

BY-LAW NO. 82
A BY-LAW RELATING TO THE PREVENTION
AND CONTROL OF FIRES IN THE VILLAGE OF CHIPMAN

The Council of the Village of Chipman under authority vested in it by Section 109, of the Municipalities Act, R.S.N.B. 1973 c M-22, and any amendments thereto, enacts as follows:

1. **IN THIS BY-LAW**

- 1.1 "Fire Chief" shall mean the Fire Chief appointed by the Village of Chipman.
- 1.2 "Fire Department" shall mean Fire Department for the Village of Chipman.
- 1.3 "Fire Prevention Act" shall mean the Fire Prevention Act, R.S.N.B, and amendments thereto.
- 1.4 "Fire Prevention Officer" shall mean any such officer designated under the Fire Prevention Act.
- 1.5 "Fireworks" includes fire-crackers, cannon-crackers, fireballs, mines, roman candles, skyrockets, squibs, torpedoes and any other explosives designated by the Lieutenant-Governor in Council.
- 1.6 "Officer in charge" shall mean the highest ranking officer for the Village of Chipman Fire Department present at any fire related incident.
- 1.7 "Provincial Procedure Act" shall mean the Provincial Offences Procedure Act, R.S.N.B, and amendments thereto.

2. **FIRE CHIEF**

- 2.1 may make general orders and rules as may be necessary for the care and protection of the property of the Department, the conduct of Members of the Department and, generally, efficient operation of the Department, provided that such general orders and rules shall not conflict with the provisions of any by-law of the Village;
- 2.2 shall review, periodically, policy and procedures of the Department, and may establish an Advisory or Study Committee consisting of such officers as he may determine from time to time to assist in this duty;
- 2.3 will provide that the Fire Department be responsible for fire protection, prevention and fire education within the Village of Chipman;
- 2.4 will, subject to superior legislation, ensure that the Fire Department becomes the lead agency in the area of Life/Safety and Fire Prevention;

3. **THE FIRE PREVENTION OFFICER**

- 3.1 is empowered to enforce the provisions of this and any other by-law relating to the prevention and extinguishments of fires in such manner as authorized and permitted to a fire marshal or local assistant under the Fire Prevention Act, called ("The Fire Prevention Act"),

- 3.2 is authorized to enforce the Fire Prevention Act and the regulations made there under, and without limiting the generality of the forgoing, has herewith conferred upon him the same powers under the same conditions as are conferred upon the fire marshal by sections 11, 12, 16 and 19 of the Fire Prevention Act of NB.
4. No person shall burn or cause to burn any material out of doors on public or private property in the Village of Chipman, except as specifically authorized by this By-law.
- 4.1 Individuals may use and operate an outdoor wood burning appliance upon their property, according to the following conditions and restrictions:
- a. The subject appliance must be constructed of metal or cement and carry the approval of the Canadian Standards Association. (CSA).
 - b. Manufacturers instructions for the safe installation and operation of the appliance must be followed.
 - c. The appliance can be used to burn only dry, seasoned firewood.
 - d. The appliance must not be placed on a wood deck or other combustible platform or be used within 3 meters of any combustible materials.
 - e. Only one wood burning appliance shall be used on an individual's property at one time.
 - f. There shall be a sufficient source of water available to extinguish the fire within the appliance.
 - g. Notwithstanding an individual's apparent complying with the section, any officer in charge, from time to time, shall be entitled to direct that a fire in any outdoor wood burning appliance be extinguished upon his belief that said fire constitutes a hazard to public safety.
- 4.2 Individuals may have a recreational fire not in a wood burning appliance according to the following conditions and restrictions:
- a. The fire must be contained within a hole in the ground or contained circle of non-combustible materials. The subject hole or contained circle must have a diameter of not greater than one meter.
 - b. The fire must not be within 3 meters of any other combustible material.
 - c. Only dry, seasoned firewood can be used as fuel in the subject fire.
 - d. Notwithstanding an individual's apparent complying with the section, any officer in charge, from time to time, shall be entitled to direct that a recreational fire not in a wood burning appliance be extinguished upon his belief that said fire constitutes a hazard to public safety.

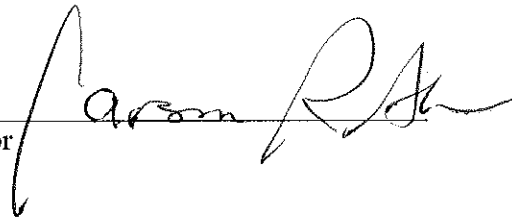
- 4.3 Display fireworks are permitted within the Village of Chipman but with the following terms of reference:
- a. Every person who sets off Display Fireworks shall take all steps reasonably necessary, as would a reasonable and prudent person, to ensure no harm to person or property damage.
 - b. Property damage or injury as a result of Display Fireworks shall be the sole responsibility of the person setting off the fireworks.
5. No property owner shall allow combustible waste material to accumulate upon his property in such a manner to create a fire hazard. For the purpose of this section, cut tree limbs and brush left upon the ground shall be considered an accumulation of combustible waste material.
6. Any person who is convicted of violating any provision of this By-Law shall pay a fine not exceeding the maximum amount payable under Part II of the Provincial Offences Procedures Act, as a Category E offence.

Enforcement of this by-law will be carried out by the Fire Chief and Deputy Fire Chief.

Violations of the by-law will be referred to the Fire Chief or Deputy Fire Chief.

Enforcement of this by-law: The Fire Chief or Deputy Fire Chief will fill out a form (Form F) for the incident in question.

Mayor



Clerk



FIRST READING: *April 3, 2017*

SECOND READING: *May 1, 2017*

THIRD READING AND PASSED: *May 1, 2017*

VILLAGE OF CHIPMAN
FORM "F"
INCIDENT FORM
RELATING TO BY-LAW NO. 82

Date: _____

Complainant: _____

Tel: _____

Property location relating to complaint: _____

Owner and/or Occupant: _____

Tel: _____

Brief description of incident:

FINE assessed for violation of by-law: \$ _____
(1st offense \$25.00) (2nd offense \$50.00) (3rd offense \$\$100.00) (4th offense \$500.00)

Signature (Fire Chief or Deputy Fire Chief):

All fines must be paid to the Village of Chipman at 10 Civic Court, Unit 1, Chipman NB E4A 2H9.
(Cash, cheque or Debit)