

**AMENDMENT No. A-5**

**TO**

**BY-LAW No. 02-14**

**A BY-LAW OF THE MUNICIPALITY OF THE TOWN OF SAINT ANDREWS  
RESPECTING OPEN AIR FIRES**

**BE IT ENACTED** by the Council of the Town of Saint Andrews that By-Law No. 02-14 a By-Law of the Town of Saint Andrews Respecting Open Air Fires within the Town of Saint Andrews, is hereby amended as follows:

1. By deleting Section 4 and replacing it with the following:

**4. Offences and Penalties**

- (1) Any person who violates or breaches any provision of this By-Law is guilty of an offence
- (2) All contraventions of this By-Law are designated By-Law contraventions that may be dealt with by a notice of penalty pursuant to the provisions of the *Local Governance Act*.
- (3) The Administrative Penalty for all contraventions of this By-Law shall be one hundred fifty dollars (\$150.00).
- (4) A person to whom a penalty notice is delivered may pay the Administrative penalty on or before a charge pertaining to the offence has been laid in Provincial Court as follows:
  - (a) In person at the Town of Saint Andrews Office, 212 Water Street Saint Andrews, New Brunswick, in cash or by cheque, credit card or money order made payable to the Town of Saint Andrews; or
  - (b) By mail to: Town of Saint Andrews, 212 Water Street, Saint Andrews, New Brunswick, E5B 1B4, Attention Accounting Clerk, by cheque or money order only, payable to the Town of Saint Andrews; or
  - (c) By phone with credit card to the Town of Saint Andrews main office at (506) 529-5120
- (5) A person who pays the Administrative Penalty shall be deemed to have contravened the provision of the By-Law in respect of which the payment was made and shall not be charged with an offence in respect of the same incident that gave rise to the Administrative Penalty.
- (6) If the Administrative Penalty is not paid in accordance with Section 4(4), the person charged with the offence is liable on summary conviction to a fine of not less than five hundred dollars (\$500.00)

Read First Time: on this the 4th day of May 2020

Read Second Time: on this the 1st day of June 2020

Read Third Time: on this the 6th day of July 2020

  
\_\_\_\_\_  
Mayor Doug Naish

  
\_\_\_\_\_  
Paul Nopper Clerk - Senior  
Administrator



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This instrument purports to be a copy of the original registered or deposited at the Charlotte County Registry Office NB

Exemplaire présenté comme copie conforme à l'instrument enregistré ou déposé au bureau d'enregistrement du comte de Charlotte NB

# TOWN OF SAINT ANDREWS

By-law NO. 02-14 300 - - MAY 20 200  
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## A BY-LAW TO AMEND BY-LAW 98-1 BEING A BY-LAW TO REGULATE OPEN AIR FIRES WITHIN THE TOWN OF SAINT ANDREWS

### 1. Interpretation

In this Bylaw:

"Acceptable Fire Pit" means an outdoor receptacle whereby the fire pit opening does not exceed 61 cm. (24 in.) in width or in diameter when measured between the widest points or outside edges.

"Council" means the Council of the Town of Saint Andrews

"Fire Chief" means Fire Chief for the Town of Saint Andrews.

"Garden and Yard Waste" means any shrubbery, tree prunings, leaves, brush, weeds, grass, roots, tree stumps, turf, and similar vegetation.

"General Waste" means any rubbish, garbage, non-wooden material, packaging, containers, bottles, cans, rags, clothing, petroleum products, manure, human or animal excrement, sewage or the whole or part of an animal carcass.

"Hazard" means a risk of fire or damage to property and/or person(s) which may be caused by the burning of any waste and includes any nuisance.

"Nuisance" means the causing of any smoke by or from any fire permitted or allowed under this Bylaw with compromises surrounding property owners with respect to the quiet enjoyment of their property.

"Portable Barbecuing Appliance" means any appliance sold or constructed for the purpose of cooking food outdoors, normally fuelled by liquefied petroleum gas, natural gas, compressed briquettes, or charcoal.

"Town" means the Town of Saint Andrews.

### 2. Open Air Fires Prohibited

(1) No person shall be permitted to have an open air fire or any other fire upon land owned or occupied by such person, or on any other lands within the Town.

(2) No person shall be permitted to burn general waste, or garden and yard waste on any lands owned or occupied by such person, or on any other lands within the Town.

(3) Notwithstanding Section 1, persons are permitted under this Bylaw to conduct:

(a) the cooking of food using a portable barbecuing appliance;

(b) the cooking of food in acceptable fire pits or acceptable fireplaces provided:

(i) only clean fuel is used such as natural gas, dry wood or charcoal in amounts which will be contained within the fire pit or fireplace below the mesh screen;

(ii) the fire does not create a nuisance, which is offensive to any other person;

- (iii) the fire does not create a hazard to persons or to other properties;
  - (iv) a means, acceptable to the Fire Chief, of controlling or extinguishing the fire is available on the property and within reasonable distance from where the fire occurs;
  - (v) a responsible adult is present on the property when the fire is burning;
  - (vi) the fire is extinguished before supervision of the fire ends;
- (c) burning in Town-sanctioned parks where fireplaces, stoves and fire pits are provided by or approved by the Town;
- (d) burning by the Fire Department for the purpose of training its members;
- (e) burning for municipal purposes at the direction of the Fire Chief.

**3. Requirements for acceptable fire pits, outdoor fireplaces and structures**

- (1) Acceptable fire pits, outdoor fireplaces, or structures must meet the following requirements:
- (a) A minimum of 4.5 metres (15 feet) clearance shall be maintained from buildings;
  - (b) Installations must have enclosed sides made from bricks, concrete blocks, heavy gauge metal, stone, or other suitable non-combustible components;
  - (c) A spark arrestor mesh screen of 1/4 inch expanded metal (or equivalent) to contain sparks shall be provided over the fire.

**4. Offences and Penalties**

- (1) Every person who contravenes or fails to comply with any of the provisions of this Bylaw shall be liable to a penalty of \$50.00 for the first offence and \$250.00 for each subsequent offence.

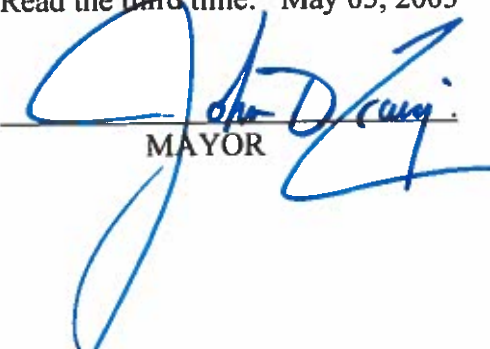
**5. The Town of St. Andrews Bylaw 98-1 is hereby repealed.**


**Town of Saint Andrews Bylaw Regulating Open Air Fires**

Read the first time: November 4, 2002

Read the second time: April 07, 2003

Read the third time: May 05, 2003

  
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 MAYOR

  
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 CLERK