

Village of Petitcodiac

By-Law No. 62

A By-Law Relating To The Prevention And Extinguishments Of Fires In The Village Of Petitcodiac.

The council of the Municipality of Petitcodiac under the authority vested in it by section 186(1) of the Local Governance Act, 2017, c.18, Part 17 statutes of New Brunswick and amendments thereto hereby enact as follows:

1. In this By-Law; Definitions

- a) **Fire Chief** - means the Chief of the Fire Department of the Village of Petitcodiac or his designate.
- b) **Open Air Fire** - means using solid fuel at any time including burning wood, paper, coal, garbage waste and yard waste outdoors. An open air fire is a fire that is outside of a building.
- c) **Acceptable Outdoor Burning appliance** – means outdoor fireplaces, chimineas, firepits or like units that are made of non-combustible materials that are designed to hold a small fire for decorative, recreational, personal purpose and the size of which is not larger than one (1) meter in any direction. Such manufactured units must be but not limited to, steel, masonry, clay, etc., and covered with a suitable steel wire mesh which has 6 mm(1/4inch) openings.
- d) **Adult** – means the age of 19 or older
- e) **Portable Barbecuing Appliance** – means any appliance sold or constructed for the purpose of cooking food outdoors, or for decor

2. Regulations

- a) The lighting of any open-air fire to dispose of dry grass, brush, hay, straw, leaves, buildings, construction materials, automobile or garbage (of any sort) in the municipality is prohibited.
- b) Other than in a properly constructed incinerator approved by the Department of Environment and Local Government and its successors, no person shall light a

fire outside a building for the purpose of disposing of any refuse or waste material.

- c) All open-air fires must be contained in an *acceptable outdoor burning* appliance and only be lit for the sole purpose of recreational or personal use and must be on private land.
- d) The *acceptable outdoor burning* appliance must be located at least 6 meters (20 feet) from any combustible materials. This would include, but not limited to, structures, fences, combustible patios and decks, propane or gasoline storage, trees and other vegetation such as un-mowed grass. The appliance must not be placed on a wood deck or combustible platform.
- e) Only one outdoor burning device is allowed on the property at a time. The outdoor burning device shall only be used for burning dry firewood.
- f) The adult owner or occupant of the property maintains constant watch and control over the appliance when in use and must stay with the open-air fire until it is totally extinguished.
- g) A portable fire extinguisher, water source or operable garden hose is readily available while the unit is in use.
- h) No person shall set a fire that is likely to cause inconvenience or discomfort to others. It does not allow smoke, smell, airborne sparks or embers to infringe on the property of others.
- i) No person shall burn on the pavement or road allowance.
- j) There shall not be any burning at any time that the Department of Natural Resources and Energy or Department of Environment prohibits outdoor burning due to weather conditions.
- k) This By-Law does not apply in relation to live or training fires conducted by the Village of Petitcodiac Fire Department or special permission for an outdoor fire for winter carnival purpose.

2. **Enforcement and Penalty**

- a. The Fire Chief or his designate has the authority to enter a private property and order any property owner or occupant to extinguish any open-air fires immediately and to enforce the guidelines set out in this By-Law.

- b. If it is an illegal Open Air Fire, the Department of Natural Resources will be contacted to control the fire situation and under their regulations have the right to extinguish the fire and issue a ticket and fine.
- c. If there is illegal burning of garbage the Department of the Environment will be contacted to issue a ticket and fine under their jurisdiction.
- d. Any appointed Village of Petitcodiac By-Law Enforcement Officer or Fire Prevention Officer has the authority to enforce the regulations set out for Open Air Burning in the village and can order any Open-Air Fire to be extinguished.
- e. A By-Law Enforcement Officer or Fire Prevention Officer , or any person authorized by one of these officer's may, upon a complaint or deems necessary without such complaint may, at all reasonable times enter and inspect any building or premise within the Village for the purpose of fire prevention or to investigate the cause or origin of a fire or smoke.
- f. Every person who contravenes or fails to comply with any of the provisions of this By-Law shall be liable to a penalty of \$50 for the first offence and \$200 for each subsequent offence payable to the Village of Petitcodiac.
- g. Any person who violates section (e.) of this by-law is committing an offence and may be liable to a minimum fine of \$240 in conformity to Part II of the Provincial Offences Procedure Act (POPA) as a Category E Offence.
- h. No action or other proceedings for damages shall be instituted against the Village of Petitcodiac, the Fire Department, the Fire Chief, By Law Enforcement Officer, Fire Prevention Officer or anyone authorized to act on behalf of the Fire Chief or Municipality with anything done in good faith or omitted to be done in the execution or intended execution of his/her duties under this By-Law.

This By-Law#62 hereby repeals By-Law #48 and any amendments.

