

**A BY-LAW RESPECTING THE ESTABLISHMENT OF
THE SUSSEX FIRE DEPARTMENT AND
THE PREVENTION AND EXTINGUISHMENT OF FIRES**

BY-LAW # 350-26

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The Council of Sussex under the authority vested in it by section 10 and section 186 of the *Local Governance Act 2017* RSNB C18 and amendments thereto duly assembled hereby enacts as follows:

I. TITLE

This by-law may be cited as the “Sussex Fire Prevention By-Law”.

II. DEFINITIONS

In this by-law, unless the context otherwise requires,

By-law Enforcement Officer means

- (a) ***Category 1 Fire*** means a Category 1 fire as defined in section 3.2 of Regulation 84-204 under the New Brunswick *Forest Fires Act*, S.N.B. 2014 c.110.
- (b) ***Chief Administrative Officer*** means the Chief Administrative Officer of Sussex;
- (c) ***Clerk*** means the Clerk of Sussex;
- (d) ***Combustible*** means capable of catching fire and burning;
- (e) ***Community Risk Reduction*** means public information, education and prevention programs, as they relate to fire safety, public safety, and emergency preparedness, including but not limited to fire prevention inspections, public education campaigns, and emergency planning initiatives;

- (f) "**Consumer Firework**" means an outdoor, low hazard, recreational firework that is dealt with 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 fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes and sprinklers
- (g) "**Council**" means the Council of Sussex;
- (h) "**Coverage Area**" means the area within the jurisdictional bounds of Sussex;
- (i) "**Cultural Fire**" means an open fire ignited in connection with a specific cultural or religious practice, ceremony or event;
- (j) "**Department**" means the Sussex Fire Department;
- (k) "**Display Firework**" means an outdoor, high hazard, recreational firework that is dealt with 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 rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons
- (l) "**Fire Chief**" means the Fire Chief of the Department and includes any person designated by the Fire Chief to act on their behalf;
- "**Fire Prevention Act**" means the Fire Prevention Act, Chapter F-13 of the Revised Statutes of New Brunswick and Regulations thereunder;
- (m) "**Fire Prevention Officer**" means a person duly designated as a Fire Prevention Officer by the Council of Sussex and/or designated as a Local Assistant by the Fire Marshal pursuant to the *Fire Prevention Act*, and includes the Fire Chief;
- (n) "**Mayor**" means the Mayor of Sussex;
- (o) "**Open Fire**" means a fire not contained within an Outdoor Fireplace but is contained by other means designed to prevent the spread of fire.
- (p) "**Order**" means an order made under authority of this by-law by the Fire Chief or a Fire Prevention Officer;

- (q) "**Outdoor Fire**" means any fire outdoors;
- (r) "**Outdoor Fireplace**" means either: (a) a commercially manufactured non-combustible enclosed container designed to hold a small fire for decorative recreational purposes, the size of which is not larger than one (1) metre in any direction, which may include chimneys; or (b) a non-commercially manufactured wood burning appliance that: (i) is approved in writing by the Sussex Fire Prevention Officer; (ii) is less than 0.6 metres high and less than 1 metre wide; and (iii) has fully enclosed sides made from non-combustible materials such as bricks, concrete or heavy gauge metal;
- (s) "**Owner**" means the registered owner of property and includes any person, company or occupant having control over or possession of the property or any portion thereof;
- (t) "**Police Officer**" means:
- a member of the Royal Canadian Mounted Police;
 - a police officer appointed under the *Police Act*, SNB 2021, c 20;
 - an auxiliary police officer appointed under the *Police Act*, SNB 2021, c 20, when accompanied by or under the supervision of a member of the Royal Canadian Mounted Police;
- (u) "**Prohibited Materials**" means a material that poses a threat to human health or the environment when burned. This includes, but is not limited to, the following:
- a. Animal cadavers or manure;
 - b. Biomedical waste as defined in New Brunswick Regulation 2008-54 under the Clean Environment Act and Guidelines for the Management of Biomedical Waste in Canada (CSA Z317.10-21);
 - c. Carpets;
 - d. Domestic garbage;
 - e. Electrical wire;
 - f. Hazardous materials such as chemicals or physical agents regulated under the Workplace Hazardous Materials Information System (WHMIS) Regulation - Occupational Health and Safety Act, NB Reg 2016-6, the New Brunswick Occupational Health and Safety Act, SNB 1983, c O-0.2, or the Transportation of Dangerous Goods Act, 1992, SC 1992, c 34 and its Regulations;

- g. Petroleum products;
 - h. Plastics;
 - i. PFAS (per- and polyfluoroalkyl substances);
 - j. Pressure-treated lumber or railway ties;
 - k. Refuse or other wastes from commercial activities or industrial or municipal operations;
 - l. Resins and glues; or
 - m. Rubber.
- (v) ***“Outdoor Propane Fire Appliance”*** means any outdoor appliance designed to produce flame for heating or recreation, fueled by propane (e.g., propane fire pits, fire tables, patio heaters, gas fireplaces, barbeques).
- (w) ***“Volunteer Firefighter”*** means a person designated by Council who provides fire protection services either voluntarily or for a nominal consideration, honorarium, or training or activity allowance, and who meets all required training and certification standards as established by the Fire Chief and applicable provincial regulations.

III. INTERPRETATION

1. Rules for interpretation of the language used in this By-law are contained in the lettered paragraphs as follows:
 - a. The captions, article and section names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation.
 - b. This By-law is to be read with all changes of gender or number required by the context.
 - c. Each reference to legislation in this By-law is printed in Italic font. The reference is intended to include all applicable amendments to the legislation, including successor legislation. Where this By-law references other by-laws of Sussex, the term is intended to include all applicable amendments to those by-laws, including successor by-laws.
 - d. The requirements of this By-law are in addition to any requirements contained in any other applicable by-laws of Sussex or applicable provincial or federal statutes or regulations.

- e. If any section, subsection, part or parts or provision of this By-law, is for any reason declared by a court or tribunal of competent jurisdiction to be invalid, the ruling shall not affect the validity of the By-law as a whole, nor any other part of it, and the invalid portion shall be deemed to be severed.

IV. FIRE DEPARTMENT

1. The Council hereby establishes the Sussex Fire Department and the head of the Department shall be known as the Fire Chief.
2. The Council shall designate a Fire Chief who shall be, ex officio, a fire prevention officer for the Department.
3. The Department personnel, in addition to the Fire Chief, shall consist of a Deputy Fire Chief and such number of other officers and members as deemed necessary by the Council and employed within the approved organizational chart and budget allocation, including career and volunteer firefighters.
4. The Council may designate any qualified person as a volunteer firefighter of the Department, or as a Fire Prevention Officer, or both on the recommendation of the Fire Chief.
5. The Council shall from time to time determine by resolution the total number of firefighters for the Department and remuneration of such firefighters.

V. SERVICES & RESPONSE

1. The Department shall be responsible for the provision and oversight of the following Core Services and Levels of Specialized Service:
 - a) Fire Suppression services, including but not limited to fires of structural, vehicular, wildland, and natural origin, utilizing appropriate tactics and strategies in accordance with departmental standard operating procedures and recognized firefighting practices;
 - b) Fire Safety inspections of buildings and facilities as required by the Fire Prevention Act and applicable codes, including enforcement of fire safety regulations and issuance of orders to remedy violations;

- c) Fire Protection, including but not limited to alarms, outdoor fires and public hazards (electrical, flooding, odours, etc.)
 - d) Motor Vehicle Collisions & Extrication;
 - e) Remote Rescue & Requested Medical Response;
 - f) Community Risk Reduction & Prevention Education;
 - g) Levels of Specialized Service as approved by the Council as listed in "Schedule A" as amended from time to time.
2. Emergency Response Outside of Coverage Area:
- a) The Department may respond to Municipalities and Rural Districts with whom a Mutual Aid Agreement or Memorandum of Understanding has been entered into.
 - b) In emergency circumstances, a Fire Department without an existing agreement may request assistance, and the Fire Chief may, at their discretion, provide resources only if adequate coverage can be maintained within Sussex's jurisdiction.

VI. FIRE CHIEF

1. The Fire Chief is responsible to Council through the Chief Administrative Officer for the proper administration and operation of the Department and for the discipline of its firefighters. The Fire Chief:
- a) shall, subject to the direction of Council, divide the volunteer firefighters into companies;
 - b) shall, with the approval of the Chief Administrative Officer, designate such company officers, platoon captains and other officers from among the volunteer firefighters as necessary for the effective operation of the Department;
 - c) shall have the authority to establish, implement and enforce general orders, policies, procedures, and departmental rules necessary for:
 - (a) the care, maintenance, and protection of Department property and assets;
 - (b) the conduct, discipline, and performance standards of Department personnel;
 - (c) operational protocols and emergency response procedures;
 - (d) training requirements and safety standards;
 - (e) administrative and organizational matters; and
 - (f) any other

aspects necessary for the effective and efficient operation of the Department, provided that such orders, policies, procedures, and rules do not conflict with the provisions of any by-law of the Town of Sussex;

- d) shall review periodically the operating guidelines, practices and policies of the Department and make recommendations to the Council;
- e) shall take all proper measures for the prevention, control and extinguishment of fires and for the protection of life and property and shall enforce all municipal by-laws respecting fire prevention and exercise the powers, duties, responsibilities and authority imposed on them by the Fire Prevention Act;
- f) shall be responsible for the enforcement of this by-law and the general orders and departmental rules;
- g) shall report all fires to the Fire Marshal as required by the Fire Prevention Act;
- h) shall prepare and submit to Council, through the Chief Administrative Officer, the annual budget estimates of the Department, including operational costs, capital requirements, and revenue projections, by such date as required by Council;
- i) shall make an annual report to the Council of the activities of the Department during the preceding year including all calls answered by the Department, all fires, an estimate of the loss sustained and the insurance coverage of each fire, an inventory of the firefighting equipment, names of all members of the Department and recommendations to promote the efficiency of the Department;
- j) shall have full charge and sole command over the conduct of all persons at the fire whether they are members of the Department or not;
- k) shall assign to the firefighters (volunteer & career) their regular duties and other duties they deem proper;

- l) shall make or cause to be made a record of the attendance of all firefighters at each fire;
- m) may suspend any member of the Department for neglect of duty, misconduct or breach of any by-law or regulation and shall forthwith
- n) report the suspension to the Council; and
- o) shall recommend to the Council the dismissal of a firefighter.

VII. DEPUTY FIRE CHIEF(S)

1. The Deputy Fire Chief is responsible to the Fire Chief and shall in the absence of the Fire Chief, have all the powers, responsibilities and authority to perform all the duties of the Fire Chief.

VIII. VOLUNTEER FIREFIGHTERS

1. The Fire Chief may recommend instating, reinstate or terminate any volunteer firefighter subject to Council approval.
2. A qualified volunteer firefighter shall reside within the territorial limits protected by the Department or within such reasonable distance as determined by the Fire Chief to ensure adequate response times.
3. A person qualified to be designated a volunteer firefighter for the Department for firefighting duties:
4. shall have successfully completed at least grade 12 or equivalent;
5. shall be of good character;
6. shall pass such aptitude and other tests as may be required by the Fire Chief; and
7. shall be medically fit to be a member as certified by a physician.
8. A person designated as a volunteer firefighter of the Department for firefighting duties shall be on probation for a period of one (1) year from the date of Council approval, during which time their performance, conduct

and suitability for the position shall be evaluated according to established departmental standards.

9. If a probationary volunteer firefighter designated for firefighting duties fails to meet the required benchmark evaluations, the Fire Chief may recommend dismissal to Council after providing written notice of deficiencies and a reasonable opportunity to improve performance.
10. When so ordered by the Fire Chief, all volunteer firefighters shall assemble for drill and instruction in the use of firefighting equipment at the time and place specified by the Fire Chief.

IX. GENERAL

1. Firefighters of the Department shall comply with this by-law, the rules and regulations of the Department as found in SFD Constitution & Standard Operating Guidelines (SOG's), and all applicable municipal policies, provincial regulations, and federal laws regarding workplace safety and emergency services.
2. Department apparatus and firefighting equipment shall not be used for any work other than work of the Department without the consent of the Fire Chief.
 - a) No Department vehicle shall be used for emergency transportation of a person other than a firefighter of the Department, except with the consent of the Fire Chief or the officer in charge.
 - b) No firefighting equipment shall be taken beyond the limits of the Department coverage area except with the permission of the Fire Chief or the officer in charge.
 - c) When any firefighting equipment is taken beyond the limits of the coverage area to any fire, the fire chief or designate shall delegate a member of the Department to take charge of the firefighting equipment.
3. In the absence of the Fire Chief and Deputy Fire Chief(s), a senior officer of the Department shall have all the responsibilities and authority to perform all the duties of the Fire Chief.

PREVENTION & EXTINGUISHMENT OF FIRES

X. FIRE PREVENTION OFFICER

1.
 - a) A Fire Prevention Officer is subject to direction of the Fire Chief and is empowered to enforce this by-law, and if designated by the Fire Marshal as a Local Assistant, to assist in carrying out the provisions of this Part within the territorial jurisdiction of the designation as it relates to the Fire Prevention Act.
 - b) A Fire Prevention Officer
 - (i) is empowered to enforce the provisions of this and any other by-law relating to the prevention and extinguishment of fires;
 - (ii) if designated as a Local Assistant is authorized to assist the Fire Marshal in carrying out the provisions of this Part within the *Fire Prevention Act* and the regulations made thereunder; and in the performance of their functions, are under the Act and Regulations, subject to the directions of the Fire Marshal and without limiting the generality of the foregoing, has herewith conferred upon him the same powers under the same conditions as are conferred upon the Fire Marshal virtue of the *Fire Prevention Act*.
2. A Fire Prevention Officer or any person authorized in writing by a Fire Prevention Officer may, upon reasonable grounds and at reasonable times, enter and inspect any building or premise within the boundaries of Sussex for the purpose of fire prevention or to investigate the cause or origin of a fire or suspected fire. Such entry shall comply with all applicable laws regarding search and seizure.

XI. GENERAL

1.
 - a) Upon request of the Fire Chief or Deputy Fire Chief(s) any person present at a fire shall assist any firefighter in the performance of their duties at the fire and shall obey all orders and directions given to them by the Fire Chief or Deputy Fire Chief(s) in connection with the fire.

- b) Whenever the Fire Chief, Deputy Fire Chief(s) or other person in charge of a fire deems it advisable to guard that locality of the fire from the crowding of persons or vehicles, they may place or cause to be placed a rope or other barrier across any street or public place to indicate the area from which persons or vehicles are prohibited.
 - c) No person except members of the Fire Department, the Police and the owner of a property endangered by the fire (when specifically authorized by the Fire Chief or Deputy Fire Chief(s)), shall enter or be within an area marked off by ropes or barriers under Subsection (b). Any person who enters such area does so at their own risk and the municipality shall not be liable for any injury or damage sustained.
2. No person:
- a) shall drive a vehicle over or across an unprotected hose or other firefighting equipment;
 - b) shall interfere with or obstruct a Fire Chief or Deputy Fire Chief(s) or any firefighter in the performance of his duties at a fire;
 - c) shall operate a fire apparatus while under the influence of intoxicating liquor or drugs, or with any amount of alcohol or controlled substances in their system that exceeds the limits prescribed by applicable provincial laws and regulations; or
 - d) shall place items in a manner that obstructs firefighter access to any premises through windows, doors, stairways or passageways.

XII. FIREWORKS

1. No person shall set off fireworks when Category I fires are prohibited by the New Brunswick Forest Fire Watch.
2. The Fire Chief shall have sole and absolute discretion to approve, restrict, suspend, or prohibit the use of fireworks at any time where, in their opinion, public safety, fire risk, weather conditions, site suitability, or operational capacity warrant such action.
3. The sole authorized launch location for fireworks within Sussex shall be the designated fireworks launch area within Princess Louise Park.

Consumer Fireworks

The launch of consumer fireworks is prohibited within the boundaries of Sussex.

Display Fireworks

1. The person holding the display shall be responsible to ensure that the display is conducted in conformance with the current Fireworks Display Manual prepared by Natural Resources Canada, as amended and restated from time to time.
2. The handling, storage and discharge of Display fireworks shall be in accordance with the Explosives Act and its Regulations, the National Fire Code and the Fire Prevention Act.
3. An application for a Display Fireworks authorization shall be submitted to the Sussex Events Management Committee through Sussex Form CS-21-001 not less than ninety (90) days prior to the proposed event and shall include:
 - (a) proof of comprehensive general liability insurance in an amount not less than \$5,000,000, naming Sussex as an additional insured;
 - (b) a detailed fireworks display plan and emergency response plan; and
 - (c) confirmation that the display will be conducted under the direct supervision of a licensed fireworks operator.
4. The Fire Chief may impose any conditions deemed necessary in the interest of public safety, fire risk mitigation, weather conditions, crowd management, or operational capacity, and may suspend or revoke authorization at any time.

XIII. BURNING

1. No person shall light, ignite, start or cause to be lit, ignited, or started, a fire of any kind whatsoever within Sussex when Category I fires are prohibited by the New Brunswick Forest Fire Watch.
2. No person shall burn Prohibited Material(s) within Sussex.
3. Notwithstanding the foregoing, the following fires are permitted when Category I fires are prohibited by the New Brunswick Forest Fire Watch:
 - a) Fires used for Firefighter/Fire Department education or training purposes; and
 - b) The use of a propane, natural gas or charcoal barbeque or cooking appliance.
 - c) Outdoor Propane Fire Appliance for recreational or cooking purposes.
4. The onus is on the person wanting to light a fire to verify that burning is permitted as per the New Brunswick Forest Fire Watch prior to igniting.
5. At the discretion of the Fire Chief, and on the terms and conditions set by the Fire Chief, a permit for an Open Fire may be issued for:
 - a) A Cultural Fire;
 - b) For a commercial purpose where an Open Fire is a function of the business or event; or
 - c) Any other Open Fire at the discretion of the Fire Chief.
6. When an Open Fire is permitted, the Fire Chief can impose any conditions deemed necessary, at their sole discretion.

Outdoor Fireplaces.

1. No person shall use an Outdoor Fireplace except in accordance with the following:
2.
 - a) it is located at not less than 3 meters from any building, structure, property line, tree, hedge fence, roadway, overhead wire or other combustible article;

- b) it is placed on a non-combustible surface (not grass) that extends 0.6 meters beyond the edge of appliance and is not on a wood deck or other combustible platform;
- c) only one Outdoor Fireplace is to be used on the property at any one time;
- d) it is used to burn only dry, seasoned firewood;
- e) a portable fire extinguisher, 10-litre bucket of water or operable garden hose is readily available while the unit is in use;
- f) the Owner or occupant maintains constant watch and control over the appliance when in use and until the fire is totally extinguished;
- g) have a mesh screen on top (spark arrestor) with holes no greater than 12mm and must not emit smoke, airborne sparks or embers that unreasonably interfere with neighboring properties' use and enjoyment.

XIV. BUILDINGS WITH SPRINKLER CONNECTIONS

1. The owner of a structure which has a sprinkler connection shall provide free access for fire apparatus to the building sprinkler connection. The owner shall identify this access by placing no parking signs and installing posts to identify this no parking area.

XV. PETROLEUM PRODUCT STORAGE

1. No person shall store gasoline, oil, liquified petroleum gases or other petroleum products except in facilities meeting the standards contained in the latest edition of the National Fire Code of Canada. The Fire Chief or designate shall have the right to inspect such storage facilities upon reasonable notice to ensure compliance.

XVI. SELF SERVICE FACILITIES

1. 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 of Canada, latest edition.

XVII. BUILDING DEMOLITION

1.
 - a. The Fire Chief or the Council may, in order to prevent the spread of fire or address an immediate safety hazard, issue an order for the pulling down, demolition or removal of any building or structure. The costs of such demolition or removal shall be borne by the Owner, subject to Section (b) below regarding compensation.
 - b. When a building or structure is pulled down, demolished, removed or destroyed under Subsection (a), the municipality shall pay to the owner of that building or structure reasonable compensation therefore, provided that such action was not necessitated by the owner's negligence or failure to comply with this by-law or any other applicable regulations.

XVIII. ORDERS

An Order of the Fire Prevention Officer or Fire Chief, under terms of this By-Law shall be in writing and signed by the Fire Prevention Officer or Fire Chief for any infractions of this By-Law, or if designated as a Local Assistant under the provisions of the *Fire Prevention Act* or other laws relating to the prevention and extinguishment of fires.

XIX. NOTICE

1. Where an order is issued under Section XVIII, a Fire Prevention Officer, Fire Chief, or By-law Enforcement Officer as designated by Council, may notify the owner or occupier of the premises, building or structure and the notice shall
 - (i) be in writing;
 - (ii) be signed by the Fire Prevention Officer or Fire Chief;
 - (iii) state the infraction or condition(s) that exists;
 - (iv) state what must be done to correct the infraction or condition(s);
 - (v) state the date before which the condition must be corrected, and
 - (vi) be served either by personal delivery on the person to be notified or by posting in a conspicuous place on the premises, building or structure.

2. Proof of the giving of notice in either manner provided for in this by-law may be by a certificate or an affidavit purporting to be signed by the Fire Prevention Officer or Fire Chief or such other person acting on behalf of the Fire Prevention Officer, Fire Chief or By-law Enforcement Officer naming the person to whom notice was given and specifying the time, place and manner in which notice was given.

3. A document purporting to be a certificate or proof of service under Section XIX (2) shall be:
 - (i) admissible in evidence without proof of signature; and
 - (ii) conclusive proof that the person named in the certificate received notice of the matters referred to in the certificate.

4. In any prosecution for a violation of this by-law, where proof of the giving of notice is made as prescribed under subsection Section XIX (2) the burden of proving that one is not the person named in the certificate or affidavit shall be upon the person charged.

5. A notice given under Section XIX (2) and purporting to be signed by the Fire Prevention Officer or Fire Chief designated by Council shall be
 - (i) received in evidence by any court in the Province without proof of the signature;
 - (ii) proof in the absence of evidence to the contrary of the facts stated in the notice; and
 - (iii) on the hearing of any information for a violation of this by- law, proof in the absence of evidence to the contrary that the person named in the notice is the owner or occupier of the premises, building or structure in respect of which the notice was given.
6. The Fire Prevention Officer or Fire Chief has the authority to complete items outlined in an order issued by the Fire Prevention Officer or Fire Chief, provided that the expenditure involved is not more than one thousand dollars (\$1000.00) and, with the approval of the Council, any order involving an expenditure of more than one thousand dollars (\$1000.00).

XX. PENALTY

1.
 - a) A person who violates any provision of this By-law or who fails to comply with an order of the Fire Prevention Officer or Fire Chief, commits an offence punishable under Part II of the *Provincial Offences Procedure Act*, S.N.B. 1987, c. P-22.1, as a category E offence.
2. A person who fails to comply with an order of the court under this by-law commits an offence punishable under Part II of the *Provincial Offences Procedure Act* as a category F offence.
3. Any By-Law Enforcement Officer is authorized to take such action or issue such tickets as they may deem necessary to enforce any provisions of this by-law.
4. A person who violates any provision of this By-law shall pay to Sussex within 45 calendar days from the date of such violation an administrative penalty of two hundred dollars (\$200.00). Payment of this penalty does not

preclude Sussex from pursuing additional legal remedies or enforcement actions as deemed necessary.

5. Payment of an administrative penalty does not alleviate the responsibility for compliance with the By-law. Continued non-compliance may result in additional penalties, enforcement actions, or other remedies available to Sussex under applicable law.

XXI. PLURAL OR FEMININE TERMS

Plural or feminine terms may apply whenever the singular, masculine or feminine is used in this By-law. It shall be considered as if the plural, feminine or masculine has been used where the context of the party or parties hereto so requires.

XXII.VALIDITY

The invalidity of any section, clause, sentence or provision of this By-Law shall not affect the validity of any other part of this By-Law which can be given effect without such invalid part or parts, and to this end, the provisions of this By-Law are declared to be severable.

XXIII. BY-LAW REPEALED

1. The by-law entitled "A By-Law Respecting the Establishment of the Sussex Fire Department and the Prevention and Extinguishing of Fires, By-Law 350-12" enacted on August 20, 2012 and amendments thereto are hereby repealed.

2. The by-law entitled "By-Law Respecting the Prevention of Fires, By-Law 113-10" enacted on August 17, 2010, and amendments thereto are hereby repealed.

3. The repeal of the By-laws designated in subsections (1) and (2) shall not affect any penalty, forfeiture or liability, incurred before such repeal or any proceeding for enforcing the same completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any matter or thing whatsoever completed, existing or pending at the time of repeal.

READ FIRST TIME BY TITLE

READ SECOND TIME BY TITLE

READ IN ENTIRETY

THIRD READING BY TITLE
AND ENACTED

MAYOR

TOWN CLERK

**“SCHEDULE A”
LEVELS OF SPECIALIZED SERVICES**

LEVELS OF SPECIALIZED SERVICES (Current)

The following establishes the minimum required levels of specialized emergency services and certifications for the Sussex Fire Department and its mutual aid partners, in accordance with the New Brunswick Fire Prevention Act and applicable municipal by-laws. All certifications must be current and maintained as per provincial requirements.

SERVICE	REFERENCE	SUSSEX	MUTUAL/AUTO MATIC AID
Hazardous Materials	NFPA 1072 (Current Edition as adopted by New Brunswick)	Operations (mission specific)	Technician (Provincial Team)
Common Passenger Vehicle Rescue	New Brunswick Community College (NBCC) Certification Standards Vehicle Extrication	Certificate & Demonstrated Proficiency as per Department Standards	Certificate & Proficient
Swift Water Rescue	1. REFERENCE STANDARDS 1.1 This by-law incorporates by reference the National Fire Protection Association (NFPA) Standard 1006, Standard for Technical Rescue Personnel Professional Qualifications (Current Edition)	Technician	Technician
Wilderness Rope Rescue	1.2 This by-law also incorporates by reference: (a) NFPA 1983, Standard on Life Safety Rope and Equipment for Emergency Services (Current Edition); and (b) NFPA 1006, Standard for Technical Rescue Personnel Professional Qualifications (Current Edition)	Operations - 2.3 Operations Level Requirements 2.3.1 Personnel must obtain and maintain both: (a) Valid certification; and (b) Demonstrated proficiency in required skills.	-----

**“SCHEDULE B”
FINES AND CHARGES**

Administrative Penalties		
For an offence under Section XIII - Burning	1 st Response to non-compliant open-air burning	Warning/Education
	2 nd response to same address within 60 days	Administrative Fee \$200
	3 rd and subsequent response to same address within 60 days	Administrative Fee \$200 plus Category E
For an offence under Section XII - Fireworks	1 st Response to non-compliant fireworks	Warning/Education
	Additional response to same address/property owner	Administrative Fee \$200 plus Category E