

## **By-law PS-002: RESPECTING THE GRAND BAY-WESTFIELD VOLUNTEER FIRE-RESCUE DEPARTMENT**

The Council of the Municipality of Grand Bay-Westfield under authority vested in it by Section 10 of the *Local Governance Act*, SNB 2017 c.18 and amendments thereto enacts as follows:

### **SUMMARY**

A By-law establishing a Fire-Rescue Department in accordance with the Fire Prevention Act and to establish fire and life safety regulations within the municipality.

### **SHORT TITLE**

1. This By-law may be cited as the Volunteer Fire-Rescue Department By-law.

### **DEFINITIONS**

2. In this By-law:
  - a) "CAO" means the Chief Administrative Officer of the Town of Grand Bay-Westfield;
  - b) "Chief" means the Fire Chief of the Grand Bay-Westfield Volunteer Fire-Rescue Department;
  - c) "Consumer Firework" means an outdoor, low hazard, recreational firework that is dealt with in Part 16, Sections 354 to 359 of the Explosive Regulations, 2013 (SOR/2013-211) of the Federal Explosives Act, and includes but is not limited to fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes and sprinklers;
  - d) "Council" means the Council of the Town of Grand Bay-Westfield;
  - e) "Department" means the Grand Bay-Westfield Volunteer Fire-Rescue Department;

**By-law No. PS-002: Respecting the Grand Bay-Westfield Volunteer Fire-Rescue Department**

---

- f) "Display Firework" means an outdoor, high hazard, recreational firework that is dealt with in Part 18, Sections 410 to 449 of the Explosive Regulations, 2013 (SOR/2013-211) of the Federal Explosives Act, and includes but is not limited to rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons;
- g) "Fire Prevention Officer" means the Department Member responsible for creating and maintaining the Fire Prevention Program, which may include inspections and enforcement of the Fire Prevention Act as conferred by the Fire Marshal. For the purposes of this By-law the Fire Chief will act as the Fire Prevention Officer;
- h) "Gas Fire Pits (Campfire Effect Units)" means commercially available products which are designed to operate with propane or natural gas, are intended for outdoor use only, not for food preparation, and that are ULC and CSA approved are permitted provided they are supervised at all times, and operated in accordance with manufacturer's instructions in a safe manner and location away from combustibles;
- i) "Member" means volunteer firefighters, Officers and the Chief of the Department;
- j) "Municipality" means the Town of Grand Bay-Westfield;
- k) "Non-Fire Related Rescue" means the provision of automobile extrication, ice rescue, remote rescue, emergency first aid or such other services of an emergency nature, not under the threat of imminent fire, which the Fire Chief determines that the Department is capable of providing from time to time.
- l) "Outdoor wood burning appliance" or "outdoor fireplace" means a manufactured noncombustible enclosed container designed to hold a small

**By-law No. PS-002: Respecting the Grand Bay-Westfield Volunteer Fire-Rescue Department**

---

fire for decorative purposes and the size of which is not larger than one (1) meter in any direction, and may include, but not limited to, chimneys;

- m) "Personal outdoor fireplace" means a hand-made, non-combustible, enclosed container which may include some or all of the components of an outdoor wood burning appliance and has been approved by the Fire Chief or designate;

**STRUCTURE**

3. A department for the Town of Grand Bay-Westfield to be known as the Grand Bay-Westfield Volunteer Fire-Rescue Department is hereby established (and continued) for the purposes of preventing and extinguishing fires, protecting property from fire, assisting other agencies such as Police, Emergency Measures Organization, Department of Natural Resources, Ground Search and Rescue and Ambulance with the provision of Non-Fire Related Rescue services and the head of the Department shall be known as the Fire Chief.

3(1). The Fire Chief is subject to and reports to the Chief Administrative Officer (CAO) for the administration and operation of the Department, and,

- a) shall review, periodically, the policies and guidelines of the Department, and may establish an Advisory Committee consisting of such Department officers as he/she may determine from time to time to assist in this duty;
- b) shall make a monthly report to the Council of the activities of the Fire Department during the preceding month including all calls answered by the Fire-Rescue Department;
- c) shall ensure that the Fire-Rescue Department be responsible for fire protection and prevention education within the Town of Grand Bay-Westfield;

**By-law No. PS-002: Respecting the Grand Bay-Westfield Volunteer Fire-Rescue Department**

---

- d) shall, subject to Provincial and Federal legislation, ensure that the Fire-Rescue Department becomes the lead agency in the areas of Fire, Emergency Medical First Response Services, Environmental Emergencies, and Life-Safety Rescue within its municipal or contractual jurisdiction;
  - e) is hereby authorized to conduct inspections and take steps to enforce or administer this By-law or remedy a contravention of this By-law in accordance with all other By-laws and all applicable Provincial and Federal Legislation in the Town;
  - f) shall enforce all provisions of the Fire Prevention Act;
  - g) may suspend any volunteer member of the Department, subject to an appeal process, for neglect of duty, misconduct, negligence, incompetence, or breach of any By-law or regulation and shall forthwith report the suspension to the CAO; may recommend dismissal of any volunteer member of the Department for just cause to the CAO subject to an appeal process;
  - h) shall take all proper measures for the prevention, control, and extinguishment of fires and for the protection of life and property and shall enforce all municipal By-laws respecting fire prevention and exercise the powers imposed on him by the Fire Prevention Act;
  - i) is responsible for the enforcement of this By-law;
  - j) shall have full charge and sole command over the conduct of all persons at the scene of a fire whether they are members of the Department or not.
- 3(2). The Fire Chief: 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, the efficient operation of the Department. Such general orders and rules shall not conflict with the provisions of any By-law of the Town and shall be known as the Departments Standard Operating Guidelines.

3(3). The number of members shall be determined from time to time by the CAO upon the recommendation of the Chief.

3(4). The honorariums of all members shall be determined by Council.

### **OPEN-AIR BURNING**

4. No person shall burn or cause to burn any material out of doors on public or private property within the Town limits except as follows and subject to any provincial laws or regulations to the contrary.

4(1). A firefighter may set an outside fire for the Fire-Rescue Department for educational and training purposes;

4(2). A person is permitted to set a fire for the purpose of cooking food on a barbeque.

4(3). A person is permitted to use Gas Fire Pits (Campfire Effect Units) as defined in section 2, definitions of this By-law

4(4). A person may set a fire in an outdoor wood burning appliance or personal outdoor fireplace (as defined in section 2, definitions, of this By-law) provided that:

- a) 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;
- b) it is not placed on a wood deck or other combustible platform;
- c) only one appliance is to be used on the property at any one time;
- d) it is used to burn only dry, seasoned firewood;

**By-law No. PS-002: Respecting the Grand Bay-Westfield Volunteer Fire-Rescue Department**

---

- e) a portable fire extinguisher or operable garden hose is readily available while the unit is in use;
  - f) the owner or occupant maintains constant watch and control over the appliance when in use and until the fire is totally extinguished;
  - g) it does not allow smoke, smell, airborne sparks or embers to infringe on the use and enjoyment of other properties; and
  - h) the burning is consistent with the policies of the Department of Natural Resources and the Department of Environment.
- 4(5) Outdoor wood burning appliances, outdoor fireplaces and personal outdoor fireplaces shall not be used when the Department of Energy and Resource Development have placed a ban on open burning (category 1 fires) for Kings County.
- 4(6) No person shall fail to immediately extinguish a recreational fire upon the request of the Fire Chief or Officer in Charge.

**EQUIPMENT**

5. Fire Department vehicles and equipment shall not be used for any work other than the work of the Fire Department without the consent of the Chief or officer in charge.
- 5(1). No Fire Department vehicle shall be used for emergency transportation of a person other than a member of the Department except at the request of a medical practitioner, a police officer, a coroner, or an ambulance attendant.
- 5(2). The Chief shall report such emergency trip made under this section within twenty-four hours to the CAO who shall charge a reasonable fee for each trip.

**By-law No. PS-002: Respecting the Grand Bay-Westfield Volunteer Fire-Rescue Department**

---

- 5(3). No firefighting equipment shall be taken beyond the territorial limits of the Municipality without the express authorization of a written contract or agreement providing for the supply of firefighting and assistance response services outside the territorial limits, the approval of the CAO, or in the event of emergency circumstances, the permission of the Chief or the officer in charge.
- 5(4). When any firefighting equipment is taken beyond the territorial limits of the Municipality to any fire:
- a) the Chief or the officer in charge may appoint a member of the Department to take charge of the equipment; and
  - b) the Chief shall ensure that a sufficient number of members remain within the territorial limits of the Municipality for emergency protection.
- 5(5). The CAO may authorize firefighting equipment be taken beyond the territorial limits of the Municipality for parades and other special functions provided sufficient notice thereof is given to the Chief and he ensures that emergency protection for the Town is maintained.

**PREVENTION AND EXTINGUISHMENT OF FIRES**

6. The duties of the Fire Prevention Officer, shall be those necessary to enforce this By-law, regulations, and the Fire Prevention Act or other laws relating to the prevention and extinguishment of fires.
- 6(1). Without limiting the generality of section 7, the Fire Prevention Officer has herewith conferred upon him the same powers under the same conditions as are conferred upon the Fire Marshall by sections 11, 12, 16, and 21 of the Fire Prevention Act.

**By-law No. PS-002: Respecting the Grand Bay-Westfield Volunteer Fire-Rescue Department**

---

6(2). The Fire Prevention Officer or any person authorized in writing by a Fire Prevention Officer may enter any building or premises at reasonable times to inspect for fire prevention or to investigate the cause or origin of a fire.

**GENERAL**

7. No person shall store gasoline, oil, liquefied petroleum gases, or other petroleum products except in facilities meeting the standards contained in the latest edition of the National Fire Code of Canada.

7(1). The establishing of self-service facilities for the dispensing of flammable liquids shall be in accordance with the requirements of the Fire Prevention Act and subsection 4.5.8, Part 4 of the National Fire Code of Canada, latest edition.

7(2). Upon request of the Chief or the officer in charge, every person present at the fire or other emergency scene shall assist any firefighter in the performance of his duties at the fire and shall obey all orders and directions given to him by the Chief or the officer in charge.

7(3). Whenever the Chief or other person in charge of a fire or other emergency scene deems it advisable to guard the locality of the fire or other emergency from the crowding of persons or vehicles, he may place or cause to be placed a rope or other barrier across any street or public place to indicate the area from which persons or vehicles are prohibited.

7(4). No person, except members of the Department, police, paramedics and other emergency service personnel shall enter or be within an area marked off by ropes or barriers under subsection 8(3) unless accompanied by a Department Officer.

7(5). No person:



**By-law No. PS-002: Respecting the Grand Bay-Westfield Volunteer Fire-Rescue Department**

---

- a) shall drive a vehicle over or across an unprotected hose or other firefighting equipment unless he or she is given permission to do so by a member of the Department or a police officer;
  - b) shall disobey the orders and directions of the Chief or other officer in charge given in the performance of his duties at a fire or other emergency scene;  
or
  - c) shall interfere with or obstruct the Chief or other officer in charge or other member in the performance of his duties at a fire or other emergency scene.
- 7(6). No person shall place merchandise, goods, furniture, or other materials so as to obstruct the entrance into any premises by members through any window, door, stairway, or passageway.
- 7(7). No person shall disobey the orders and directions of the Fire Chief, Deputy Chief or Officer in Charge while in the performance of their duties at a fire or other emergency nor shall any person interfere with or obstruct any such officer or any firefighter while in the performance of any duty at a fire or other emergency.
- 7(8). A person who breaches a By-law made under authority of this section, or who fails to comply with an order of a Fire Prevention Officer authorized by a By-law made under this section, commits an offence punishable under Part II of the Provincial Offences Procedure Act as a category E offence.
- 7(9). A person causing a false alarm or a fire alarm because of a violation of this By-law shall be responsible for all Department costs attributable thereto and such other costs as may be recoverable by the Town in an action for debt against such person.
- 7(10). If the Department responds to a motor vehicle incident or other emergency and determines it necessary to:
- a) call in additional or special resources; and/or

- b) retain a private contractor; and/or
- c) rent special equipment not normally carried on a fire apparatus; and/or
- d) consume materials or supplies in order to suppress or extinguish a fire, preserve a property or prevent a fire from spreading or otherwise control and eliminate an emergency; and/or
- e) operations at the incident have damaged apparatus or equipment owned by or under the control of the Department the motor vehicle owner(s) or property owner(s), individually or jointly, may be charged those expenses or costs for damages incurred.

## **FIRE PROTECTION SYSTEMS**

8. Following the activation, or during a shut-down for any reason, of an automatic alarm system, and where the Fire-Rescue Department has been unable to make contact with the owner, contact person or occupier, or that person fails to attend and reset the system within forty-five (45) minutes after being contacted, the Fire Chief may contact a qualified service person to restore the Fire Protection/Life Safety System to normal operating conditions. The total cost of restoration of the equipment and related costs of hiring the qualified service person, shall be the responsibility of the owner or occupier.
- 8(1). Whereas an inoperable automatic alarm system constitutes an emergency, the Fire Chief may take whatever actions or measures are necessary to meet the emergency, including, but not limited to, evacuating the building or requiring the posting of a fire watch.
- 8(2). An owner of property containing an automatic alarm system, where there has been more than one (1) false alarm within a 365 day period, is guilty of an offence.

- 8(3). Every owner or occupier of premises having an automatic alarm system, monitored or non-monitored, shall submit, on a form prescribed by the Fire-Rescue Department, the names and telephone numbers of 3 persons who are available to attend, enter and secure the premises ("Contact Person"). The prescribed form may be obtained from the Fire-Rescue Department and shall be submitted yearly and upon any change in Contact Person. The form must contain the written consent of each person named to act as a Contact Person.
- 8(4). At least one of the Contact Persons established in Section 21 must attend at the premises within 45 minutes when requested by the Fire Department and must secure the premises and when appropriate, release the Fire Department from the incident. When the Fire -Rescue Department responds to an alarm where the owner has failed to provide a Contact Person or where a Contact Person fails to attend within 45 minutes, the owner or occupier shall pay the applicable standby fee prescribed in Schedule "A".
- 8(5). When an owner or occupier fails to provide proper Contact Person information, they are guilty of an offence.
- 8(6). Upon attending a fire incident, a Contact Person must identify themselves to the Officer in Charge on scene.
- 8(7). A Contact Person must have full access to the building and or occupancy of which they have responsibility and be able to take control of the building or occupancy from the Officer in Charge on completion of the incident.

## **FIREWORKS**

9. No person shall set off fireworks when the Department of Energy and Resource Development has placed a ban on open burning (category 1 fires) for Kings County.

## **Consumer fireworks**

9(1). Every person who sets off consumer fireworks shall:

- a) provide and maintain fully operational fire extinguishing equipment ready for immediate use and present at all times for a reasonable period thereafter, at the location or site of the setting off of the consumer fireworks. This includes having knowledge of the operational procedures associated with said fire extinguisher equipment;
- b) Follow the manufacturer's requirements for the discharge of the fireworks;
- c) Permit the inspection of any site where consumer fireworks may be stored, set off or displayed, and the consumer fireworks themselves, together with all associated equipment, by anyone authorized to enforce this By-law, forthwith upon demand; and
- d) Comply with the Municipality's Noise By-law.

9(2). No person shall store, handle or set off Consumer fireworks in an unsafe manner or in a manner that creates a nuisance, taking into account the noise, danger from fire and explosion, and risk of death, injury and damage to property inherent in the storage, handling or use of fireworks.

### **Display fireworks**

9(3). No person shall hold a public fireworks display using Display fireworks without first obtaining a permit from the Fire Chief and paying the fee as set out in Schedule "A".

- 9(4). A public fireworks display using Display fireworks shall be conducted under the direct supervision of a person who is a licensed fireworks operator.
- 9(5). The person holding the display shall be responsible to ensure that the display is conducted in conformance with the current Fireworks Display Manual prepared by Natural Resources Canada.
- 9(6). The handling, storage and use of Display fireworks shall be in conformance with the Explosives Act and its Regulations, the National Fire Code and the Fire Prevention Act.

#### **FINES AND ENFORCEMENT**

10. Any person who violates any provision of this By-law commits an offence and is liable upon summary conviction to a fine imposed under Part II of the Provincial Offences Procedure Act as a category E offence.

#### **ADMINISTRATIVE PENALTY**

11. A person who contravenes a provision of this by-law may pay to the municipality an administrative penalty in the amount of
- a. where the person has not previously contravened this by-law, \$250.00, or as per administrative penalties addressed in Schedule "A"
  - b. where the person has previously contravened this by-law, the sum of the amount paid or to be paid by the person in respect of the most recent contravention and \$250.00, or as per administrative penalties addressed in Schedule "A", provided that in no event shall a person be required to pay an administrative penalty in an amount exceeding \$1,500.00, and, upon such payment, the person who committed the contravention is not liable to be prosecuted therefor.

**By-law No. PS-002: Respecting the Grand Bay-Westfield Volunteer Fire-Rescue Department**

---

11(1) A person who may pay to the municipality an administrative penalty in accordance with this by-law may pay the administrative penalty in accordance with the Administrative Penalty By-law.

**PLURAL OR FEMININE TERMS**

12. Plural or feminine terms may apply whenever the singular, masculine or feminine is used in this By-law. It shall be considered as if the plural, feminine or masculine has been used where the context of the party or parties hereto so requires.

**VALIDITY**

13. The invalidity of any section, clause, sentence or provision of this by-law shall not affect the validity of any other part of this By-law which can be given effect without such invalid part or parts.

**BY-LAW REPEALED**

14. The repeal of this By-law in the Town of Grand Bay-Westfield 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 manner or thing whatsoever completed, existing or pending at the time of repeal.

By-law No. 118, being Town of Grand Bay-Westfield By-law Respecting the Grand Bay-Westfield Volunteer Fire Department, enacted on 14 November 2016, and all amendments thereto, is hereby repealed.

**By-law No. PS-002: Respecting the Grand Bay-Westfield Volunteer Fire-Rescue Department**

---

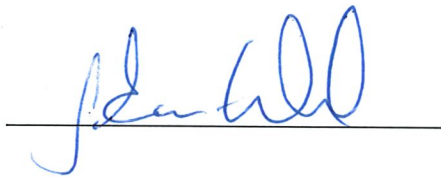
**READ A FIRST TIME** by summary this 9th day of January, 2023.

**READ A SECOND TIME** by title this 9th day of January, 2023.

**READ A THIRD TIME** by title and ENACTED on this 24th day of April, 2023.

This By-law comes into force on the date of final passing thereof.

**SIGNED AND APPROVED** this 1st day of May, 2023.

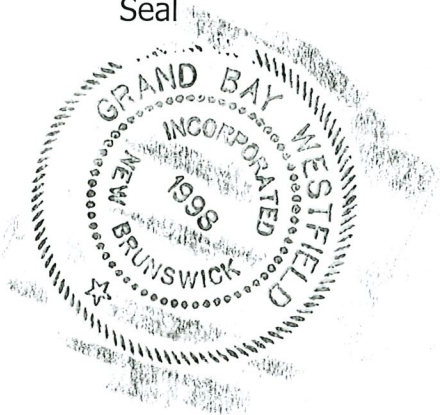


John Enns-Wind  
CAO / Clerk



Brittany Merrifield  
Mayor

Seal



I certify that this instrument  
is registered or filed in the  
Kings  
County Registry Office,  
New Brunswick

J'atteste que cet instrument est  
enregistré ou déposé au bureau  
de l'enregistrement du comté de  
Kings  
Nouveau-Brunswick

2023-05-09 10:59:21 43821272  
date/date                      time/heure                      number/numéro  
K. Matt  
Registrar-Conservateur

SCHEDULE "A"  
ATTACHED TO AND FORMING PART OF BY-LAW PS-002

FIRE-RESCUE DEPARTMENT FEES AND CHARGES

<b>Type</b>	<b>Description</b>	<b>FEE (incl. HST)</b>
Admin	Reports (incident, investigation, etc.)	\$50 per report
	File search	\$35 per address
Prevention	Display Fireworks permit	\$100
	Apparatus Standby	\$300/hour
<b>Administrative Penalties</b>		
	<b>Response to non-compliant open-air burning</b>	
For an offence under Section 4	First contravention	N/C
	Second contravention (same address within 365 days)	\$50
	Third and subsequent contraventions (same address within 365 day period)	\$75
	<b>False alarm – automatic alarm systems</b>	
For an offence under Section 8	First contravention	N/C
	Second contravention within 365 day period	\$175
	Third and subsequent contravention within 365 day period	\$350
For an offence under Section 8(4)	Standby fees	\$300/hour