the Province,
 - (iii) the latest edition of the National Fire Code adopted by the Province,
 - (iv) National Fire Protection Association Handbook of Fire Protection, 17th Edition,
 - (v) CN / C.S.A. STANDARD B139-M, **Installation Code for Oil Burning Equipment**, and
 - (vi) NFPA 395 of the National Fire Protection Association **Standard for the Storage of Flammable and Combustible Liquids on Farms and Isolated Construction Projects**
- (b) **Combustible Liquid** means any liquid having a flash point at or above 37.8 degrees Celsius and below 93.3 degrees Celsius.
- (c) **Council** means the elected Council of the Town of Oromocto.
- (d) **Fire Prevention Officer** means any person duly appointed as a Fire Prevention Officer by the Council of the Town of Oromocto, who also has been appointed by the Fire Marshal of the Province of New Brunswick as a Fire Prevention Officer or a Local Assistant as defined in Sec. 2 (2), 6 (1) respectively, of the Fire Prevention Act.
- (e) **Flammable Liquid** means any liquid having a flash point below 37.8 degrees Celsius and having a vapor pressure not more than 275.8 kilopascals absolute at 37.5 degrees Celsius.
- (f) **Liquefied Petroleum Gas** means any material having a vapor pressure not exceeding that allowed for commercial propane composed predominately of the following hydrocarbons, either by themselves or as mixtures; propane, propylene, butane (normal butane or isobutane) and butylenes.
- (g) **Order** means an order made under the authority of the Fire Prevention Act and referred to as a **Fire Marshal's Order**.
- (h) **Petroleum Products Facility** means a building or outside storage area used or intended to be used for the storage, handling or dispensing of a flammable liquid or combustible liquid.

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ENFORCEMENT

3. The Fire Prevention Officer is empowered to enforce the provisions of this and any other By - Law relating to the prevention and extinguishment of fires in such a manner as authorized by a Local Assistant under the Fire Prevention Act and all amendments thereto and the successor acts thereof.

ACCESS TO PREMISES

4. A Fire Prevention Officer upon receipt of a complaint or when he or she deems it necessary without such complaint may inspect any building or premise within the Town of Oromocto, and for this purpose may, at all reasonable hours, enter into and upon any building or premise.
5. The Fire Officer in Charge at the scene of a fire, may authorize the pulling down or demolition of buildings or other structures to prevent the spread of the fire.

PLAN REVIEW

6. Where the Fire Prevention Officer has reviewed plans or specifications and has directed changes therein, such changes will be effected, and no other changes will be made to the plans or specifications without prior consent of the Fire Prevention Officer.

STORAGE

7. No person will construct, establish, modify or enlarge a petroleum products facility or convert any existing building or premises into a petroleum products facility if the amount of flammable liquids to be stored exceed three thousand liters or if the amounts of combustible liquids to be stored exceed ten thousand liters until such person has received written approval from Town Council and has complied with Sec. 19 (1) of the Fire Prevention Act.
8. Where a Fire Prevention Officer finds gasoline or oil, or liquefied petroleum products stored at a petroleum products facility that:
- (a) has been constructed contrary to the required safety standards or not properly dyked, or
 - (b) for any reason, in his **opinion**, creates a dangerous fire or explosion hazard,

he may order the owners or operators of such petroleum products facilities to discontinue the storage of a petroleum product at that facility, within the limit set out in such order. The order will remain in effect until the dangerous conditions are rectified to his or her satisfaction.

SELF SERVICE DISPENSING

9. No person will construct new self-service facilities for the dispensing of flammable liquids before obtaining the written approval of Town Council. The establishment of self-service facilities for the dispensing of flammable liquids will be in accordance with the requirements of the Act, and regulations thereto and Sub-Section 4.5.8., Part 4 of the National Fire Code of Canada.

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OUTSIDE BURNING

10. No person shall burn or cause to burn any material out of doors on public or private property in the Town of Oromocto. The Oromocto Fire Department reserves the right to order any outdoor fire extinguished.

FALSE ALARMS

11. Every owner of a building, in which a fire alarm system is installed, is responsible for false alarms generated for that building. The Oromocto Fire Department *may* charge the owner of a building from which a false alarm is generated an escalating fee of \$100 per incident. Each subsequent false alarm in a calendar year may cause an additional \$100 to be charged to the owner of said building. One false alarm per year per building will be allowed with no charge being applied to the building owner.

PENALTY

12. (1) every person who violates any provision of this By-Law is guilty of an offence and is subject to fines and penalty as detailed in subsections (2), (3) and (4) below.
- (2) every person charged with an offence under this By-law may, on or before the date a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of \$120.00 (One Hundred Dollars and Twenty Dollars) to the Town of Oromocto as follows:
- a. In person at the Cash Payments Counter, Town Hall, Oromocto, 137 MacDonald Avenue, Oromocto, NB in cash or by cheque or money order payable to the Town of Oromocto; or
 - b. by mail to: Town of Oromocto, 137 MacDonald Avenue, Oromocto, NB, E2V 1A6, Attention Cash Payments Counter, by cheque or money order only, payable to the Town of Oromocto;

at which time the ticket or ticket number shall be surrendered to the Town of Oromocto and such payment shall be deemed payment in full.

- (3) If the voluntary payment set out in subsection (2) has not been received on or before the date a charge pertaining to the offence has been laid in Provincial Court, the person charged with the offence may make a voluntary payment of \$150.00 (one hundred and fifty dollars) as follows:
- (a) in person at the Burton Court House, 23 Route 102 Highway, Burton, NB, by cash or certified cheque or money order payable to the Minister of Finance; or
 - (b) by mail to : Burton Court House, PO Box 94, Oromocto, NB, E2V 2G4, Attention Provincial Court, by certified cheque or money order only, payable to the Minister of Finance;

at which time the ticket or ticket number shall be surrendered to the Provincial Court and such payment shall be deemed payment in full.

- (4) If the voluntary payments set out in subsections (2) and (3) above have not been received on or before the hearing scheduled for entering of a plea before the Provincial Court, the person charged with the offence is liable on summary conviction to a fine of not less than \$200.00 (two

hundred dollars) and not more than the maximum fine that may be imposed for commission of an offence punishable under Part II of the *Provincial Offences Procedure Act* as a Category E offence.

REPEAL

13. By-law No. 222, AA By-Law Relating to the Prevention and Suppression of Fires in the Town of Oromocto@, and amendments thereto, is hereby repealed.

READ FIRST TIME:	7 December 1998
READ SECOND TIME:	21 January 1999
READ THIRD TIME AND ENACTED:	18 February 1999

ADMINISTRATOR/CLERK

MAYOR