

Overview: A By-law Regulating Outdoor Fires in The City of Saint John

Guiding Principle

The City of Saint John is committed to managing outdoor fires within the municipality to allow residents to have fires at their residential property safely and in a manner that respects their neighbours.

Definitions

Removed from this overview.

Body of By-law

This By-law may be cited as the "Saint John Outdoor Fire By-law".

Outdoor Fire

1. No person, owner, or occupant shall light, ignite, start, alter, or cause to be lit, ignited, or started an *outdoor fire* of any kind whatsoever within The City of Saint John except:
 - I. As permitted in this By-Law.
 - II. Fires used for the purpose of cooking food on a barbecue;
 - III. Fires in a propane or natural gas fueled outdoor fireplaces, heating appliances, or cooking appliances.
 - IV. Open fires within a private campground provided the fireplace(s) meets the conditions outlined in Article 3.7(2)(c) in Regulation 84-204 under the Forest Fires Act ((O.C. 84-676); or for
 - V. Fire Fighter / Fire Department education or training purposes.

Inspection of fireplaces in private campgrounds

Subject to fees and on a frequency determined by the Fire Chief, the Fire Department may inspect fireplaces in campgrounds to verify fireplaces complies with New Brunswick Regulation 84-204 under the Forest Fires Act (O.C. 84-676).

Prohibited material

No person, owner, or occupant shall burn *prohibited material* within The City of Saint John. This includes private campgrounds.

Outdoor Fireplace

1. Anyone who wishes to have a fire in an outdoor fireplace shall check the provincial forest fire watch to determine if a burn or restricted category 1 fire is permitted at that time; otherwise, no fire is permitted. (Effective immediately)
2. Outdoor fireplaces and their use are allowed in The City of Saint John, subject to the following regulations:
 - a. No person shall have more than one outdoor fireplace per property.
 - b. The outdoor fireplace shall not be placed on a patio or a combustible platform.
 - c. The outdoor fireplace shall be equipped with spark arrestors allowing no more than 12 mm openings, including the chimney.
 - d. Burn only dry seasoned firewood which emits little or no smoke shall be used in the outdoor fireplace.
 - e. The outdoor fireplace shall be installed on a non-combustible surface that shall extend at least 60 centimetres beyond the said fireplace.
 - f. The outdoor fireplace shall be located:
 - I. 3 metres from any *building* or structure;
 - II. 3 metres from tall grass;
 - III. 3 metres from any hedge, tree, overhead wiring, or other combustible material;
 - IV. 6 metres from any *building* or structure on an adjacent property;
 - V. 15 meters from and wooded areas and
 - VI. in the rear or side yard of a property.
 - g. A portable fire extinguisher, a pail of water (5 US gallons) or garden hose in good order must be readily available.
 - h. No flammable liquids are to be used to ignite materials to be burned.
 - i. Constant monitoring and control by an adult over the outdoor fireplace until the fire is completely extinguished.
 - j. All embers must be extinguished with water when burning is complete.
 - k. Except for the loading clean dry wood or the extinguishment of the fire, the door or cover of the outdoor fireplace must remain closed or in place during burning.

Open fire

1. Subject to this by-law, no person shall start, ignite, tend, fuel, or make use of or cause to be started or ignited an *open fire* of any kind whatsoever unless a valid permit has been issued hereunder, or authorization from the Fire Chief or his/her designate who may impose conditions and fees which shall be respected.

2. At the discretion of the Fire Chief or his/her designate and on terms and conditions set by the Fire Chief, a permit for an open fire may be issued for
 - o a *special event*, or
 - o a purpose other than a *special event*.

Permits

1. Required application information for an open fire permit is outline in Schedule A.
2. Permits, when granted can be one-time or seasonally depending upon the application.
3. The Fire Chief or his/her designate can revoke or suspend a permit if the continued use of the permit and associated burning constitutes:
 - I. a risk to the health and safety of the public;
 - II. a nuisance to abutting properties;
 - III. considered a nuisance fire; or
 - IV. the permit holder fails to comply with the terms of the permit.
4. When the Fire Chief or his/her designate revokes or suspends a Permit, the Permit holder shall immediately cease burning. No further burning is permitted without a new permit.
5. A permit will not be granted or issued to:
 - i. any person who has not reached the age of majority; or
 - ii. any person other than the owner of the property where the permit is intended to be used, except on presentation of written consent from the owner.
 - iii. Any person with an outstanding offence under this by-law.
6. Permits are not transferable.
7. A permit issued pursuant to this by-law is valid from January 1 to December 31 within the year the permit is issued unless specified otherwise in the permit (e.g. one-time event).
8. A Permit is only valid on days or hours a restricted category 1 fire is permitted according to the provincial forest fire watch.

Prohibitions – land, owned or managed by The City of Saint John

No person shall light or cause to be lit an *outdoor fire* or *open fire* in or on any lands, public grounds, rights-of-way owned by or managed by The City of Saint John, including its beaches to the low water mark without 1) prior permission of The City of Saint John; and 2) a permit conforming to this by-law, otherwise penalties shall apply.

Fees

The City shall collect fees for inspections and/or permits as noted in Schedules B.

Enforcement

Any employee of the *Fire Department*, any *police officer* or peace officer shall have the authority to enforce this By-law.

Extinguishment

For reason of complaint or for any cause, the Fire Department may extinguish any nuisance fire, outdoor fire, open fire or outdoor fireplace fire which is contrary to any clause of this By-law; or is considered a danger to the public or is not in the public good as deemed by the *Fire Department*.

Offences

A person who violates any of the provisions of this By-law is guilty of an offence and liable upon summary conviction to a fine of not less than two thousand four hundred dollars (\$2,400.00) and not more than five thousand two hundred dollars (\$5,200.00) as set out in Schedule C. Should this be a POPA statement, then offer the Administrative Penalty.

Administrative Penalties

1. The City may require an administrative penalty to be paid with respect to a violation of a provision of this By-law as described in Schedule C.

2. A person who violates any provision of this By-law may pay to the City within thirty (30) calendar days from the date of such violation an administrative penalty as set-out in Schedule C, and upon such payment, the person who committed the violation is not liable to be prosecuted therefor.

Date of Effect

Except as stipulated herein, this by-law shall come into full force and effect at 12:01 AM on January 1, 2025 and shall remain in effect until repealed or replaced.

Schedule A – Required Permit Application Information

RE: Special Event Open Fire Authorization

1. An application for an open fire permit shall be filed with the Fire Department, in the form and manner approved by the Fire Chief, no less than fifteen (15) days prior to the first proposed date for the open fire. Such applications and supporting documentation may include:
 - (a) Name, address and telephone number of the applicant and any other person(s) who may be responsible for the supervision of the open fire;
 - (b) Location where open fire is to be placed;
 - (c) Site plan with measurements illustrating the location of the open fire at its location, relative to all structures, wooded areas, combustible materials, and property boundaries on the subject premises or on neighbouring premises (when applicable);
 - (d) Start date for the commencement of open fire at the location;
 - (e) Duration of time for which the open fire(s) authorization at the location is being requested;
 - (f) Indicate if this is a one-time or ongoing event (multiple times in the same calendar year);
 - (g) Description of the public event or the cultural or religious practices, ceremonies, or events to which the open fire relates;
 - (h) Burnable materials;
 - (i) Written permission from the property owner, if the property owner is not the applicant; and
 - (j) Proof of liability insurance with The City of Saint John named co-insured (if applicable).
 - (k) Any other information required by the Fire Department to facilitate the issuance of a permit.

Schedule B – Fees

Inspection Services

Inspection – Special Event	\$100.00
Inspection – Campground	\$100.00 plus \$10 firepit inspected to a maximum set by the Fire Chief
Inspection – Outdoor Fireplace	\$125.00
Inspection – Other	\$250.00

Permits

Special Event – one-time	\$25.00
Special Event – Seasonal	\$100.00
Other – one-time	\$200.00
Other – Seasonal	\$500.00
Reissuance of a revoked or suspended permit	\$250.00 plus proof of payment of fine

All fees are subject to HST

Schedule C – Offences and Administrative Penalties

<i>Offence</i>	<i>Fine</i>	<i>Administrative Penalty</i>
Nuisance fire	\$2,400	\$240
Failure to fully extinguish or monitor an outdoor fireplace fire or open fire	\$5,200	\$480
Failure to have a means of extinguishment at or near the outdoor fireplace or open fire	\$5,200	\$480
A fire (including an open fire and outdoor Fireplace fire) during a period of no-burn as per the Forest Fires Act, not exempt by the Act.	\$5,200	\$480
Unauthorized fire on lands or rights-of-way owned or management by the City of Saint John	\$2,400	\$240
Failure to follow the terms of a valid permit	\$5,200	\$480
Failure to cease burning, or igniting a new open fire after a permit has been revoked or suspended.	\$5,200	\$960