

BYLAW NO. S-5

A BYLAW RESPECTING FIRE PREVENTION

BE IT ENACTED BY THE COUNCIL OF THE TOWN OF ST. STEPHEN AS FOLLOWS:

1. FIRE PREVENTION

1.01 The duties of a Fire Prevention Officer shall be to enforce the provisions of this bylaw, and its amendments, to enforce the *Fire Prevention Act*, and the regulations made there under, or any other laws relating to the prevention and extinguishment of fires.

1.02 Without limiting the generality of the foregoing, the Fire Prevention Officer has the same powers under the same conditions as are conferred upon the Fire Marshal under Part 1, section 2(2) of the *Fire Prevention Act* by Provincial Legislation, amendments thereto, and the regulations made there under.

1.03 A Fire Prevention Officer, the Fire Chief, or any person duly authorized in writing by the Fire Marshal, may enter any building or premises at reasonable times to inspect for fire prevention or to investigate the cause or origin of a fire.

1.04 Council shall appoint officer(s) in the Town of St. Stephen Fire Department to be known as Fire Prevention Officer(s).

1.05 The Fire Prevention Officer may, upon complaint of a person interested, or when he or she deems it necessary without such complaint, may inspect any building or premises within the Town, and for the purpose may, at all reasonable hours, enter into and upon any building or premises.

1.06 When an existing building has been developed or is being developed to create a dwelling unit or units above the ground floor, the entire building must be in accordance with the *National Building Code of Canada* or such more recent Code as is in effect within the Town. If it is deemed impractical to bring the entire structure into compliance with the *National Building Code of Canada*, there shall be two exits that provide safe, continuous and unobstructed passage from the dwelling units to the outside at street or ground level. Such exits shall comply with all laws including the *National Building Code of Canada* and shall be to the satisfaction of the local authorities having jurisdiction.

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1.07 When the Fire Prevention Officer finds a building or other structure, which, for want of proper repair or by reason of age and dilapidated condition or for any cause, is especially liable to fire, or which is so situated as to endanger other buildings or property or so occupied that fire would endanger persons or property therein or that exits from the building or buildings are inadequate or improperly used, or that there are in or upon any building or premises combustible or explosive material or conditions dangerous to the safety of persons, buildings, or premises, he or she may order the owner or occupant to:

- (a) remove or demolish such building or make such repairs or alterations as such officer deems necessary,
- (b) remove such combustible or explosive material or remove or repair anything that may constitute a fire hazard,
- (c) install safeguards by way of fire extinguishers, fire alarms and other devices and equipment and also such fire escapes and exit doors as he or she deems necessary to afford ample exit facilities in the event of fire or an alarm of fire, and
- (d) carry out such drills and evacuation procedures as the Fire Prevention Officer feels necessary where the major concern is to save lives by an orderly evacuation of persons at the time an emergency arises.

1.08 Where, in the opinion of the 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 or she may in writing order any person or organization supplying electrical energy to discontinue supply electrical energy to such building or premises until the condition of the electrical installation, apparatus or equipment is remedied.

1.09 Where any appliance, apparatus or place in or upon any building or premises used or intended to be used for supplying fire or heat, and, in the opinion of the Fire Prevention Officer, the use of the appliance, apparatus, or place for that purpose is likely to be dangerous to persons or property, he or she may order in writing that no fire be lighted or maintained in the appliance, apparatus or place until the dangerous conditions have been remedied.

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1.10 Where, in any place or assembly or in any building or premises used as sleeping accommodations or as a restaurant, there is, in the opinion of the Fire Prevention Officer, a fire hazard dangerous to the safety of persons, he or she may order that the public be not admitted thereto until the fire hazard has been remedied to his or her satisfaction.

1.11 Where, in any place of assembly or in any building or premises used as sleeping accommodations or as a restaurant, there is, in the opinion of the Fire Prevention Officer, danger to the safety of the public by reason of the inadequacy of exits, or the presence of flammable material or any other reasons, he or she may order that the number of persons to be permitted to be in or upon the place of assembly, building or premises at any one time shall not exceed a number stated in the order.

1.12 When, in the opinion of the Fire Prevention Officer, the smoking of pipes, cigars or cigarettes in a place of assembly or in a building or structure containing a place of assembly constitutes a fire hazard dangerous to the safety of persons he or she may order that smoking shall not be permitted in the place of assembly or in the building or structure containing it, or shall only be permitted in such rooms or portions of the place of assembly, building or structure as shall be designated in the order.

1.13 In carrying out the duties herein prescribed, the Fire Prevention Officer shall apply all relevant sections of this bylaw, the *Fire Prevention Act* and the Regulations made there under.

1.14 Where there is no occupier of the building or premises in respect of which an Order is made, and the owner is absent from the Province or cannot be found within the Province, the Fire Prevention Officer may personally carry out an Order involving an expenditure of not more than One Thousand Dollars (\$1,000.00) and, with the approval of the Minister of Environment & Local Government, and any other Order.

2. FIRE ZONES

2.01 In this bylaw,

"fire zone" means an area or space which is designated a fire zone by signs or other devices,

"obstruct" and "obstruction" includes any reduction or interference of the area of a fire zone by vehicles, materials, merchandise, ploughed snow or any other matter not specifically authorized by the Fire Chief or Town Council.

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2.02 The Town Council may establish fire zones in the Town in any area to which the public has access.

2.03 A fire zone shall be clearly marked by signs or curb markings, or other devices approved from time to time by the Council.

2.04 Any vehicle, or other obstruction, found in a fire zone may be removed in a manner directed by the Fire Chief or member of the RCMP St. Stephen Detachment and impounded and disposed of in the same manner and with the same indemnity as abandoned vehicles are dealt with under the authority of the *Motor Vehicle Act*.

2.05 In any fire zone, the Fire Prevention Officer shall have the authority to examine approve or refuse to approve the plans and specifications respecting any construction project where such plans relate to the prevention of fire and the safeguarding of persons and property in the event of fire.

3. FALSE ALARMS

Any person or persons causing a false alarm or a fire alarm is in violation of this bylaw and the person or persons shall be responsible for all Fire Department costs attributed thereto. Such costs may be recovered by the Town in an action for debt against such person or persons **as per Council Resolution 67/97 as follows:**

- a. **A rate of \$150 per hour be charged on calls where the "Jaws" are used and to be charged directed to the insurance companies.**
- b. **That after two alarm system malfunction calls to the same address, the owner will be charged \$100 per additional call. After the second call the owner will be notified in writing advising him/her of the charge.**

4. GRASS FIRE AND OPEN FIRE REGULATIONS

4.01 No person shall kindle or maintain any grass fire, or other open fire, or authorize any such fire to be kindled or maintained in the Town without a permit from the Fire Chief, or his or her designate, hereinafter referred to as a "fire permit".

4.02 A person may apply for a fire permit by submitting an application, in writing, to the Fire Chief setting forth the person's name, address, telephone number, and a brief description of the location of the proposed fire and its purpose, together with any other like information required from time to time by the Fire Chief.

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4.03 The Fire Chief may prescribe conditions to the issuance of a fire permit respecting the size of the fire, the number of persons who must be in attendance, the commencement and duration times, on fire fighting equipment required, and such other requirements as authorized and directed from time to time by resolution of Council.

4.04 The Chief may limit the number of fire permits to be issued for any twenty-four hour period, may revoke issued permits at any time, and may prohibit any and all fires described in subsection 4.05 hereof when atmospheric conditions or local circumstances make such fire a hazard.

4.05 No person shall light a fire outside for the disposal of refuse unless such refuse is burned in an incinerator approved by the Fire Chief and the Department of Local Government and Environment.

4.06 The burning of grass is allowed, by permit, between January 01 and May 31 only.

4.07 The burning of brush and leaves is not allowed at anytime of the year.

4.08 Backyard BBQ's require a permit and must have an inspection done prior to the permit being issued. A fire pit or a ring of rocks on the ground is not acceptable.

5. FLAMMABLE LIQUIDS & EXPLOSIVE MATERIALS

5.01 No person shall store gasoline, oil, liquefied petroleum gases or other petroleum products except in facilities meeting the standards contained in the *National Building Code*, latest edition.

5.02 The establishing of self-service facilities for the dispensing of flammable liquids shall be in accordance with the requirements of the *Fire Prevention Act*, the latest edition of the *National Fire Code of Canada*, and the latest edition of the *National Building Code*.

5.03 No flammable liquids, combustible liquids, or explosive materials dangerous to the safety of persons, buildings, or premises shall be stored or placed for sale in any building or upon any land within the Town without establishing compliance with the provisions of the *Fire Prevention Act*.

5.04 Every person who stores or places for sale flammable liquids, or combustible liquids, or explosive materials dangerous to the safety of persons, buildings, or premises within the Town, which has not been approved for such purpose, are guilty of an offence.

5.05 No person within the Town limits shall set on fire any combustible matter or other refuse outside any building.

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6. CONFLICT OF AUTHORITY

In the event of a conflict of authority between the fire marshal and an official appointed under any other Act of the Legislature or by a municipality, the authority of the fire marshal prevails.

7. PENALTY PROVISION

7.01 Any person who fails to comply with an Order of a Fire Prevention Officer duly made under the authority of this bylaw, and its amendments, commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category E offence.

7.02 Where a person is convicted of an offence under subsection 7.01, the Court, in addition to any penalty imposed under subsection 7.01, may order that person to comply with the Order.

7.03 A person who fails to comply with an Order of the Court under subsection 7.02 commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category F offence.

8. REPEAL PROVISION

8.01 Bylaw No. 55, A Bylaw To Regulate Grass Fires, passed by Town Council on April 17, 1978, and amendments thereto, and Bylaw No. 61, A Bylaw Respecting Fire Zones, passed by Town Council on November 30, 1978, and amendments thereto, are hereby repealed.

8.02 Bylaw No. 55, A Bylaw To Regulate Grass Fires, and amendments thereto, and Bylaw No. 61, A Bylaw Respecting Fire Zones, and amendments thereto, shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

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Read a first time this 16th day of February, 2004

Read a second time this 15th day of March 2004

Read a third time and passed this 19th day of April, 2004


W. Robert Brown, Mayor


Brenda Knight, Town Clerk

TOWN OF ST. STEPHEN BURNING PERMIT # _____

BY-LAW REGULATIONS

1. No person shall kindle or maintain any grass fire, bonfire, rubbish, or other open fire or authorize any such fire to be kindled or maintained in the Town without a permit from the Fire Department hereinafter referred to as a fire permit.
2. A person may apply for a fire permit by submitting an application in writing to the Fire Chief, St. Stephen Department, setting forth his name, address, telephone number and a brief description of the location of the proposed fire, together with any other information required by the Chief from time to time.
3. The Fire Chief may prescribe conditions to the issuance of a fire permit respecting the size of the fire, the number of persons who must be in attendance, the commencement and duration times, on site fire fighting equipment required and such other requirements as authorized and directed by resolution of Council from time to time.
4. The Chief may limit the number of fire permits to be issued when atmospheric conditions or local circumstances make such fire hazardous.
5. No person shall light a fire outside for the disposal of refuse unless such refuse is burned in an incinerator approved by the Fire Chief and the Department of Environment.
6. Grass fire permits shall be issued only between January 1 and May 31.

BURNING PERMIT

1. Allow 3 (three) working days for processing your application.
2. Permit must be in the possession of the applicant.

NAME: _____

ADDRESS: _____

PHONE: _____

DATE OF APPLICATION: _____

TYPES: GRASS _____ INCINERATOR _____ BBQ _____

EXACT LOCATION OF FIRE _____

WATER SOURCE _____

DESCRIPTION OF FIRE _____

BURN DATE REQUIRED _____

CONDITIONS OF PERMIT

1. BEFORE BEGINNING TO BURN CHECK WITH THE FIRE STATION (466-7779) to advise time and if further conditions exist.
2. Burning is permitted only between 6:00 p.m. and 6:00 a.m.
3. Permit holder must be present and supervise the fire at all times, and be accompanied by sufficient personnel to properly control the burn.
4. Burning must be carried out in such a manner so as not to disturb or cause a nuisance to others.
5. A source of water adequate to control the fire must be present during the burn.
6. The Fire Chief, or his designate, may cancel this permit at any time.
7. Additional Conditions:
 - Fires are to be kept small
 - Only untreated wood products to be used
8. I acknowledge that I have read, fully understand and agree with the conditions of this permit and that the information that I have supplied is true. I recognize that burning is dangerous and may cause damage to persons and property and I agree on behalf of myself, my heirs, executors, administrators and assigns to protect, hold harmless and indemnify the Town of St. Stephen and its employees, servants or agents against all losses, damages, claims, demands and actions arising directly or indirectly in any matter whatsoever in connection with or resulting such a claim or litigation. I further agree to assume full financial responsibility for any damage or loss to property or persons resulting from said fire authorized by this permit. I have read, fully understand and agree with this waiver and have received a copy.

DATED this _____ day of _____ A.D. 20__.

Person Issuing Permit

Permit Holder