

BY-LAW NO. 2026-21
A BY-LAW RESPECTING THE REGULATION OF FIRES AND BURNING IN TANTRAMAR

The Council of Tantramar, under the authority vested in it by the *Local Governance Act*, R.S.N.B. 2017, c. 18, including any amendments thereto, enacts as follows:

1. SHORT TITLE

- a) This By-Law shall be known as Tantramar's Fire Prevention By-Law

2. DEFINITIONS

- a) "By-Law Officer" means a person designated by Council and sworn in by the Province of New Brunswick to enforce the By-Law's of Tantramar;
- b) "Ceremonial/Sacred Fire" means an open-air fire that is intentionally lit, tended, and extinguished by Indigenous community members for spiritual, cultural, or traditional purpose, as part of or in observance of a ceremonial or sacred service;
- c) "Council" means the Council of Tantramar;
- d) "Deputy Fire Chief" means a Deputy Fire Chief of any Fire Department within Tantramar Fire Service and includes any person acting in the capacity of Acting Deputy Fire Chief;
- e) "Fire Chief" means a Fire Chief of any Fire Department within Tantramar Fire Service and includes any person acting in the capacity of Acting Fire Chief;
- f) "Fire Department" means any Fire Department within Tantramar;
- g) "Firefighter" means an active member of the Fire Department;
- h) "Fireworks" means firecrackers, cannon-crackers, fireballs, mines, roman candles, skyrockets, squibs, torpedoes and any other explosives designated by the Lieutenant Governor in Council under the Fire Prevention Act;
- i) "Fire Prevention Act" means the *Fire Prevention Act, R.S.N.B., 1973, c. F-13* and includes regulations thereunder;
- j) "Fire Prevention Officer" means any person appointed by Section 3(a) or under Section 3(b) of this by-law to the position of Fire Prevention Officer;
- k) "Municipality" means Tantramar
- l) "National Fire Code" means the current edition of the National Fire Code of Canada, as may be amended from time to time;
- m) "Municipality" means Tantramar;
- n) "Outdoor burning appliance" or "appliance" means a furnace or an outdoor solid fuel combustion or wood burning appliance, installed outside a building and which is used by a liquid process for the heating of one or more building.
- o) "Outdoor wood burning device" or "device" means a non-combustible enclosed container designed to hold a small fire for decorative purposes and the size of which is not larger than one (1) meter in any direction, and may include, but shall not be limited to, chimneys, but does not include outdoor propane or natural gas appliances.
- p) "Police Officer" means a member of the Royal Canadian Mounted Police;
- q) "Tantramar Fire Service" means all Fire Departments collectively of the Municipality.

3. FIRE PREVENTION OFFICERS

- a) The Fire Chief and Deputy Fire Chief of the Fire Department are appointed as Fire Prevention Officers for Tantramar.
- b) In addition to the persons appointed by Section 3 (a), Council may from time to time appoint any additional members of the Fire Department to the position of Fire Prevention Officer.

- c) Subject to directions of the Fire Chief, the duties of a Fire Prevention Officer are those necessary to enforce this by-law, the Fire Prevention Act and other laws relating to the prevention and extinguishing of fires and the protection of property from fire.
- d) A Fire Prevention Officer:
 - i. Is empowered to enforce the provisions of this and any other by-law relating to the prevention and extinguishing of fires and the protection of property from fire;
 - ii. is authorized to enforce the Fire Prevention Act; and
 - iii. without limiting the generality of the foregoing, has the same powers under the same conditions as are conferred upon the fire marshal by sections 11, 12, 16 and 21 of the *Fire Prevention Act*.
 - iv. shall have the authority to extinguish or order to be extinguished and suppressed any and all fire(s), that, in their discretion, poses or may pose a fire hazard to persons or property, or any fire(s) that does not meet the provisions of this By-Law.

4. OUTSIDE FIRES

- a) Except as provided for in subsection 4 (b) (c) (d) and (e), no person shall start, ignite, tend, fuel or make use of or cause to be started or ignited a fire of any kind whatsoever outside, unless a valid permit has been issued hereunder.
- b) Notwithstanding subsection 4 (a), outside fires are permitted in the following circumstances:
 - i. Live fires set by the Fire Department for educational or training purposes, or other outdoor fires as approved by the Fire Chief in writing;
 - ii. Fires used for the purpose of cooking food on a barbeque;
 - iii. The fire is a Ceremonial/Sacred, provided that the person responsible notifies the Fire Chief at least 24 hours in advance and complies with any safety conditions imposed by the Fire Chief; or
 - iv. Fire used for agricultural purposes restricted to the burning of blueberry fields only as per Schedule "A" attached.
- c) Notwithstanding subsection 4(a), outdoor fires that are for recreational purposes and/or burning of brush that meet the Department of Natural Resources Category 1 Fire (as defined in Regulation 84-204 under the Forest Fires Act, S.N.B. 2014, c.110) (Campfires and burning woody material), may be permitted within the municipal boundaries, shown in Schedule "B", subject to the additional requirements set out in subsection 4(d) for properties zoned within the Sackville Zoning Map and the Dorchester Zoning Map (Schedule "C"), and subject to the requirements set out in subsection 4(e) for all other properties.
- d) Properties that are zoned within the Sackville Zoning Map and the Dorchester Zoning Map (Schedule "C"), with the exception of Agriculture/Conservation (A/C), are required to contain any outdoor fire in a device, as defined in this By-law, and meet the following provisions:
 - i. For commercially made devices, the safe installation and operation of the device must be followed;
 - ii. In the case of non-commercially manufactured wood burning devices, such devices shall:
 - 1. be less than 0.6 meters high;
 - 2. be less than 1 meter wide;
 - 3. have fully enclosed sides made from non-combustible materials such as bricks, concrete or heavy/gauge metal; and
 - 4. have a mesh screen on top to stop sparks (spark-arrestor) with openings no greater than 1 centimeter.

- iii. The device must be located at a distance of not less than three (3) metres between it and any combustible materials (which includes, but is not limited to: a building, structure, property line, tree, hedge, fence, roadway, overhead wire or other combustible article);
 - iv. The device must not be placed on a wood deck or other combustible platform;
 - v. The device must only be used to burn dry, seasoned firewood;
 - vi. The device must not be used to burn prohibited materials listed within the *NB Open Burn Policy*;
 - vii. Only one device shall be used on a property at one time;
 - viii. No flammable material shall be used in any device, other than propane or natural gas utilized in an approved device.
 - ix. a portable fire extinguisher or operable garden hose is readily available while the unit is in use;
 - x. the owner or occupant maintains constant watch and control over the device when in use and until the fire is totally extinguished;
 - xi. it does not allow smoke, smell, airborne sparks or embers to infringe on the use and enjoyment of other properties; and
- e) Any property not shown in Schedule “C” and any property zoned Agriculture/Conservation (A/C), may burn Category 1 fires, as defined by in Regulation 84-204 under the Forest Fires Act, S.N.B. 2014, c.110.
- i. All requirements for Category 1 burns shall still apply, which include:
 - 1. Burn piles must not exceed three (3) metres in width and three (3) metres in length;
 - 2. Piles must not be more than two (2) metres high;
 - 3. No more than four (4) piles can be burning at one time;
 - 4. In the event of multiple piles, they must be at least ten (10) metres apart;
 - 5. Landowner's permission is required before lighting a fire, if on private land.
 - ii. a portable fire extinguisher or a water source is readily available while burning;
 - iii. the owner or occupant maintains constant watch and control over the area and until the fire is totally extinguished;
 - iv. it does not allow smoke, smell, airborne sparks or embers to infringe on the use and enjoyment of other properties; and
- f) No fires are permitted within Tantrammar when the New Brunswick Department of Natural Resources and Energy has issued a full burn ban (Red-No Burn). When a partial burn restriction is in place (Yellow-Restricted), fires are only allowed between 8:00 p.m. and 8:00 a.m.
- i. A CSA-approved gas, propane or charcoal barbeque – as well as a gas fireplace, fire table, or propane fire pit – may be used during a restricted burning ban in New Brunswick, provided it is operated safely and away from flammable materials.
- g) Category 2, 3 and 4 Fires – Municipal permitting required for the duration of any permitting period established by the New Brunswick Department of Natural Resources.
- h) No person shall start, ignite, tend, fuel or make use of, or cause to be started or ignited, a Category 2, Category 3 or Category 4 fire (as defined by Regulation 84-204 under the Forest Fires Act, S.N.B. 2014, c.110) within the municipal boundaries of Tantrammar without first:
- i. Obtaining a valid burning permit from the municipality, issued by the Fire Chief or designate in accordance with this section.
- i) An application for a municipal Category 2, 3 or 4 burning permit shall be made to the Fire Chief and shall include:
- i. The applicant’s full name and contact information;

- ii. The civic address and legal description of the property where the burn is proposed;
 - iii. A description of the type, size, and purpose of the proposed fire, including the applicable category under Regulation 84-204;
 - iv. A description of all fire suppression equipment to be on-site during the burn;
 - v. A site plan showing the proposed burn area, firebreaks, and distance from forest land, structures, and property lines;
 - vi. In the case of a Category 4 fire, a copy of the burn plan as required under section 3.95 of Regulation 84-204; and
 - vii. Any other information required by the Fire Chief.
- j) The Fire Chief may impose such terms and conditions on a municipal Categories 2, 3 or 4 permit as the Fire Chief considers appropriate, including but not limited to:
- i. Minimum fire suppression equipment requirements;
 - ii. Minimum staffing requirements during the burn;
 - iii. Requirements to provide advance notice to neighbouring property owners;
 - iv. Wind speed and weather condition restrictions;
 - v. Required proximity to water sources; and
 - vi. Post-burn patrol requirements.
- k) The Fire Chief may refuse to issue a municipal permit where, in the Fire Chief's opinion, the proposed burn poses an unreasonable risk to public safety or property, having regard to weather conditions, the fire danger rating, proximity to forest land or structures, or any other relevant factor. The Fire Chief's decision to refuse a permit shall not give rise to any liability on the part of Tantramar.
- l) A municipal Category 2, 3 or 4 permits may be suspended or cancelled by the Fire Chief at any time where, in the Fire Chief's opinion, conditions have changed such that continuation of the burn is no longer safe.
- m) No municipal Category 2, 3 or 4 burning permits shall be issued, and any existing permit shall be automatically suspended, when the Department of Natural Resources has issued a full burn ban (Red – No Burn) for the area. During a restricted burn day (Yellow – Restricted), the Fire Chief shall have discretion to suspend or impose additional restrictions on any permit.
- n) Where the Canadian Forest Fire Danger Rating for the area reaches a level of High, Very High or Extreme, the Fire Chief shall have discretion to decline to issue or to suspend any Categories 2, 3 or 4 permit, notwithstanding that no formal burn ban has been issued by the Department of Natural Resources.
- o) Insurance Requirement. An applicant for a Category 2, 3 or 4 municipal burning permits shall provide proof of valid general liability insurance in an amount of not less than Two Million Dollars (\$2,000,000.00) per occurrence, naming Tantramar as an additional insured, prior to the issuance of any permit under this section.
- p) Indemnification. By accepting a municipal permit issued under this section, the permit holder agrees to indemnify and save harmless Tantramar, its Council, officers, employees and agents from and against all claims, actions, damages, losses, costs and liabilities arising out of or in connection with the permitted burn. The issuance of a municipal burning permit does not constitute a warranty or representation by Tantramar as to the safety of the proposed burn, and the Municipality shall not be liable for any damages, loss or injury arising from any fire authorized under this section.
- q) Record-Keeping. The Fire Chief shall maintain records of all applications received, permits issued and refused, conditions imposed, and any incidents arising from Category 2, 3 or 4 burns permitted under this section. Such records shall be retained for a minimum of seven (7) years.

5. FIREWORKS

- a) Pursuant to Section 29.2 of the Fire Prevention Act, RSNB 1973, c F-13, a public display of fireworks may be permitted with conditions.
- b) No person shall discharge consumer fireworks, or other explosive materials of any kind, on any property that is zoned within the Sackville Zoning Map and the Dorchester Zoning Map (Schedule "C"), without the prior written permission of the Fire Chief.
- c) Fireworks, including those that are not deemed firework displays, are permitted on properties not zoned in areas listed in 5(e), insofar as they do not cause a nuisance or disturbance to neighbouring properties and follow standard principles of fire safety.
- d) No person shall ignite, discharge, or cause to be ignited any fireworks except during the period beginning at dusk and ending at 1:00 a.m. Outside of these permitted hours, the use of fireworks is strictly prohibited unless expressly authorized by the municipality.
- e) Fireworks for public display shall only be issued a Fireworks permit once the applicant has provided proof to the Municipality, of legal liability insurance in an amount not less than five million dollars (\$5,000,000.00) for recovery of damage to property or personal injury, arising from the storage, use or display of the fireworks.
- f) No person, under any circumstances or in any geographic area, shall discharge a firework display of any kind when the Department of Natural Resources and Energy has placed a ban on open burning in the area.

6. DEMOLITION OF BUILDINGS

- a) The Fire Chief, Deputy Fire chief in charge at the scene of a fire or the By-Law Officer may, in order to prevent the spread of fire, issue an order for the pulling down, demolition or removal of any building or structure.
- b) Where a building or structure is pulled down or demolished under this section to prevent the spread of fire, the Municipality is not liable to compensate persons having an interest in the building or structure for damage suffered as a result of the pulling down or demolition.

7. OUTDOOR BURNING APPLIANCE

7.1 Definitions

- a) In this section:
- b) "Appliance" means an outdoor burning appliance designed and used for the combustion of solid fuel wood derivatives for the purpose of space heating or domestic hot water, including but not limited to an outdoor wood-burning furnace or boiler.
- c) "CSA-Certified Appliance" means an appliance that has been certified by the Canadian Standards Association to standard CAN/CSA-B415.1-00 (2005), or such successor standard as may be adopted from time to time.
- d) "Existing Non-Certified Appliance" means an appliance that was lawfully installed on a lot prior to the coming into force of this by-law and that is not a CSA-Certified Appliance.
- e) "New Installation" means the installation of any appliance on a lot on or after the date this by-law comes into force.

7.2 General Requirements

- a) Only one appliance is permitted per lot.

- b) The minimum area of a lot for the installation or continued operation of any appliance is 4,000 square metres.
- c) All appliances shall be installed in a rear or side yard and shall comply with the following standards:
 - i. A minimum setback of 15 metres from all boundaries of adjacent lots;
 - ii. Where the appliance is installed in an accessory building, the standards of this section apply to the accessory building;
 - iii. No appliance or solid combustible fuel shall be stored or located in a front or flank yard;
 - iv. No flammable material shall be located within 3 metres of the appliance perimeter.
- d) No appliance shall be located within 60 metres of the lot line of a school, hospital, nursing home, nursery, or other institutional or public property.
- e) Only solid fuel wood derivatives shall be used as fuel in an appliance. The following materials are prohibited as fuel at all times:
 - i. Wet or non-dried wood, treated wood, saltwater driftwood, particle board, or glossy or coloured paper;
 - ii. Solid, semi-solid, or liquid waste of any kind, including trash, refuse, rubbish, industrial waste, asphaltic products, manure, or vegetable or animal waste;
 - iii. Plastic or rubber-based products;
 - iv. Petroleum products, coal, paint, solvent, thinner, or similar products;
 - v. Any other material that produces visible emissions of a density exceeding opacity level 1 on the Ringelmann Scale, as measured at the point of emission, or that causes a nuisance to neighbouring properties.
- f) Every owner shall operate and maintain an appliance so as not to cause a nuisance to neighbouring property owners. For the purposes of this section, evidence of a nuisance may be established by:
 - i. Written complaints from two or more adjacent or nearby property owners relating to the same appliance within any twelve-month period; and
 - ii. Direct observation by a by-law enforcement officer, supported by photographic or video documentation.

7.3 New Installations — CSA Certification Required

- a) On and after the coming into force of this by-law, no person shall install or cause to be installed a New Installation unless the appliance is a CSA-Certified Appliance.
- b) A CSA-Certified Appliance shall be installed and operated in accordance with the manufacturer's instructions and the terms of its CSA certification at all times.
- c) Chimney height for CSA-Certified Appliances shall comply with the manufacturer's instructions.
- d) Only CSA-Certified Appliances may be operated year-round.

7.4 Existing Non-Certified Appliances — Transition Provisions

- a) An Existing Non-Certified Appliance may continue to be operated subject to the following conditions:
 - i. The owner must register the appliance with the municipality by applying for a permit under section 7.5 no later than ninety (90) days after the coming into force of this by-law;

- ii. The appliance shall have a chimney height of at least five (5) metres and shall be equipped with a functioning spark and rain protection device;
 - iii. The appliance shall comply with all requirements of sections 7.2(a) through 7.2(f);
 - iv. The appliance shall only be operated between October 1 to April 30 in any calendar year (i.e., Existing Non-Certified Appliances are permitted for seasonal use only);
 - v. The appliance shall not be replaced with another non-certified appliance. Any replacement appliance must be a CSA-Certified Appliance.
- b) All Existing Non-Certified Appliances must cease operation no later than December 31, 2030, regardless of the date of registration or remaining physical condition.
 - c) An owner who fails to register an Existing Non-Certified Appliance within the 90-day period specified in section 7.4(a)(i) shall not be entitled to continue operating the appliance and shall be subject to the enforcement provisions of section 9 of this by-law.

7.5 Permit Requirements

- a) Every owner shall obtain a permit from the municipality before:
 - i. Installing a New Installation; or
 - ii. Continuing to operate an Existing Non-Certified Appliance, pursuant to section 7.4.
- b) A permit application shall include:
 - i. A site plan showing the location of the appliance and all structures and lot lines on the lot, with distances clearly marked;
 - ii. For New Installations, proof of CSA certification for the appliance to be installed;
 - iii. For Existing Non-Certified Appliances, a description of the appliance including estimated installation date and current condition;
 - iv. Any additional information required by the Fire Chief.
- c) The Fire Chief, or designate, may inspect the site before issuing a permit and may impose conditions on the permit in the interest of fire safety.
- d) A permit issued under this section is not transferable and expires upon the transfer of ownership of the lot.
- e) A permit for an Existing Non-Certified Appliance shall expire no later than December 31, 2030, and shall not be renewed beyond that date.

8. PETROLEUM PRODUCTS

- a) No person shall store gasoline, oil, liquefied petroleum gases or other petroleum products except in facilities meeting the standards contained in the *National Fire Code*.
- b) The establishment of self-service facilities for the dispensing of flammable liquids shall be in accordance with the requirements of the *Fire Prevention Act* and the *National Fire Code*.
- c) Nothing in this by-law exempts any person from any obligation contained in the *Fire Prevention Act* or any other legislation or regulation, including without limiting the obligation to file plans with and obtain approval from the fire marshal under the *Fire Prevention Act* where required. Proof of compliance with the *Fire Prevention Act* may be required as a condition of any municipal permit or approval.

9. PENALTY

- a) Any Police Officer or By-Law Enforcement Officer is authorized to take such action, issue such written demands or issue such tickets as they may deem necessary to enforce any provisions of this by-law.
- b) A person who violates any provision of this by-law or who fails to comply with an order of a Fire Prevention Officer authorized by this by-law commits an offence punishable under Part

II of the *Provincial Offences Procedure Act* as a category E offence. All such fines shall be recovered under the Provincial Offences Act, S.N.B 1987, c.P-22.1.

- c) Where a person is convicted of an offence under subsection 9 (b), the court may in addition to any penalty imposed under subsection 9 (b), order that person to comply with the order.
- d) A person who fails to comply with an order of the court under subsection 9 (b) is punishable under Part II of the *Provincial Offences Procedure Act* as a category F offence. All such fines shall be recovered under the Provincial Offences Act, S.N.B 1987, c-P-22.1.

10. REPEAL

- a) By-Law No. 275 A By-Law Respecting the Prevention of Fires is repealed.
- b) All Fire Prevention By-Laws previously enacted by the former Village of Dorchester are repealed.

11. ENACTMENT

- a) This By-Law comes into force on being passed by Council.

IN WITNESS WHEREOF Tantramar has caused hereto affixed its Corporate Seal of the said Municipality to be affixed to this by-law the 27th day of April 2026 and signed by:

MAYOR

ASSISTANT CLERK

Read a First time this 10th day of February 2026.

Read a Second time this 27th day of April 2026.

Read a Third time and done and passed by Council this 27th day of April 2026.

SCHEDULE “A”
GUIDELINES FOR ISSUING BURNING PERMITS
FOR TREATING EXISTING BLUEBERRY FIELDS

REQUIREMENTS

All blueberry fields must be field checked by the Fire Chief or designate prior to any burning permits being issued. Owners or their designates must be present during field inspection.

Permits are for non-treated woody material only.

A firebreak bared to mineral soil, with a minimum width of 3 meters (10 feet) or in the case of an established and existing field a 4-meter break burnt with a commercial burner. A burnt firebreak must be patrolled to ensure that all flames are extinguished, and no smokes are visible before the main fire is lit.

All newly developed fields must have a bared to mineral soil break as described above.

Certain fields with a higher hazard rating may require more fire equipment or wider fire breaks.

EQUIPMENT REQUIREMENTS

A 500-gallon mobile tank or 2-250-gallon mobile tanks equipped with a first pump, or a fire pump and hose set-up in a brook or pond that has the capacity to carry water to all parts of field. Any pumping of water out of the watercourse or regulated waterbody requires a permit from the Department of Environment – Watercourse and Wetland Alteration Permit.

A minimum of three (3) people on site during all burning operations. More people may be required depending on the potential hazard of a given field.

All burning fields must be patrolled during daylight hours for forty-eight (48) after the initial burning.

During the last twelve hours of the inspection period, if flames or smoke are found workers must continue the patrol for one extra day.

ISSUING OF PERMITS

Winds must be less than 10 km/hr.

A written permit to burn a specific field should be in the possession of the operator.

Burning should be done preferably early in the morning and late in the evening.

Permits are subject to cancellation if operators do not comply with the permit requirements.

Operators should supply the Fire Chief or designate with a schedule of the fields to be burned for the season. The operator should update this schedule from time to time if the situation changes. This would

help the Fire Department in scheduling field checks, thereby speeding up the process of issuing burning permits.

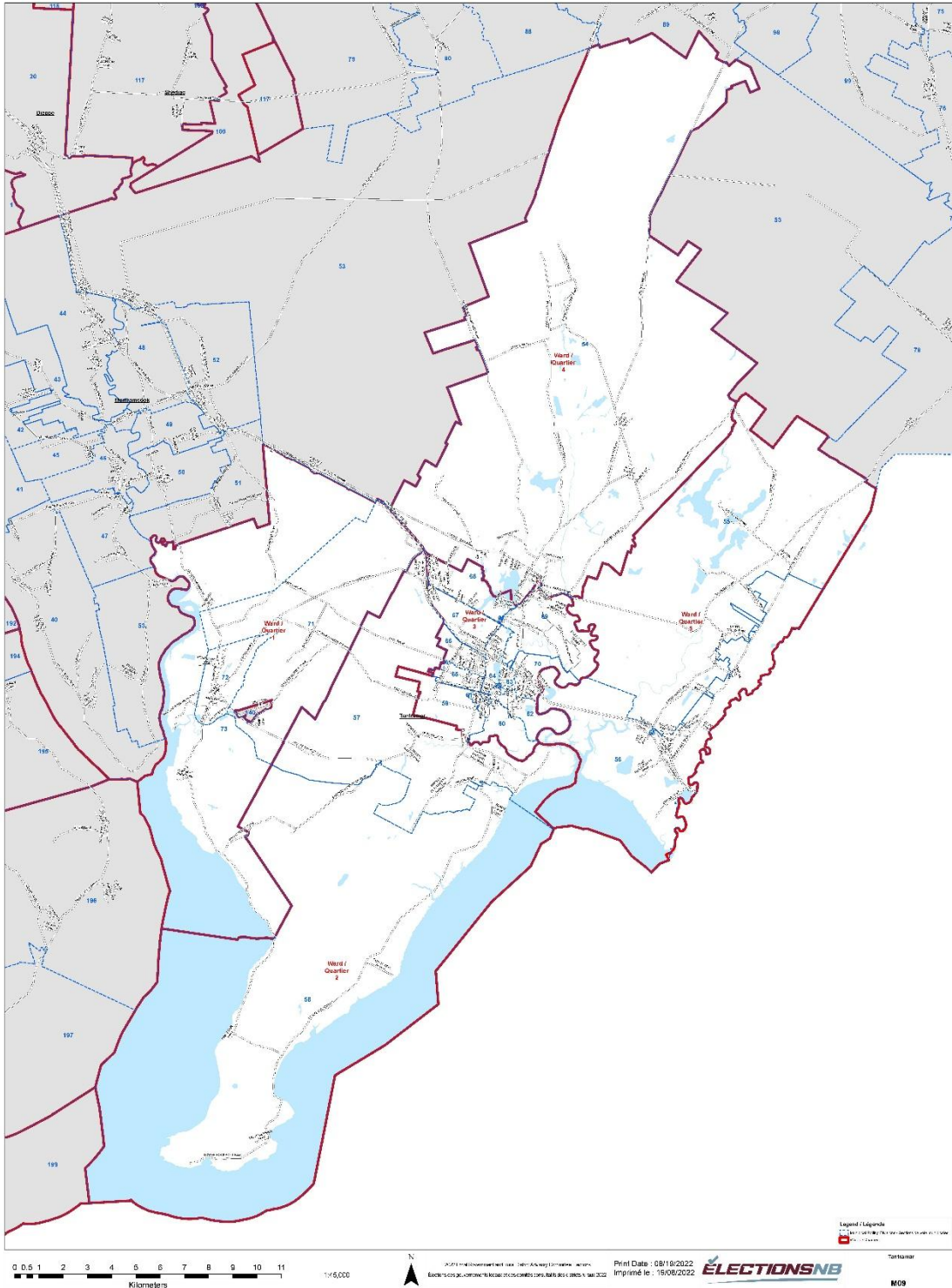
Spot checks may be done during operations to ensure that the requirements for burning are being observed.

NOTE

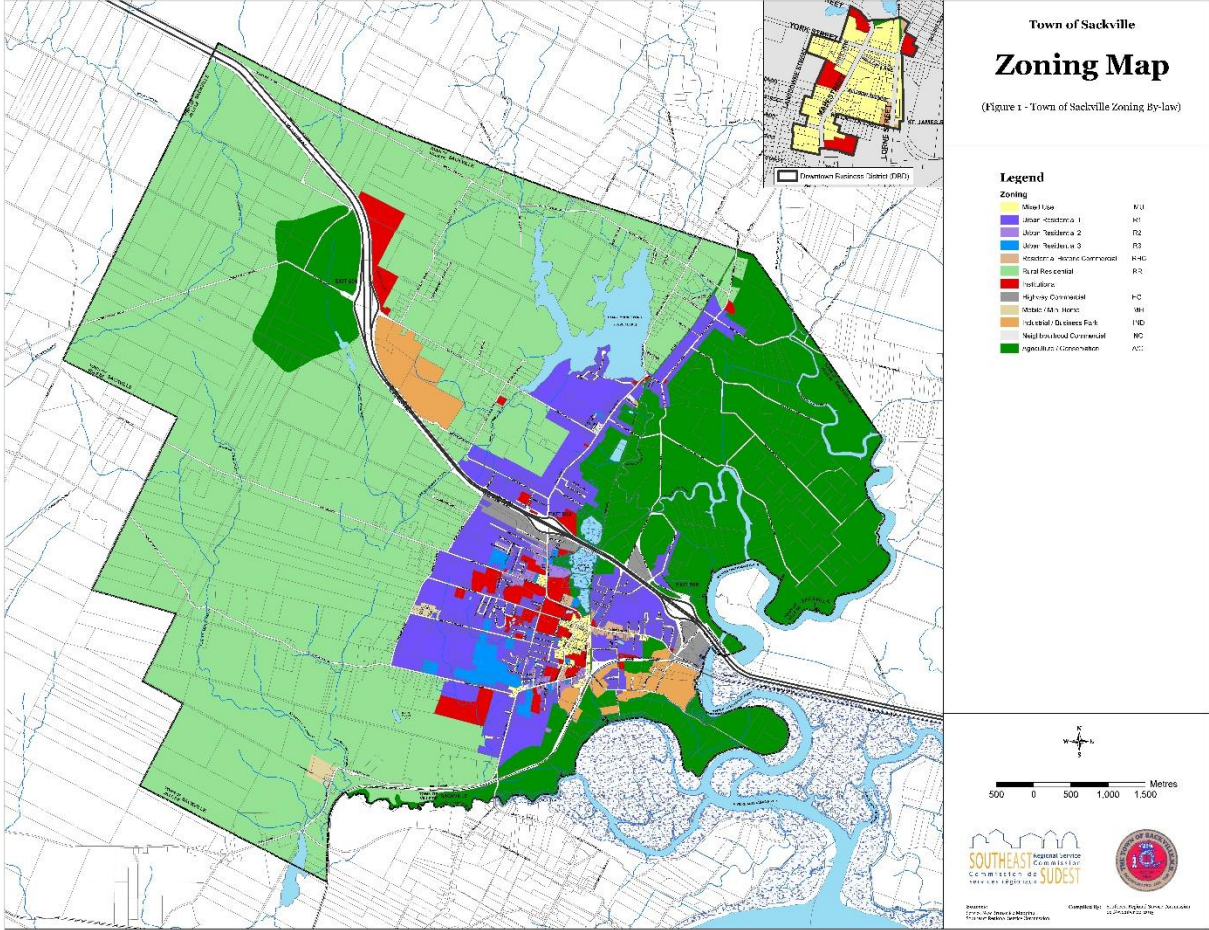
The Fire Department will examine any grower who has had recurring escape fires and will reserve the right to deny any future burning permits until stronger conditions are met, up to and including the establishment of a 3-meter bared to mineral soil perimeter.

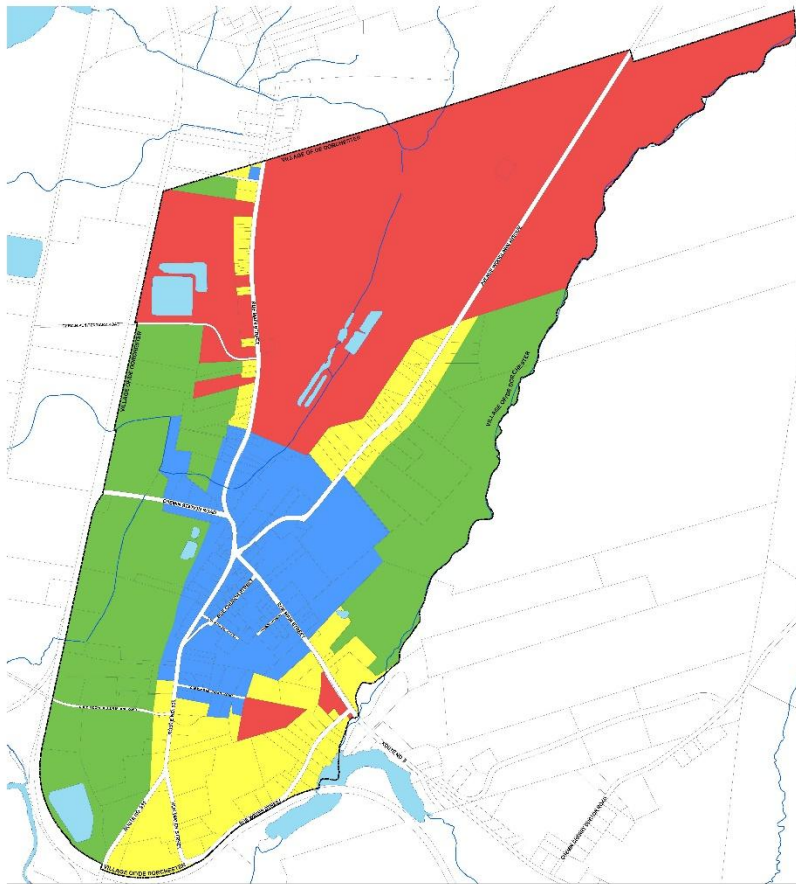
Tantramar will maintain accurate records.

SCHEDULE "B" MAP OF TANTRAMAR



SCHEDULE "C" ZONING MAPS





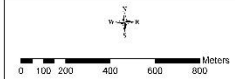
Village of Dorchester
Zoning Map

Figure 1
 Zoning By-law 2012-2

Legend

- A - Agricultural
- R - Ressource
- H - Historical Village Center
- V - Village Center

Zoning amendments:
 Amendment No. 2012-02-01 & Amendment No. 2012-02-02



Revised: 2012-02-01
 Prepared by: [Name] / [Title]