

BY-LAW 3 - 98

**A BY-LAW OF THE TOWN OF ROTHESAY
RESPECTING THE PREVENTION AND SUPPRESSION OF FIRES
AND THE REMOVAL, DEMOLITION OF BUILDINGS, STRUCTURES OR
OTHER MATERIAL LIABLE TO FIRE**

THE COUNCIL OF THE TOWN OF ROTHESAY

DULY ASSEMBLED ENACTS AS FOLLOWS:

TITLE

1. This By-Law may be cited as the “**Town of Rothesay Fire Protection By-Law**”.

DEFINITIONS

2. In this By-Law
 - a) “**Council**” means the elected Council of the Town of Rothesay;
 - b) “**department**” means the Rothesay Regional Fire Department;
 - c) “**order**” means an order made under authority of this By-law by the Fire Chief, his designate, or a Fire Prevention Officer;
 - d) “**Municipality**” means the Town of Rothesay;
 - e) “**place of assembly**” is as defined by the Provincial Fire Prevention Act R.S.N.B. 1973 c.F-13;
 - f) “**sleeping accommodations**” is as defined by the Provincial Fire Prevention Act R.S.N.B. 1973 c.F-13;

CODES

3. (1) The National Fire Code of Canada is as adopted by the Town of Rothesay, and includes, but is not limited to the following:
 - a) N.B.C. 1995 N.R.C.C. No. 38726;
 - b) N.F.C. 1995 N.R.C.C. No. 38727;
 - c) N.F.P.A. 1988 (latest edition and all amendments thereto);

- d) C.S.A. B139;
- e) C.A.N. 7B149.Z;
- f) C.S.A. Z276: and
- g) The N.F.P.A Fire Protection Handbook (latest edition).

- (2) The Fire Prevention Act and all amendments thereto, is deemed to be part of this By-Law in like manner as if it were set out herein, save and except such portions of said Act as are hereafter in this By-law deleted, amended or modified.

POWERS AND DUTIES OF THE FIRE PREVENTION OFFICERS

- 4. The Fire Chief, or his designate, are Fire Prevention Officers under this By-Law.
- 5. The Fire Chief, or his designate, may appoint members of the department as Fire Prevention Officers. Fire Prevention Officers appointed under this By-Law may enforce the provisions of the By-Law.
- 6. A Fire Prevention Officer may upon complaint of a person interested, or where they deem necessary without such complaint, may inspect any building or premise within the Town of Rothesay and for the purpose may, at all reasonable hours, enter into or upon any building or premises.
- 7. If a Fire Prevention Officer determines a building or other structure which, for want of proper repair, or by reason of age and/or dilapidated condition, or for any cause is especially liable to fire, or which is so situated as to endanger other buildings or property or that exits from the building are inadequate for use, or that there are in or upon any buildings or premises, combustibles or explosive material or conditions exist which are dangerous to the safety of persons or to the building, he may Order the Owner/Occupier to immediately:
 - a) Remove or demolish such Buildings or make such repairs or alterations as the Fire Prevention officer deems necessary.
 - b) Remove combustibles or explosive materials and/or remove or repair anything that may, in the opinion of the Fire Prevention Officer constitute a fire hazard.
 - c) Install safeguards, such as, but not limited to fire extinguishers, fire alarms and/or other devices and equipment, fire escapes and exits as the Fire Prevention Officer deems necessary.
- 8. Where in the opinion of a Fire Prevention Officer, any electrical installation, apparatus or equipment in or upon any building or premise is in a condition especially likely to cause fire or to be dangerous to the safety of persons or property, the Fire Prevention Officer may order any person, company or commission supplying electrical energy to such building or premise to

discontinue supplying said electrical energy until the condition of the electrical installation, apparatus or equipment is remedied to the satisfaction of the Fire Prevention Officer.

9. Where any appliance, apparatus or place in or upon any building or premise is used or intended to be used for the supply of fire or heat and, in the opinion of a Fire Prevention Officer, the use of the appliance, apparatus or place for that purpose is dangerous or likely to become dangerous to persons or property, the Fire Prevention Officer, may Order the Owner/Occupier not to ignite or maintain any fire in the said appliance, apparatus or place until the dangerous conditions have been remedied to the satisfaction of the Fire Prevention Officer.
10. 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 a Fire Prevention Officer, a fire hazard dangerous to the safety of persons, he may order that the public not be admitted to such premises until the fire hazard has been remedied to his satisfaction.
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 a Fire Prevention Officer, danger to the safety of the public or those who may enter therein, by reason of inadequacy of exits or presence of flammable material or for any other reason, he may order that the number of persons admitted to the place of assembly, building or premises, at any one time, shall not exceed the number stated in the order.
12. When, in the opinion of a Fire Prevention Officer, the smoking of pipes, cigars or cigarettes in any place of assembly, constitutes a fire hazard dangerous to the safety of persons, the Fire Prevention Officer, may order that smoking not be permitted in the place of assembly or in the building or structure, or that smoking shall only be permitted in such rooms or portions of the place of assembly, building or structure, as shall be designated by signage and as outlined in the said order.

ORDERS

- 13 (1) An Order of the Fire Prevention Officer, under terms of this By-law shall be in writing and signed by the Fire Prevention Officer. Service of the said order shall be effected by authority and procedures outlined in Section 109(2) of the Municipalities Act, R.S.N.B. 1973 c.M-22, as amended.
- (2) Where an owner/occupier of a building, structure or premise cannot be found or if the owner/occupier is absent from the Town and cannot be found, service of the order may be affected by sending the copy by registered or certified mail

addressed to the latest address of the person known to the Fire Prevention Officer through reasonable inquiry.

14. Upon service of the order made pursuant to Section 8 of this By-law, the person, committee or commission supplying electrical energy to the said building or premises named in the order shall forthwith discontinue supplying electrical energy to the building or premises until the order is complied with, amended, voided or revoked.
15. Upon service of the order made pursuant to Section 9 of this By-law, the owner/occupier of the appliance, apparatus or place where such appliances, apparatus is situated or contained, or the person in charge or control of the appliance, apparatus or place named in the order, shall not ignite or maintain a fire therein until the said order has been complied with, amended, voided or revoked.
16. Upon service of the order made pursuant to Section 12 of this By-law, the owner, proprietor or manager of a building(s) shall post notices in a visible and prominent place or places in or upon said building(s) containing the words "NO SMOKING BY ORDER OF THE FIRE PREVENTION OFFICER". Thereafter no person shall smoke in such place except in such rooms or portions thereof as may have been designated in the said order.
17. Every tenant or occupier of a building in respect of an order made shall, at all reasonable times, permit the owner of the building, personally, his servants, agents, workmen or employees to enter and re-enter that part of the building and premises for the purpose of making the alterations or repairs required in the said order.

GENERAL PROVISIONS

18. The Fire Chief, the Deputy Chief or in their absence the Officer in Charge may, in order to prevent the spread of a fire, issue an order for the razing or demolition of any building or other erection.
19. Every person attending a fire shall, upon the request of the Fire Chief, Deputy Chief or Officer in Charge assist any firefighter engaged at such fire and shall obey all orders and directions given to him by the Fire Chief, Deputy Chief or Officer in Charge in connection with such fire.
20. (1) Whenever the Fire Chief, Deputy Chief or Officer in Charge of any fire deems it advisable to guard the locality of such fire 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.

- (2) No person except a member of the Fire Department, the police or persons authorized by the Fire Department official in command, shall enter or be within an area marked off by ropes or barriers to indicate an area from which persons and vehicles are prohibited.

OFFENCES

21. No person shall permit a motor vehicle to be stopped or parked while running or not, attended or otherwise in a fire lane or egress from building exits to a public thoroughfare. The width or egress maintained shall be a minimum equal to the building exit width. The width of the fire lane shall be maintained for emergency vehicles. All fire lanes shall be designated and posted. All fire lanes shall be designed, constructed and maintained as per NBC/NFC 1995 edition.
22. No person within the Town limits shall set on fire any combustible matter or other refuse outside any building without first obtaining the permission of the Fire Prevention Officer.
23. 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 nor shall any person interfere with or obstruct any such officer or any fire fighter while in the performance of any duty at a fire.
24. No person shall refuse or neglect to carry out any direction of the Fire Chief, Deputy Chief, Officer in Charge or a Fire Prevention Officer, made pursuant to this By-Law.
25. No person shall store flammable liquids, except as provided in the National Fire Code of Canada.

PENALTIES

25. (1) Any person who violates sections 21, 22, 23, 24 and 25 of this By-Law is guilty of an offence and is liable, on summary conviction, to punishment as prescribed under Part II of the Provincial Offences Procedure Act as a category D offence.

(2) Any person convicted of an offence under this By-Law who fails to comply with an order of the Court concerning the offence is liable to a further fine of not more than Fifty Dollars (\$50.00) for each day the offence continues.

READ A FIRST TIME BY TITLE:	9 February 1998
READ A SECOND TIME BY TITLE:	9 February 1998
READ IN ENTIRETY:	9 March 1998
READ A THIRD TIME BY TITLE AND ENACTED BY COUNCIL	9 March 1998

MAYOR

CLERK