

**Hartland**

**By-Law No. D-07**

**BY-LAW RELATING TO FIRE PROTECTION AND PREVENTION**



**PURPOSE:** A by-law of Hartland, in the Province of New Brunswick, pertaining to fire prevention, protection, and related matters.

**WHEREAS:** The enactment of this by-law repeals by-laws B-03 (Firewood), D-03 (Keeping of Explosives), D-04 (Care and Control of Combustible Fluids), and D-5 (Fire Protection) of the town of Hartland.

**BE IT ENACTED** by the town of Hartland as follows:

1. **TITLE.** This by-law shall be cited as the "Fire Protection and Prevention" by-law.
2. **APPLICATION.** This by-law applies to all persons residing within the boundaries of Hartland.
3. **DEFINITIONS.**
  - a. "Automatic alarm system" includes an automatic fire sprinkler system, a fire alarm system, and a carbon monoxide alarm system;
  - b. "Clerk" means the Clerk of Hartland as appointed under Section 71 of the *Local Governance Act*;
  - c. "Committee" means the Public Safety and Protective Services Committee of the town of Hartland;
  - d. "Commercial fireworks" are outdoor, high hazard fireworks for professional use at events such as Victoria Day, Canada Day, and other public events. The Government of Canada refers to commercial fireworks in federal regulations as "display fireworks" (see definition below). According to Canadian federal law, commercial fireworks are classified under the Explosives Regulations as Type F.2. In Canada, a person requires a special operator license to use a commercial firework. In addition, the federal government has established laws to govern the storage, sale, and purchase of commercial fireworks. For more information, see the definition of Display Fireworks below;
  - e. "Consumer fireworks" are designed for outdoor recreational use by members of the public. The Government of Canada defines a consumer firework as an outdoor, low hazard, recreational firework as described 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 roman candles, sparklers, fountains, wheels, volcanoes, mines, and snakes;

- f. "Council" means the duly elected mayor and councillors of Hartland;
- g. "Department" means the Hartland Fire Department and its members;
- h. "Display fireworks" refers to outdoor, high hazard, recreational fireworks as described 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 aerial shells, cakes, barrages, waterfalls, lances, set pieces and wheels, rockets, serpents, tourbillions, maroons, bouquets, bombardos, and waterfalls;
- i. "Fiberboard" refers to the engineered wood that is used as building material. It is made by compressing wood or other plant fibers into boards. Fiberboard can be low density, medium density, or high density (LDF, MDF, or HDF). Low density fiberboard is sometimes called particleboard. Plywood is not a type of fiberboard, as it is made of thin sheets of wood, not wood fibers or particles. In addition to wood and plant fibers, fiberboard contains wax and formaldehyde resins to bind the fibers together that are toxic when burned;
- j. "Fire Chief" means the person elected by Department Members and approved by Council;
- k. "Member" means any officer or volunteer firefighter of the Hartland Fire Department;
- l. "Municipality" means the town of Hartland, including those areas that were Local Service Districts (LSDs) prior to 2023 including Brighton, Coldstream, Wakefield, Somerville, Peel, and Simonds;
- m. "Non-residential zone" refers to a property that does not meet the definition of single-family residential (R-1), residential mix (R-2), or multiple unit residential (R-3) under Hartland zoning by-law B-46. In basic terms, a non-residential zone is one that has been approved by the municipality and the province for institutional, commercial, or industrial uses, including farms and woodlots, or one that has been approved as an uninhabited open space or rural area;
- n. "Nuisance" means the causing of any smoke by or from any fire permitted or allowed under this by-law that disturbs or frustrates surrounding property owners with respect to the quiet enjoyment of their property;
- o. "Open-air outdoor fire" means any fire that is burning freely or that can spread freely because it was ignited outside a building on or above ground and is not contained in a non-flammable and non-combustible structure. Open-air outdoor fires are normally used to remove organic material from a property. An example of an open-air outdoor fires includes a grass or brush fire set on the ground;
- p. "Recreational fire" means a small, controlled, temporary, and attended outdoor fire that does not exceed 1.5 meters in diameter, that is fueled by wood, charcoal, natural gas, or propane, and that is contained by a non-flammable and non-combustible base or structure such as an outdoor burning appliance with a spark arrestor screen. Recreational fires are normally used for cooking, warmth, providing light, sport, ceremony, or personal enjoyment. Examples of recreational fires include campfires as well as fires set in BBQs, fireplaces, fire pits, outdoor stoves, and metal burn barrels;
- q. "Residential zone" refers to a property that meets the definition of single-family residential (R-1), residential mix (R-2), or multiple unit residential (R-3) under Hartland zoning by-law B-46. In basic terms,

a residential zone is one that the municipality and province have approved for human habitation that can take the form of single-family dwellings (such as a single detached home) or multi-family dwellings (such as an apartment building);

- r. "Town" means the municipality of Hartland, including all areas that were Local Service Districts (LSDs) prior to 2023 including Brighton, Coldstream, Wakefield, Somerville, Peel, and Simonds.

#### 4. COMPOSITION OF FIRE DEPARTMENT.

- a. The Department will consist of the Fire Chief and a maximum of thirty (30) active members and four (4) administrative members (where administrative members are not permitted to fight fires).
- b. The Officers of the Department will consist of one Fire Chief, one Deputy Fire Chief, one Captain, two (2) Lieutenants, one Secretary, and one Treasurer. One person may hold one and only one of these offices at the same time.
- c. Officers shall be elected to their positions every four (4) years by secret ballot at the November meeting of the Department in the same year as the election for Hartland's Council.
- d. Department elections shall be officiated by the CAO (Chief Administrative Officer) and the Chairperson of the Public Safety and Protective Services Committee.
- e. All elected Officers are subject to approval by a resolution of the Council.
- f. If the Fire Chief cannot perform the duties of office, the Deputy Fire Chief will become the Fire Chief on an interim basis until the next election. If any other officer cannot perform the duties of office, the Fire Chief will schedule a special election to replace that officer.
- g. Regarding remuneration, the Fire Chief will receive an annual stipend as determined by Council. Members of the Department will be paid an hourly rate as determined by the Council.

#### 5. RESPONSIBILITIES OF THE FIRE CHIEF.

- a. The Fire Chief will be responsible for the general administration and operation of the Department.
- b. The Fire Chief will be responsible for the appointment, training, evaluation, promotion, and dismissal of Department Members.
- c. The Fire Chief may designate any Member of the Department to enforce any provision of this by-law.
- d. The Fire Chief will be responsible to define, document, and enforce standards, rules, processes, and procedures.
- e. The Fire Chief will be responsible to manage and operate the Department, from both a functional and a financial perspective, efficiently and effectively.
- f. The Fire Chief will be responsible for the conduct and operation of the Department in fighting fires, responding to alarms, delivering training programs, and running practices and drills.

- g. The Fire Chief will be responsible to protect and preserve the property, equipment, and supplies of the Department.
- h. The Fire Chief will be responsible to control and manage access to the fire station for members and non-members.
- i. The Fire Chief will be responsible to maintain complete, accurate, and current lists of equipment and supplies.
- j. The Fire Chief will be responsible to prepare and submit monthly reports to Council on the activities of the Department.
- k. The Fire Chief will be responsible to prepare and submit special reports to the Council as appropriate and as requested by the Council or the CAO regarding any fire-related event or incident of significant public interest.
- l. The Fire Chief will implement standards and policies to ensure that the privacy of residents is strictly preserved and protected while conducting Department operations.
- m. The Fire Chief will ensure that the Department is compliant with all applicable standards, requirements, and regulations (local, regional, provincial, and federal).
- n. The Fire Chief will ensure that all members are properly trained and qualified to serve and correctly compensated for their service.
- o. The Fire Chief will report immediately any injury or death of a member that occurred during or because of the discharge of their duties, as required by the *Workers Compensation Act*.
- p. The Fire Chief will participate actively in the development of Hartland's Emergency Response Plan.
- q. Each year, by August 31, the Fire Chief shall prepare and submit to the CAO a proposed capital budget and a proposed general operating budget for the following year.
  - i. The capital budget will identify requests for capital purchases of vehicles and equipment and indicate the source of capital (reserves, debentures, other).
  - ii. The operating budget will project operating expenditures and conform to the provincial budget template.
  - iii. The capital and operating budgets include descriptions and details explaining changes from the current budget.
- r. Each year, by September 30, the CAO and Treasurer will schedule a meeting with the Fire Chief to review the proposed budgets.
- s. Each year, by August 31, the Fire Chief will conduct an asset inventory and submit a report to the CAO that lists and values each asset of the Fire Department, with an estimate of the remaining useful life and replacement cost for each asset.

6. FIRE FIGHTING AND FIRE PROTECTION.

- a. During a fire, the Fire Chief is authorized, in the interest of combating the fire or preventing injury to persons or damage to property, to take any of the following actions:
  - i. 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, except for the passage of fire, emergency, or other authorized personnel;
  - ii. secure doors and windows and take other precautionary measures to protect persons and property directly involved or threatened by fire;
  - iii. prohibit any person other than Department Members from riding on fire apparatus, entering buildings involved with or threatened by fire, handling fire hose lines or other firefighting equipment and apparatus, or acting in any way that may endanger the safety of any person or otherwise hamper the combating of a fire.
- b. No person will disobey an order or direction given by the Fire Chief or any Department Member while performing their duties at a fire. Nor will any person interfere with or obstruct any Department Member while performing their duties at a fire.
- c. The owner or any occupant of a building, or any part thereof, that is on fire or threatened by fire, will not prevent a Department Member from entering the building or parts thereof.
- d. No Fire Department vehicle will be released or loaned to another Fire Department, agency, or person without the written authorization of the Fire Chief. If such approval is granted, only members of the Hartland Fire Department will be permitted to operate the vehicle and any related equipment.
- e. Following the activation of an automatic alarm system, or during a shut-down of an automatic alarm system, if the Fire Department has been unable to contact the owner, the contact person, or the occupier, or if 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 automatic alarm system to normal operating conditions. The total cost of restoration of the alarm equipment, including the cost of hiring the qualified service person, shall be the responsibility of the owner or occupier.
- f. Whereas an inoperable automatic alarm system constitutes an emergency, the Fire Chief may take whatever actions or measures necessary to meet the emergency, including, but not limited to, evacuating the building, or requiring the posting of a fire watch.
- g. An owner of a property containing an automatic alarm system, where there has been more than one (1) false alarm within a 30-day period, is guilty of an offence.

7. FIRE PREVENTION.

- a. The Fire Chief, or any person duly authorized by the Fire Chief, may enforce the provisions of the *Fire Prevention Act*, R.S.N.B. 1973, and the regulations made thereunder.
- b. The Fire Chief, or any person duly authorized by the Fire Chief, will have the same powers under the same conditions as are conferred upon the Fire Marshall under sections 11, 12, and 16 of the *Fire Prevention Act*, R.S.N.B. 1973 by provincial legislation, amendments thereto, and the regulations made thereunder.

- c. The Fire Chief, or any person duly authorized by the Fire Chief, may enter any building or premises within Hartland to inspect it for fire prevention or to investigate the cause or origin of a fire.
- d. No person will prevent or obstruct a Department Member from entering any building or premises for the purpose of conducting a fire prevention inspection.
- e. When the Fire Chief 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, the Fire Chief may order the owner or occupant to:
  - i. Remove or demolish such a building or make repairs or alterations as he or she deems necessary.
  - ii. Remove such combustible or explosive material that may constitute a fire hazard.
  - iii. Remove or repair anything that may constitute a fire hazard.
  - iv. Install safeguards by way of fire extinguishers, fire alarms, and other devices and equipment, as well as 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.
  - v. Conduct such drills and evacuation procedures as necessary to save lives by an orderly evacuation of persons at the time of emergency.
- f. 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 (1995)* or such more recent code as in effect within Hartland. If it is deemed impractical to bring the entire structure into compliance with the *National Building Code of Canada*, there shall be two (2) exits that provide safe, continuous, and unobstructed passage from the dwelling units to the outside at street or ground level. Such exits must comply with all laws as well as with the *National Building Code of Canada* and must be to the satisfaction of the Fire Chief.
- g. Where, in the opinion of the Fire Chief, 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, the Fire Chief may in writing order any person or organization supplying electricity to discontinue its supply to such building or premises until the condition of electrical installation, apparatus, or equipment is remedied.
- h. Where any appliance, apparatus, or place in or upon any building or premises used or intended to be used to supply fire or heat, and, in the opinion of the Fire Chief, the use of the appliance, apparatus, or place for that purpose may be dangerous to persons or property, the Fire Chief may order in writing that no fire be lighted or maintained in the appliance, apparatus, or place until the dangerous conditions have been remedied.
- i. 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 Chief, a fire hazard that is dangerous to the safety of persons, the Fire Chief may order that the public not be admitted thereto until the fire hazard has been remedied to the Fire Chief's satisfaction.

- j. 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 Chief danger to the safety of the public by reason due to inadequate exits, or the presence of flammable material or any other reasons, the Fire Chief may order that the number of persons to be permitted to that place at any one time may not exceed a number stated in the order.
  - k. When, in the opinion of the Fire Chief, 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 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.
  - l. 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 Chief may himself or herself carry out an Order involving an expenditure of One Thousand Dollars (\$1000.00) and, with the approval of the Minister of Municipal Affairs, any other Order.
8. **RECREATIONAL FIRES.** The following regulations apply to recreational fires, which include campfires as well as fires that are ignited in barbeques, fire pits, fireplaces, stoves, and metal containers (such as burn barrels). For more information, see section 3, "Definitions."
- a. A permit is not required for a recreational fire.
  - b. A recreational fire must not exceed 1.5 meters (or 5 feet) in diameter and 1 meter (or 3.25 feet) in height.
  - c. Recreational fires in fire pits and fireplaces must comply with the following conditions:
    - i. The fire is in a secure and contained area.
    - ii. The recreational fire is always attended.
    - iii. A means of extinguishment is readily available.
    - iv. The fire is completely extinguished before the recreational fire area is vacated.
    - v. Wind and other weather conditions do not threaten the owner's control of the fire.
    - vi. Smoke from the fire is not creating a nuisance to nearby persons or property.
  - d. Fire pits, fireplaces, or other such structures must conform to the following design and installation parameters:
    - i. They must provide a minimum of 4.5 meters (or 15 feet) clearance from buildings and combustible materials.
    - ii. They must be constructed and installed to have enclosed sides made from fire bricks, concrete blocks, heavy gauge metal, stone, or other non-combustible materials.
  - e. If the Fire Chief has reason to believe a fire appliance is unsafe, the Chief may inspect the appliance and require the owner to end use of the appliance.

9. OPEN-AIR OUTDOOR FIRES. The following regulations apply to open-air outdoor fires, as defined under section 3, "Definitions."

- a. All open-air outdoor fires require a permit, regardless of the fire's size or location.
- b. All open-air outdoor fires must be conducted to not disturb or cause a nuisance to others.
- c. On a residential property (one zoned as residential), an open-air outdoor fire must not exceed 1.5 meters (or 5 feet) in diameter and 1.0 meter (or 3.25 feet) in height.
- d. On a non-residential property (one zoned as non-residential, which includes institutional, commercial, and industrial zones for businesses, schools, churches, farms, woodlots, and so on), an open-air outdoor fire must not exceed 3.0 meters (or 10 feet) in diameter and 2.0 meters (or 6.5 feet) in height.
- e. At all times, an open-air outdoor fire must be 15 meters (or 50 feet) or more from the property line of any neighboring property or combustible material.
- f. On a residential property (one zoned as residential), the burning of grass, brush, leaves, garden or yard waste, waste wood, and other organic material is allowed between January 2 and May 31 only.
- g. On a residential property, an open-air outdoor fire must not be ignited before 9:00 am and must be extinguished in full no later than 9:00 pm or the time specified on the permit, whichever is earlier.
- h. The owner of a property, or someone approved by the owner to act on the owner's behalf, may apply for a burn permit as follows.
  - i. An owner may apply for a one-time permit that authorizes the owner to ignite one open-air outdoor fire in one 24-hour period. Alternatively, an owner may apply for an extended permit that authorizes the owner to ignite one or more fires over an extended period (1 month, 3 months, or 6 months).
  - ii. A person must be 18 years of age or older to apply for a burn permit.
  - iii. The burn permit application must be submitted to the Fire Department in writing. In the application, the owner must set forth their name, address, and telephone number. In addition, the owner must specify the type and location of the fire, together with any other information required by the Fire Chief (see item 9.h.vi below).
  - iv. On the permit application, the applicant may specify the dates and times (start and end time) for each fire. If the Fire Department approves the application, the applicant will be authorized to ignite the fire at the dates and times specified. To request a different date and time than one submitted in an application, the applicant may send an email to the Fire Department according to the process described below (see item 9.h.v).
  - v. If the applicant does not specify the dates and times of fires in the permit application, they must send an email to the Fire Department at least 24 hours prior to the planned fire start time. The applicant must email the request to [HartlandFire@townofhartland.com](mailto:HartlandFire@townofhartland.com) and reference the permit ID number as well as the date and time of the fire. The Fire Department will respond by confirming receipt of the request and by approving or rejecting the request.



- vi. The Fire Chief may prescribe conditions on to the issuance of a fire permit respecting the size of the fire, the number of persons who must be in attendance, the time of commencement and duration, onsite fire-fighting equipment required, the hours of the day and the number of days during which the permit will be valid, and any other terms and conditions that the Fire Chief deems necessary and relevant.
- i. The Fire Chief may approve or reject any permit application based on the following considerations:
    - i. The provisions of this by-law and other applicable regulations (provincial or federal).
    - ii. The proposed location of the fire and the materials to be burned.
    - iii. The potential hazard that the proposed fire presents to persons and property.
    - iv. Projected weather and environmental conditions, including wind and aridity.
    - v. Any other risks such as flammable or combustible materials near the proposed location of the fire, including hedges, shrubs, and trees.
  - j. The Fire Chief may revoke a permit for an open-air outdoor fire at any time for any reason.
  - k. The person to whom the permit is issued must ensure that an open-air outdoor fire is left unattended at no time by an adult age 18 or older.
  - l. At all times during an open-air outdoor fire, the person named on the permit, or an approved designate of that person, must have a direct and accessible source of water adequate to control the fire.
  - m. The person to whom the permit is issued must notify the Fire Department immediately if an open-air outdoor fire threatens to burn out of control.
  - n. Any member of the Fire Department may enter a property to extinguish an open-air outdoor fire for which no permit was granted or that the Fire Department Member considers unsafe or a public nuisance.
10. **COMPLIANCE WITH BURN BANS.** All fires, including all recreational or open-air outdoor fires, whether previously permitted or not, must comply strictly with any restrictions and orders declared and announced by the Province of New Brunswick, as well as all burn bans declared and announced by the municipality of Hartland.
11. **NO BURN MATERIALS AND SUBSTANCES.** The following substances and materials are prohibited to be burned in a recreational fire or an open-air outdoor fire:
- a. Rubber (including tires), plastics, vinyl, oil, paint, and other petroleum products.
  - b. Fire accelerants, aerosols, and any type of pressured cylinder.
  - c. Fiberboard, furniture, or painted or treated wood (such as pressure-treated lumber).
  - d. Garbage, bottles, cans, rags, manure, sewage, or other types of household or industrial waste.

## 12. CONSUMER FIREWORKS.

- a. Consumer fireworks may be used without a permit.
- b. Consumer fireworks may only be set off between 7 pm and 10 pm on Monday, Tuesday, Wednesday, Thursday, and Sunday and between 6 pm and 11 pm on Friday and Saturday.
- c. At all times, consumer fireworks must be set off at least 30 meters (or 100 feet) or more from the property line of any neighboring property.
- d. At all times, active consumer fireworks must not extend onto or over the property line of a neighboring property.
- e. Any person who sets off consumer fireworks must comply with the municipal by-laws respecting public nuisances, noise, and civil order.
- f. Any person who sets off consumer fireworks must follow the manufacturer's requirements for the discharge of the fireworks.
- g. Any person who sets off consumer fireworks must provide and maintain fully operational fire extinguishing equipment that is always ready for immediate use and present for a reasonable period thereafter, at the place where the consumer fireworks will be detonated. This includes having knowledge of the operational procedures associated with said fire extinguisher equipment.
- h. Any person who sets off consumer fireworks must 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 the Fire Chief.
- i. No person shall store, handle, or set off consumer fireworks in an unsafe manner or in a manner that creates a nuisance, considering 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.
- j. The Fire Chief may seize and destroy any consumer fireworks had or kept in contravention of this by-law.

## 13. COMMERCIAL FIREWORKS.

- a. Only a licensed commercial fireworks operator under the authority of the Province of New Brunswick may possess or set fire to, discharge, or cause to explode a commercial firework.
- b. A licensed commercial fireworks operator must ensure that the fireworks are used in conformance with the current Fireworks Display Manual as prepared and distributed by Natural Resources Canada.
- c. The handling, storage and use of commercial fireworks must conform with the *Explosives Act* and its Regulations, the *National Fire Code*, and the *Fire Prevention Act*.

- d. The Fire Chief may seize and destroy any commercial fireworks had or kept in contravention of this by-law.

#### 14. FLAMMABLE LIQUIDS AND EXPLOSIVE MATERIALS.

- a. No person is permitted to store gasoline, oil, naphtha, liquified petroleum gases, or other petroleum products except in facilities meeting the standards contained in the National Building Code, latest edition.
- b. 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*.
- c. 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 Hartland without establishing compliance with the provisions of the *Fire Prevention Act*.
- d. No person, firm, or corporation may keep, store, or stock flammable liquids, combustible liquids, dynamite, fuse caps, blasting powder, or other explosive materials that are dangerous to the safety of persons, buildings, or premises within Hartland, excepting small arms ammunition, without a permit from the Fire Chief.
- e. No person within Hartland shall set on fire any combustible matter or other refuse outside any building.

#### 15. FIRE ALARMS

- a. Every owner of a building in which a fire alarm system is installed is responsible for false alarms generated in that building.
- b. If the Fire Department takes any action to respond to a false alarm, the owner will be responsible to pay a fine as specified under Section 17.

#### 16. PENALTIES AND ENFORCEMENT.

- a. The Fire Chief, or any other officer of the Fire Department, may serve persons who violate this law with a fine or penalty specified under Section 17 of this by-law.
- b. Any person who fails to comply with an Order of a Fire Department Officer duly made under the authority of the is by-law, and its amendments, commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category E offence.
- c. Where a person is convicted of an offence under subsection 16(a), the Court, in addition to any penalty imposed under subsection 16(a), may order that person to comply with the Order.
- d. A person who fails to comply with an Order of the Court under subsection 16(c) commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category F offence.

17. EFFECTIVE DATE.

FIRST READING October 10<sup>th</sup>, 2023

SECOND READING October 10<sup>th</sup>, 2023

THIRD READING AND ENACTMENT October 24<sup>th</sup>, 2023

18. SIGNATURES.

MAYOR Jacey D. Yuliant

CLERK R1 hll



## APPENDIX 1: USER FEES & FINES

### SERVICE FEES AND CHARGES

The table below shows service fees and charges.

SERVICE	FEE
Fire Department Report (e.g., fire incident, fire investigation) (per report)	\$50
Fire Code Compliance Letter (per address)	\$50
Liquor License Inspection	\$50
Burn Permit (One-Time) <sup>1</sup>	\$0
Burn Permit (One Month)	\$25
Burn Permit (Three Months)	\$50
Burn Permit (Six Months)	\$75

### FINES

The table below shows the fines that persons are required to pay for violations of this by-law.

VIOLATION	FINE
Preventing or obstructing a Fire Department Member from investigating or fighting a fire	\$1000
Failure to immediately notify Department that a fire is out of control	\$1000
All other violations – first offence <sup>2</sup>	\$100
All other violations – second offence	\$250
All other violations – third offence	\$500
All other violations – fourth offence (or more)	\$1000
Failure to pay fine within thirty (30) days of notification (repeats every 30 days)	\$1000

<sup>1</sup> A property owner can be approved for up to three (3) one-time burn permits per year per property. After that, the property owner will be required to purchase a one-month, three-month, or six-month permit.

<sup>2</sup> The Fire Chief may decide to waive the fine for a first offence. If someone commits a second offence less than one year after receiving a waiver for a first offence, one will be subject to pay the sum of the fines for a first offence and a second offence, or \$350.

## APPENDIX 2: BURN PERMIT FORM D-07A

### SECTION 1: APPLICATION

To apply for a non-residential burn permit, an applicant must fill in the gray areas below.

<b>APPLICANT</b>	Provide the following info for the person who will be conducting the burn.  ORGANIZATION (if applicable):  NAME OF PRIMARY PERMIT HOLDER (first, last):  ADDRESS OF PRIMARY PERMIT HOLDER:  PHONE OF PRIMARY PERMIT HOLDER (mobile preferred):
<b>DATE SUBMITTED</b>	Date when application was submitted to Hartland Fire Department.  
<b>LOCATION OF FIRE</b>	Where the fire will be set: (a) address of property and (b) location of fire on that property. Option: You may submit a graphic or photo to better describe the location.  ADDRESS:  LOCATION ON PROPERTY:  ATTACHMENT? (Y/N):
<b>TYPE &amp; DESCRIPTION OF FIRE</b>	Check the box that applies and then describe the type of fire to be set, what will be used to start the fire, how it will be started, why you are setting it.  <input type="checkbox"/> Grass/Brush/Leaves/Other Organic <input type="checkbox"/> Other (please describe)  
<b>WATER SOURCE</b>	Specify the type and location of the water source used to put out the fire.  
<b>PERMIT TYPE</b>	Specify the type of permit you are applying for.  <input type="checkbox"/> 1-TIME <input type="checkbox"/> 1-MONTH <input type="checkbox"/> 3-MONTH <input type="checkbox"/> 6-MONTH

**SECTION 2: FIRE SCHEDULE**

Please enter the dates and times for each fire you plan to conduct. On a residential property (one zoned as residential), the fire: (a) must not be ignited before 9:00 am and must be extinguished in full by 9:00 pm and (b) must be scheduled between January 2 and May 31.

DATE	START TIME (AM/PM)	END TIME (AM/PM)

### SECTION 3: INTERNAL REVIEW

This section must be completed by a member of the Fire Department. The applicant must allow at least three (3) working days to process an application. However, processing times may be greater at times.

<b>BURN ID #</b>	
<b>DATE RECEIVED</b>	
<b>REVIEWER</b>	
<b>DATE REVIEWED</b>	
<b>NOTES</b>	<p>If the reviewer is not the Fire Chief, list issues or concerns for the Fire Chief to consider.</p>

### SECTION 4: CONDITIONS OF PERMIT

1. At all times, the permit holder remains subject to By-Law D-07 in full and without exception.
2. The permit holder, or someone designated by the permit holder, must be present and supervise the fire and be accompanied by sufficient personnel to control it.
3. Burning must be done so as not to disturb or cause a nuisance to others.
4. 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 start and end time of the fire, the fire equipment that must be kept on the burn site by the permit holder, and any other such requirements according to his or her sole judgment.
5. The Fire Chief, or the Fire Chief's designate, may cancel this permit at any time.



## SECTION 5: WAIVER AND ACKNOWLEDGEMENT OF PERMIT HOLDER

### WAIVER OF PERMIT HOLDER

I acknowledge that I have read, fully understand, and agree with the conditions of this permit and that the information I have supplied is true. I recognize that burning is dangerous and may cause damage to persons and property. I agree on behalf of myself, my heirs, executors, administrators, and assigns to protect, hold harmless, and indemnify the Town of Hartland and its employees, servants and agents against all losses, damages, claims, demands, and actions arising directly or indirectly in any matter whatsoever in connection with or resulting in 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.

\_\_\_\_\_  
NAME OF PERMIT HOLDER (printed)

\_\_\_\_\_  
NAME OF PERMIT HOLDER (signature)

## SECTION 6: AUTHORIZATION BY FIRE DEPARTMENT

The Fire Chief approves or rejects the fire permit as submitted as follows.

☐ APPROVED    ☐ APPROVED WITH CHANGES    ☐ REJECTED

REASON FOR REJECTION OR REQUIRED CHANGES (if applicable)

As authorized by:

\_\_\_\_\_  
NAME OF FIRE CHIEF OR DESIGNATE (printed)

\_\_\_\_\_  
NAME OF FIRE CHIEF OR DESIGNATE (signature)

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.