

BY-LAW 533
A BY-LAW RELATING TO THE PREVENTION OF
FIRES IN THE TOWN OF OROMOCTO

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2017-12-15
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I certify that this instrument
is registered or filed in the

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County Registry Office,
New Brunswick

J'atteste que cet instrument est
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de l'enregistrement du comté de

Nouveau-Brunswick

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, and the *Fire Prevention Act* being Chapter
F-13 (R.S.N.B 1973) as follows:

2017-12-15 14:46:56 37663839
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Evelyn Kaddy
Registrar-Conservateur

PURPOSE AND INTENT

1. The purpose of this By-Law is to define the roles and responsibilities as they relate to the prevention of fires within the Town of Oromocto.

TITLE

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

DEFINITIONS

3. The following definitions shall apply to this by-law:
 - 3.1 **"Code"** means the latest edition of the National Building Code of Canada and/or the National Fire Code of Canada adopted by the Province of New Brunswick.
 - 3.2 **"Fire Prevention Act"** means the *Fire Prevention Act (R.S.N.B. 1973, c. F-13)* and regulations.
 - 3.3 **"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*.
 - 3.4 **"Fireworks"** includes fire-crackers, cannon-crackers, fireballs, mines, roman candles, skyrockets, squibs, torpedoes and any other explosives designated by the Lieutenant-Governor in Council.
 - 3.5 **"Outdoor wood burning appliance"** means a manufactured non-combustible enclosed container designed to hold a small fire for decorative or recreational purposes and the size of which is not larger than one (1) meter in any direction, and must include, but not limited to, spark arrest mesh with openings not larger than 12.5mm (1/2 inch).
 - 3.6 **"place of assembly"** includes a building or structure, or a portion thereof, and a tent or awning with walls or side curtains designed, used or intended to be used to accommodate fifty or more persons at the same time for the purpose of meetings, entertainment, instruction, worship, recreation, drill, or the viewing or purchasing of goods.
 - 3.7 **"Sleeping accommodations"** includes:
 - (a) a hotel or any other building in which lodgings are provided for rent or hire,
 - (b) any building in which lodgings are offered to members of the public on a gratuitous basis,
 - (c) any building in which an educational institution lodges its students,
 - (d) any building, other than a single family residence, in which a religious organization lodges its members,
 - (e) a hospital facility, sanatorium, infirmary, nursing home or home for the aged,

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- (f) an orphanage or children's home,
- (g) a jail, reformatory or other penal institution, or
- (h) an apartment house with three or more self-contained units above the ground floor.

FIRE PREVENTION OFFICER

4. The Fire Chief or 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

5. The Fire Chief or Fire Prevention Officer upon receipt of a complaint or when they deem 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.

INSPECTION OF PREMISES

6. The Fire Chief or Fire Prevention Officer may for the purpose of carrying out an inspection:
- 6.1 At any reasonable time or times, have free access and right of entry to any building or part of a building, whether completed or under construction or to any property.
 - 6.2 Cause an order in writing to be delivered to the owner or occupier of any property directing them to correct any condition where, in the opinion of the Fire Chief or Fire Prevention Officer, that conditions constitutes a violation of this by-law or Code.
 - 6.3 Direct that test(s) of materials, devices, construction methods or structural assemblies be made or that sufficient evidence of proof be submitted, at the expense of the owner where such evidence of proof is necessary to determine whether the material, device, or construction meets the requirements of this by-law and/or Code.
 - 6.4 Eliminate or remove any unsafe condition to life or property.

RIGHT OF ASSISTANCE

7. The owner, occupier or lessee of a building or property or part thereof shall, upon request, give a Fire Chief or Fire Prevention Officer carrying out an inspection under this by-law such assistance reasonably required in carrying out the inspection. Every person required by this section to give information or assistance to Fire Chief or Fire Prevention Officer and who:
- (a) does not give the information or assistance which they are required to give, or
 - (b) knowingly states anything false in any information delivered or furnished to the Fire Chief or Fire Prevention Officer and every person who obstructs or interferes with an Fire Chief or Fire Prevention Officer who is carrying out an inspection under this by-law,

is in contravention of this by-law.

FIRE ALARM AND VOICE COMMUNICATION SYSTEMS

8. Except for persons authorized by the Fire Chief or Fire Prevention Officer, no fire alarm system shall be silenced or reset without authorization from the Fire Chief or Fire Prevention Officer.

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9. The Fire Chief or Fire Prevention Officer and building occupants shall be notified by the owner when a fire alarm system is:
- (a) out of service or malfunctions,
 - (b) altered, repaired or additions are made, or
 - (c) placed back in service.
10. The owner shall keep a record of all fire alarm system tests and file a copy of such record filed with the Fire Department within 30 days of the date on which the test was completed.

STANDPIPE AND HOSE SYSTEMS

11. When a standpipe is to be out of service, prior notice shall be given by the owner to the Fire Chief or Fire Prevention Officer and a sign shall be posted on each fire department connection indicating that the standpipe is out of service.
12. The owner shall keep a record of all standpipe and hose systems tests and a copy thereof shall be with the Fire Department within 30 days of the date on which the test was completed.

AUTOMATIC SPRINKLER SYSTEMS

13. The Fire Chief or Fire Prevention Officer and building occupants shall be notified by the owner when a sprinkler system is:
- (a) out of service or malfunctions,
 - (b) altered, repaired or additions are made, or
 - (c) placed back in service.
14. The owner shall keep a record of all sprinkler tests and a copy thereof filed with the Fire Department within 30 days of the day on which the test was completed.

REVIEW OF PLAN

15. The owner or occupant shall submit plans and specifications to the Fire Chief or Fire Prevention Officer for the approval of:
- (a) construction, modification or renovation of a place of assembly or sleeping accommodations;
 - (b) the installation or alteration of tanks, piping or equipment used for the storage, handling or use of flammable or combustible liquids or vapours, including special process equipment and industrial ovens;
 - (c) the storage, handling or use of hazardous material;
 - (d) the installation or alteration of hazardous vapour or dust exhaust systems and dust collection equipment;
 - (e) the installation, alteration or repair of fire protection systems, including fire alarm systems, standpipe and hose systems, fixed fire extinguishing systems or emergency power systems; and
 - (f) the installation or alteration of spray finishing operations, dip tank operations, welding and cutting operations and any other construction, system or equipment required by this Code.
16. Where plans and specifications are required to be submitted by Section 15, all installations, alterations or repairs, as designed therein, shall be permitted only after the plans and specifications have been approved in writing by the Fire Chief or Fire Prevention Officer.

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17. Where plans and specifications are required to be submitted by Section 15, all installations, alterations or repairs, as designated therein, shall be completed in accordance with the plans and approval requirements.

FIRE WORKS

18. No person shall sell, keep for sale, give, buy or set off fireworks except as provided in this by-law.
19. Fireworks may be sold or given to or set off by a person or organization conducting a public display, if the display is held with the written permission of Fire Chief or Fire Prevention Officer, and in accordance with the conditions attached to such permission.

OUTSIDE BURNING

20. Except as provided for in Section 21, no person shall light, ignite, start, or cause to be lighted, ignited or started, a fire of any kind whatsoever 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.
21. Notwithstanding Section 20, outside fires are permitted in the following circumstances:
- (a) Outside fires set by the Oromocto Fire Department for educational or training purposes.
 - (b) Fires used for the purpose of cooking food on a barbeque.
 - (c) Fires set in an outdoor wood burning appliance, provided:
 - 1) approval has been granted by the owner or landlord for rented or leased properties,
 - 2) it is located at a distance of not less than three (3) meters between the appliance and any building, structure, property line, tree, hedge, fence, roadway, overhead wire or other combustible article,
 - 3) it is not placed on a wood deck or other combustible platform,
 - 4) only one appliance is to be used on the property at any one time,
 - 5) it is used to burn only dry, seasoned firewood,
 - 6) a portable fire extinguisher or operable garden hose is readily available while the unit is in use,
 - 7) the owner or occupant maintains constant watch and control over the appliance when in use and until the fire is totally extinguished, and
 - 8) it does not allow smoke, smell, airborne sparks or embers to infringe on the use and enjoyment of other properties.

PENALTIES AND ENFORCEMENT

22. The Fire Chief or Fire Prevention Officer shall be responsible for enforcement of this by-law.
23. Every person who contravenes or fails to comply with any provision of this by-law, commits an offence punishable under the *Provincial Offences Procedure Act* as a Category C offence, a judge shall impose a fine of not less than \$140 and not more than \$1,100.
24. Every person charged with an offence under this by-law:

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(a) may on or before the date a charge pertaining to the offence has been laid in Provincial Court, make a voluntary payment of \$140 (one hundred and forty dollars) to the Town of Oromocto:

- 1) in person at the Service Centre Counter, Oromocto Municipal Building, 4 Doyle Drive, Oromocto, NB; or
- 2) by mail to: Town of Oromocto, 4 Doyle Drive, Oromocto, NB, E2V 2V3, "Attention Service Centre 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; or

(b) if the voluntary payment set out in subsection (a) 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 \$140.00 (one hundred and forty dollars):

- 1) 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
- 2) 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; or

(c) if the voluntary payment set out in subsections (a) and (b) 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 Category C Offence, is liable on summary conviction to a minimum fine of \$140 (one hundred and forty dollars), and not more than the maximum fine of \$1,100 (one thousand and one hundred dollars) as per the *Provincial Offences Procedure Act*

25. By-Law 315 and amendments thereto are hereby repealed.

READ FIRST TIME BY TITLE ONLY:

17 NOVEMBER 2017

READ SECOND TIME IN ITS ENTIRETY:

14 DECEMBER 2017

READ THIRD TIME BY TITLE ONLY FOR ENACTMENT:

14 DECEMBER 2017


Richard E. Isabelle
Chief Administrative Officer/Clerk


Robert E. Powell
Mayor

