

COMMON COUNCIL REPORT

M&C No.	2025-029
Report Date	January 06, 2025
Meeting Date	January 27, 2025
Service Area	Fire and Emergency Management Services

Her Worship Mayor Donna Noade Reardon and Members of Common Council

SUBJECT: ‘A By-Law regulating Outdoor Fires in The City of Saint John’

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	Chief Administrative Officer
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RECOMMENDATION

It is recommended that Common Council give first and second reading to “***A By-Law respecting Outdoor Fires in The City of Saint John***” (Attachment 1).

EXECUTIVE SUMMARY

The purpose of this report is to seek Common Council’s approval for 1st and 2nd reading of a By-Law to Regulate Outdoor Fires in Saint John. The City of Saint John has outdoor fire safety guidelines but no by-law which regulates outdoor fires or adherence to the provincial forest fire watch “no burn” periods. Saint John is the only major city in New Brunswick that does not have such a by-law.

The Department of Natural Resources and Environment (DNRE) have indicated a by-law would reflect well on our partnership with DNRE in combatting wildland fires in or outside of Saint John. With the assistance of General Counsel Staff, the Fire Department researched and drafted a by-law to regulate outdoor fires. A draft by-law was presented to the Public Safety Committee in the summer of 2024 and feedback was sought. This final version of the by-law reflects feedback received and aligns with best practices across the province.

PREVIOUS RESOLUTION

No previous resolution of Council.

REPORT

Background

Saint John and the surrounding communities are experiencing climate change and recording more days with elevated temperatures. Our changing climate puts us at risk of having wildfires inside the City limits and around our protected watershed. Wildfires have become more prevalent in the last few years, and many communities in New Brunswick have had to deal with significant wildfires in their boundaries. Saint John Water (SJW) approached the Fire Department to understand the level of firefighting response available to fight forest fires in our watershed. SJW was concerned with the devastating effect a wildfire could have on the City's potable water supply.

In response to SJW's query, the Fire Department reached out to the Department of Natural Resources and Energy (DNRE) to ascertain the level of support available to the City to assist in fighting a wildland fire within or outside of Saint John. DNRE readily offered support. It was during these discussions that DNRE officials inquired if Saint John currently recognized the provinces 'no burn' periods. The City has outdoor fire safety guidelines posted on its website, but not an adopted by-law.

In addition to the collaboration with DNRE, Saint John Fire Department has reviewed related by-laws in other major municipalities in New Brunswick. The survey revealed that Saint John was the only major city not to have such a by-law.

Currently, Saint John has outdoor fire safety 'guidelines' posted on the City's website. These guidelines are a mix of outdoor fire by-law like terms along with separation distances referenced in DNRE's requirements for a Category 1 burn. To advance to a by-law from our current guidelines is not a significant step. The main difference being our current guidelines have no enforceability and do not require citizens to adhere to the Provincial Forest Fire Watch "no burn" days and/or times.

Proposed

A draft of the proposed by-law was presented to the Public Safety Committee in the summer of 2024. Feedback was received and incorporated in the proposed by-law attached to this report.

The intent of the proposed outdoor fire by-law is to regulate the use of outdoor fireplaces on public or private property, only permitting fires on days or times where such fires are permitted in accordance with the province's forest fire watch. Similar to City's current 'Outdoor Fire Safety Guidelines', the proposed by-law:

- Does not require a permit for an outdoor fireplace (firepit) on owner occupied property.
- Requires the use of screening on outdoor fireplaces to reduce the dispersion of large embers.
- Requires a nearby means of extinguishing the fire.
- Requires separation from structures and combustibles.
- Limits the outdoor fireplace fuels type to clean dry wood, prohibiting the burning of noxious materials.
- Prohibits open fires except for cultural fires.
- Exempts open flame barbecues (wood chip or charcoal) and propane or natural gas fueled outdoor fireplaces (fire bowls) from the by-law.

Unlike the City's current 'Outdoor Fire Safety Guidelines', the proposed by-law will also:

- Acknowledge the exemption of private campgrounds under Regulation 84-204 under the Forest Fires Act.
- Prohibits outdoor fireplace use on days and/or times a Category 1 fire is not permitted in this region.
- Creates a 'permitting' mechanism to allow open fires for events conducted for the advancement of cultural, religious, charitable, educational or community objectives.
- Create a 'permitting' mechanism to allow open fires for commercial purposes where the open fire is the focal point of the business model.
- Creates offences, penalties and enforcement mechanisms.

Permits and potential revenue

No permit or inspection will be required for an outdoor fireplace on private property.

Conversely, and to formalize an existing practice, a permit will be required before an open fire for cultural or religious practices, or outdoor fireplace use on public or non-owner-occupied land. An open fire is still a contained open-air fire. In other words, a contained fire but not within an outdoor fireplace fire equipped with a screen to prevent the dispersion of embers.

Where the intent to the by-law is more about regulation than revenue, no permit fees are associated with this by-law.

Appointment of By-law Enforcement Officers

A Report to Council will follow regarding the appointment of persons within Fire and Emergency Management Services to be empowered to enforce the by-law.

STRATEGIC ALIGNMENT

Deliver sustainable public safety programs that meet the needs of a growing and diverse community as well as protecting our environment.

SERVICE AND FINANCIAL OUTCOMES

This by-law is not anticipated to generate revenue. The intent is to educate the public on acceptable backyard burning practices, protection of air quality and adherence to the province's forest fire watch.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

In response to firefighting capability questions raised by Saint John Water, meetings were held with Department of Natural Resources and Energy (DNRE) officials to discuss wildfire fighting support which led to the impetus for advancing our outdoor fire safety 'guidelines' to a draft by-law.

By-laws from six New Brunswick communities were reviewed prior to drafting the proposed by-law for Saint John. Conversations were held with Fire Department staff from Edmundson and Dieppe to discuss issues with their respective by-laws.

A conversation was held with the campground representative of the Saint John Horticulture Association regarding this by-law.

The General Counsel's Office provided guidance with the development of the draft by-law and led in shaping the proposed by-law in a form for Council's consideration.

ATTACHMENTS

A By-law respecting Outdoor Fires in The City of Saint John