

BY-LAW 540
A BY-LAW RELATING TO THE PREVENTION OF FIRES IN THE TOWN OF
OROMOCTO

BE IT ENACTED by the Council of the Town of Oromocto, under the authority vested in it by the Local Governance Act, S.N.B. 2017, c. 18, as follows

1. PURPOSE AND INTENT

1.1. The purpose of this By-Law is to define the roles and responsibilities as they relate to the prevention and extinguishing of fires and protecting lives and property from fire within the Town of Oromocto.

2. TITLE

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

3. DEFINITIONS

3.1. In this By-Law:

- a. **"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.
- b. **"Consumer Fireworks"** means outdoor, low-hazard recreational fireworks, as defined under the current Natural Resources Canada Display Fireworks Manual. Examples include, but are not limited to, showers, fountains, golden rain, Roman candles, volcanoes or sparklers.
- c. **"Display Fireworks"** means outdoor, high-hazard recreational fireworks, as defined under the current Natural Resources Canada Display Fireworks Manual. Examples include, but are not limited to, display shells, bombshells, large wheels, barrages, bombardos, waterfalls, or mines.
- d. **"Fire Prevention Act"** means the Fire Prevention Act (R.S.N.B. 1973, c. F-13) and regulations.
- e. **"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.
- f. **"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 mm (1/2 inch).
- f. **"Recreational Fire"** means a small, controlled, outdoor fire that is contained in a firepit or outdoor burning appliance and is normally used for cooking, warmth or personal enjoyment.

4. APPOINTMENT OF FIRE PREVENTION OFFICERS

4.1. Fire Prevention Officers shall be appointed by Council on the recommendation of the Chief.

4.2. Notwithstanding section 4.1, the Fire Chief, Deputy Chief and Assistant Deputy Fire Chief(s) shall be Fire Prevention Officers.

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4.3. Any Fire Prevention Officer is empowered to enforce the provisions of this and any other By-Law relating to the prevention and extinguishment of fires and, without limiting the generality of the foregoing, shall have the same powers under the same conditions as are conferred upon a Local Assistant by Sections 11,12,16 and 21 of the Fire Prevention Act.

5. ACCESS TO PREMISES

- 5.1. 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.
- 5.2. A local assistant or a member of a fire department may at all times, by day or night, enter in and upon a building or premises where a fire or explosion has occurred or is in progress, and other structures or premises adjoining or in reasonable proximity to the same, with any equipment, machinery, apparatus or vehicle and may take any action considered necessary to extinguish the fire, to prevent it from spreading or to prevent a further explosion.

6. INSPECTION OF PREMISES

6.1. The Fire Chief or Fire Prevention Officer may, for the purpose of carrying out an inspection:

- 6.1.1. 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.
- 6.1.2. Cause an order in writing to be delivered to the owner or occupier of any property directing them to correct any conditions where, in the opinion of the Fire Chief or Fire Prevention Officer, that conditions constitute a violation of this by-law or Code.
- 6.1.3. 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.
- 6.1.4. Where, in the opinion of the Fire Chief or Fire Prevention Officer, any electrical installation, apparatus or equipment in or upon any building or premises is in a condition to be especially likely to cause fire and to be dangerous to the safety of persons or property, he may in writing order any person or organization supplying electrical energy to discontinue supplying electrical energy to such building or premises until the condition of the electrical installation, apparatus or equipment is remedied.
- 6.1.5. Where an order has been written under section 6.1.4, Upon receipt of such order, the person or organization supplying electrical energy to the building or premises named in the order shall forthwith discontinue supplying electrical energy to the building or premises until the order is rescinded by the fire prevention officer or the local assistant who made it, or by the fire marshal or the deputy fire marshal.
- 6.1.6. Where any appliance, apparatus or place in or upon any building or premises is used or intended to be used for supplying fire or heat and, in the opinion of the fire marshal, the deputy fire marshal, a fire prevention officer or a local assistant, the use of the appliance,

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apparatus or place for that purpose is likely to be dangerous to persons or property, he may order in writing that no fire be lighted or maintained in the appliance, apparatus or place until the dangerous conditions have been remedied.

- 6.1.7. Where an order has been written under section 6.1.6, the owner or occupant of the building or premises in which the appliance, apparatus or place is situated or contained, or the person in charge or control of the appliance or apparatus named in the order, shall not light or maintain a fire in the appliance, apparatus or place named in the order until the order is rescinded by the fire prevention officer or the local assistant who made it, or by the fire marshal or the deputy fire marshal.
- 6.1.8. Eliminate or remove any unsafe condition to life or property.

7. INSPECTION FEES

- 7.1. The Town shall collect fees for fire protection and prevention services delivered by members of the Fire Department as described in Schedule "A."
- 7.2. A person who receives a service listed in Schedule "A" shall pay the corresponding fee, described in Schedule "A."

8. RIGHT OF ASSISTANCE

- 8.1. 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 is reasonably required in carrying out the inspection.
- 8.2. Every person required by this section to give information or assistance to Fire Chief or Fire Prevention Officer and who: does not provide the information or assistance which they are required to give, or 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.
- 8.3. Every tenant of a building in respect of which an order is made under this section shall at all reasonable times permit the owner of the building, by himself, his servants, agents, workmen and employees to enter and re-enter that part of the building and premises of which he is tenant for the purpose of making the alterations and repairs therein and doing such other things as the owner is required to do by the order.

9. FIRE ALARM AND VOICE COMMUNICATION SYSTEMS

- 9.1. Except for by persons authorized by the Fire Chief or Fire Prevention Officer, no fire alarm system shall be silenced or reset.
- 9.2. Any building required by the National Building Code or National Fire Code to have a fire alarm system installed is required to ensure that the alarm system is arranged to transmit the alarm automatically via means acceptable to the Fire Chief or Fire Prevention Officer to notify the Fire Department of the alarm activation.
- 9.3. The Fire Chief or Fire Prevention Officer and building occupants shall be notified by the owner when a fire alarm system is:
 - 9.3.1. out of service or malfunctions,
 - 9.3.2. altered, repaired, or additions are made, or

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9.3.3. placed back in service.

9.4. The owner is responsible for ensuring that a dedicated fire watch is in place for the duration of time the system is not operational

9.5. The owner shall keep a record of all fire alarm system tests and file a copy of such records filed with the Fire Department within 30 days of the date on which the test was completed.

10. STANDPIPE AND HOSE SYSTEMS

10.1. 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.

10.2. The owner shall keep a record of all standpipe and hose systems tests, and a copy thereof shall be filed with the Fire Department within 30 days of the date on which the test was completed.

11. AUTOMATIC SPRINKLER SYSTEMS

11.1. The Fire Chief or Fire Prevention Officer and building occupants shall be notified by the owner when a sprinkler system is:

11.1.1. out of service or malfunctions,

11.1.2. altered, repaired, or additions are made, or

11.1.3. placed back in service.

11.2. The owner is responsible for ensuring that a dedicated fire watch is in place for the duration of time the system is not operational

11.3. 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.

12. FIREWORKS

12.1. No person shall sell, keep for sale, give, buy or set off fireworks except as provided in this by-law.

12.2. 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 the Fire Chief or Fire Prevention Officer, and in accordance with the conditions attached to such permission.

13. OUTSIDE BURNING

13.1. Except as provided for in Section 13.2, no person shall light, ignite, start, or cause to be lighted, ignited or started a fire of any kind whatsoever outdoors on public or private property in the Town of Oromocto. The Oromocto Fire Department reserves the right to order any outdoor fire extinguished.

13.2. Notwithstanding Section 13.1, outside fires are permitted in the following circumstances:

13.2.1. Outside fires set by the Oromocto Fire Department for educational or training purposes.

13.2.2. Fires used for the purpose of cooking food such as by barbecue or wood fired smoker or similar cooking appliance.

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- 13.2.3. Recreational fires in a propane or natural gas burning appliance
- 13.2.4. Recreational fires set in an *outdoor wood burning appliance*, provided a permit has been requested using Department forms and a non-transferable permit has been issued prior to lighting a fire.
- 13.2.5. Upon receipt of a permit application, department personnel will consider the application and conduct a site visit to determine if the application is refused or a permit is issued, subject to terms and conditions
- 13.2.6. Notwithstanding Section 13.2.3 herein, no person shall light or permit any Recreational Fire to be lit during periods when the province has instituted a burn ban.

14. PENALTIES AND ENFORCEMENT

- 14.1. The Fire Chief or Fire Prevention Officer shall be responsible for the enforcement of this by- law.
- 14.2. 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 \$1000
- 14.3. Every person charged with an offence under this by-law:
 - 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;
 - b. in person at the Service Centre Counter, Oromocto Municipal Building, 4 Doyle Drive, Oromocto, NB; or
 - c. 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.
 - d. 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
 - e. 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);
 - f. in person at the Burton Court House, 23 Route 102 Highway, Burton, NB, by cash, certified cheque or money order payable to the Minister of Finance; or
 - g. 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.
 - h. 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
 - i. 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*

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READ FIRST TIME BY TITLE ONLY: **18 DECEMBER 2025**

READ SECOND TIME IN ITS ENTIRETY: **22 JANUARY 2026**

READ THIRD TIME ONLY FOR ENACTMENT: **22 JANUARY 20226**

John Jackson
CAO/Clerk

Robert Powell
Mayor

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SCHEDULE “A”

Fire Inspections

Expenses or costs recovery for fire inspections, including first and subsequent re-inspections.

Description	Fee
Fire inspection	No fee
First re-inspection	\$200.00 *The Fire Prevention Officer will waive this fee in the event the identified deficiencies have been remedied to their satisfaction
2nd re-inspection	\$300.00
3rd re-inspection	\$400.00
4th re-inspection and above	\$500.00