Hartland

By-Law No. D-07.03

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 properties zoned accordingly in section 4 of Hartland's Zoning By-Law No.46 and all amendments thereto.

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 shall consist of the Fire Chief and a maximum of thirty (30) active members and two (2) administrative members (where administrative members are not permitted to fight fires).

b. The Officers of the Department shall 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 Mayor and CAO (Chief Administrative Officer).

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 shall 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 shall schedule a special election to replace that officer.

g. Regarding remuneration, the Fire Chief shall receive an annual stipend as determined by Council. Members of the Department shall be paid an hourly rate as determined by the Council.

5. RESPONSIBILITIES OF THE FIRE CHIEF.

a. The Fire Chief shall be responsible for the general administration and operation of the Department.

b. The Fire Chief shall 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 shall be responsible to define, document, and enforce standards, rules, processes, and procedures.

e. The Fire Chief shall be responsible to manage and operate the Department, from both a functional and a financial perspective, efficiently and effectively.

f. The Fire Chief shall 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 shall be responsible to protect and preserve the property, equipment, and supplies of the Department.

h. The Fire Chief shall be responsible to control and manage access to the fire station for members and non-members.

i. The Fire Chief shall be responsible to maintain complete, accurate, and current lists of equipment and supplies.

j. The Fire Chief shall be responsible to prepare and submit monthly reports to Council on the activities of the Department.

k. The Fire Chief shall 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 shall implement standards and policies to ensure that the privacy of residents is strictly preserved and protected while conducting Department operations.

m. The Fire Chief shall ensure that the Department is compliant with all applicable standards, requirements, and regulations (local, regional, provincial, and federal).

n. The Fire Chief shall ensure that all members are properly trained and qualified to serve and correctly compensated for their service.

o. The Fire Chief shall 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 shall 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 shall identify requests for capital purchases of vehicles and equipment and indicate the source of capital (reserves, debentures, other).

    ii. The operating budget shall 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 shall schedule a meeting with the Fire Chief to review the proposed budgets.

s. Each year, by August 31, the Fire Chief shall 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 shall disobey an order or direction given by the Fire Chief or any Department Member while performing their duties at a fire.

c. No person shall interfere with or obstruct any Department Member while performing their duties at a fire.

d. The owner or any occupant of a building, or any part thereof, that is on fire or threatened by fire, shall not prevent a Department Member from entering the building or parts thereof.

e. No Fire Department vehicle shall 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 shall be permitted to operate the vehicle and any related equipment.

f. 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.

g. 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.

h. 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, shall 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 shall 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 shall 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 shall comply with all laws as well as with the National Building Code of Canada and shall 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 recreational fire does not require a permit.

b. A recreational fire shall not exceed 1.5 meters (or 5 feet) in diameter and 1 meter (or 3.25 feet) in height.

c. A recreational fire shall provide a minimum of 4.5 meters (or 15 feet) clearance from all buildings and combustible materials.

d. The smoke and flame from a recreational fire shall not create a nuisance or threaten harm to nearby persons or property.

e. A recreational fire shall be in a secure and contained area at all times.

f. A recreational fire shall always be attended.

g. A recreational fire shall be completely extinguished before the recreational fire area is vacated.

h. A means to fully extinguish a recreational fire shall be readily available and in working order at all times during a recreational fire.

i. If wind and other weather conditions threaten the owner's control of a recreational fire, the owner shall immediately and fully extinguish the fire.

j. Fire appliances and structures such as fire pits and fireplaces shall have enclosed sides made from fire bricks, concrete blocks, heavy gauge metal, stone, or other non-combustible materials.

k. If the Fire Chief has reason to believe that a fire appliance or a fire structure is unsafe, the Fire Chief may inspect the appliance or structure and require the owner to end use of it.

l. If the Fire Chief has reason to believe that a recreational fire is unsafe or in violation of any regulation under section 8 of this by-law, the Fire Chief may inspect the recreational fire and require the owner to fully extinguish it.

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 shall 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 shall 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 shall 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 shall 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 shall not be ignited before 9:00 am and shall 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 <u>one-time permit</u> that authorizes the owner to ignite one open-air outdoor fire in one 24-hour period. Alternatively, an owner may apply for an <u>extended permit</u> that authorizes the owner to ignite one or more fires over an extended period (1 month, 3 months, or 6 months).

ii. A person shall be 18 years of age or older to apply for a burn permit.

iii. The burn permit application shall be submitted to the Fire Department in writing. In the application, the owner shall set forth their name, address, and telephone number. In addition, the owner shall 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 shall 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 shall send an email to the Fire Department at least 24 hours prior to the planned fire start time. The applicant shall email the request to **HartlandFire@townofhartland.com** and reference the permit ID number as well as the date and time of the fire. The Fire Department shall 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 shall 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 shall 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 shall 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, shall have a direct and accessible source of water adequate to control the fire.

m. The person to whom the permit is issued shall 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 AND FIRE RESTRICTIONS. All fires, including recreational fires and open-air outdoor fires, whether previously permitted or not, and all consumer or commercial fireworks, shall comply strictly with any restrictions, orders, prohibitions, or bans declared or announced by the Province of New Brunswick and with any fire restrictions, orders, prohibitions, or bans declared or announced by Hartland. No approval, permit, event plan, or prior authorization issued under this by-law permits a person to burn, discharge fireworks, or proceed with a fire-related activity in contravention of a provincial or municipal restriction, order, prohibition, or ban. Where a provincial

or municipal restriction, order, prohibition, or ban is in effect, or where conditions create an elevated risk to public safety, property, or the environment, the CAO may suspend, cancel, or prohibit any fire, fireworks display, or related activity within Hartland, after consultation with the Fire Chief where practicable. A direction of the CAO under this section prevails over any prior municipal approval or permit.

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; electrical wire, cable, or wire insulation; 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 shall 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 shall not extend onto or over the property line of a neighboring property.
    e. Any person who sets off consumer fireworks shall comply with the municipal by-laws respecting public nuisances, noise, and civil order.
    f. Any person who sets off consumer fireworks shall follow the manufacturer's requirements for the discharge of the fireworks.
    g. Any person who sets off consumer fireworks shall 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 shall be detonated. This includes having knowledge of the operational procedures associated with said fire extinguisher equipment.
    h. Any person who sets off consumer fireworks shall 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 shall 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 shall 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 may be held responsible for false alarms generated in that building, at the discretion of the Fire Chief.

b. If the Fire Department takes any action to respond to a false alarm, the owner may be held responsible to pay any applicable fee, charge, or cost recovery amount established by Council under Hartland's User Fee Policy, at the discretion of the Fire Chief.

16. PENALTIES AND ENFORCEMENT.

a. A person who violates or fails to comply with a provision of this by-law commits an offence and is liable, on conviction, to the penalty established under Part II of the *Provincial Offences Procedure Act* for the applicable category of offence.

b. Unless a different category is expressly stated in this by-law or prescribed by applicable provincial legislation, an offence under this by-law is punishable under Part II of the *Provincial Offences Procedure*

Act as a category E offence. For ease of reference, the current provincial fine range for a category E offence is not less than $240 and not more than $5,200.

Fine and Enforcement Structure			
Enforcement item	**Structure in this by-law**	**Current amount or range**	**How Hartland administer**
General by-law offence	Category E offence under Part II of the *Provincial Offences Procedure Act*, unless another category is expressly stated or prescribed by provincial legislation.	$240 to $5,200.	Use the provincial offence process. The by-law lists the range for staff and resident reference, but provincial amounts prevail if amended.
Burning prohibited materials	Burning prohibited materials, including rubber, plastics, vinyl, electrical wire, cable, wire insulation, oil, paint, petroleum products, garbage, household waste, industrial waste, or similar materials, is a Category E offence unless another category is prescribed.	$240 to $5,200 for each offence.	Document the material burned, smoke or nuisance impacts, photos where available, witness information, complaints, and any prior enforcement history. Hartland may proceed directly to enforcement or prosecution where the burning creates a nuisance or risk to public safety, health, property, or the environment.
Continuing or recurring violation	Each day that a contravention continues, or each repeated occurrence of the same or substantially similar conduct, constitutes a separate offence. Unless otherwise stated, each continuing or recurring offence is treated as a Category E offence.	$240 to $5,200 for each separate Category E offence, including each day or occurrence where supported by evidence.	Document each day or occurrence of continued non-compliance and use enforcement discretion based on risk, severity, cooperation, prior warnings, orders, convictions, and documented enforcement history.
Repeat or high-risk contravention after warning, order, conviction, or documented Enforcement contact	Hartland may proceed directly to enforcement or prosecution without issuing a further warning where the same or substantially similar conduct continues or recurs, or where the conduct creates a public safety, health, property, environmental, nuisance, or burn-ban risk.	Category E: $240 to $5,200 for each offence, unless a higher or different category is prescribed by law.	Use this approach for chronic or deliberate non-compliance. Maintain a clear record of complaints, site visits, orders, photos, RCMP or other agency file numbers where applicable, and communications with the property owner or occupant.
Failure to comply with Fire Chief or authorized enforcement order	Failure to comply with a written order or direction issued under this by-law is an offence. Each day of continued non-compliance may be	Category E: $240 to $5,200, unless escalated or	Use written orders, clear deadlines, inspection notes, photos where appropriate, and follow-up

	treated as a separate offence, unless the matter is otherwise dealt with by order of the Court.	otherwise prescribed.	documentation before further enforcement.
Failure to comply with Court order	Category F offence under Part II of the *Provincial Offences Procedure Act*.	$240 to $10,200.	Reserve for non-compliance after Court involvement. The stronger Category F range reflects the seriousness of ignoring a Court order.
Unpaid provincial fines	Not a separate municipal offence or recurring local fine.	Amount depends on the fine imposed through the provincial offence process.	Provincial fines should be paid and enforced through the applicable provincial offence process, rather than collected as ordinary municipal service fees.
False alarms, permits, inspections, reports, emergency response, or other service-related charges	Do not treat as by-law penalties unless the conduct itself is prosecuted as an offence. Establish fees, charges, and cost recovery amounts in Hartland's User Fee Policy.	Amounts set by Council in the User Fee Policy.	Invoice through Hartland's municipal accounts process and collect subject to applicable legislation and municipal policy.

c. Where a person is convicted of an offence under this by-law, the Court may, in addition to any penalty imposed, order the person to comply with the by-law, an order issued under this by-law, or any applicable permit condition.

d. A person who fails to comply with a written order or direction issued under this by-law by the Fire Chief or a person authorized to enforce this by-law commits an offence. A written order or direction may require immediate cessation of burning, extinguishment of a fire, removal of prohibited materials, correction of a fire hazard, compliance with permit conditions, or any other action reasonably required to address the contravention. Where the non-compliance continues for more than one day, each day that the non-compliance continues constitutes a separate offence, unless the matter is otherwise dealt with by order of the Court.

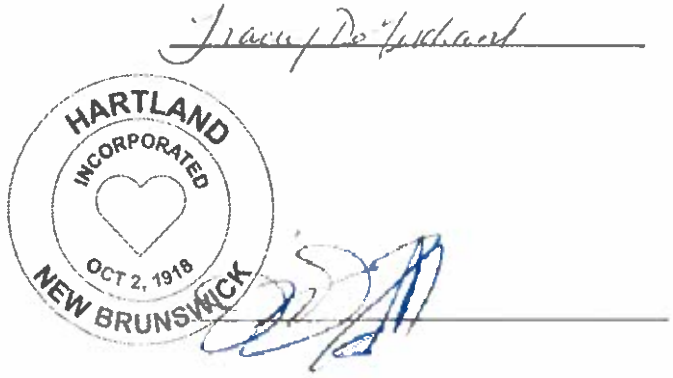
e. A person who fails to comply with an order of the Court under this section commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category F offence. For ease of reference, the current provincial fine range for a category F offence is not less than $240 and not more than $10,200. If the fine amounts established under provincial legislation are amended, the provincial amounts shall prevail. Provincial fines imposed under this by-law are to be paid and enforced through the applicable provincial offence process and are not collected as ordinary municipal service fees. Any fee, charge, or cost recovery amount related to permits, false alarms, inspections, emergency response, or other municipal services shall be established by Council in Hartland's User Fee Policy and may be invoiced and collected by Hartland through its ordinary municipal accounts process, subject to applicable legislation.

17. EFFECTIVE DATE.

FIRST READING	July 14, 2026
SECOND READING	July 28, 2026
THIRD READING AND ENACTMENT	August 28, 2026

18. SIGNATURES.

MAYOR
Tracey DeMerchant



CLERK
Julie Stockford