

# **Bylaw No. 4-2020**

## **The Fire Prevention Bylaw**

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The Council of the Town of Kelvington in the Province of Saskatchewan enacts as follows:

### **Part I - Short Title and Interpretation**

#### **Short Title**

1. This Bylaw may be cited as The Fire Prevention Bylaw.

#### **Purpose**

2. The purpose of this Bylaw is:
  - (a) to establish the Kelvington Fire Department;
  - (b) to adopt a fire prevention code which establishes a satisfactory standard for fire prevention, fire fighting and life safety in buildings;
  - (c) to provide for the prevention and suppression of fires;
  - (d) to provide guidelines for the storage and handling of flammable liquids, combustible liquids, dangerous goods, hazardous substances and waste dangerous goods;
  - (e) to regulate the sale and setting off of fireworks;
  - (f) to set minimum requirements for trailer, mobile home and manufactured home communities; and
  - (g) to provide for services at the site of an emergency.

## Definitions

3. In this Bylaw,
- (a) “Town” means The Town of Kelvington;
  - (b) “closure” means a closure within the meaning of *The National Fire Code*;
  - (c) “combustible liquid” means a combustible liquid within the meaning of *The National Fire Code*;
  - (d) “community association” means a Non-profit Corporation providing recreational programs and services for designated Town neighbourhoods;
  - (e) “cord” means a measure of cut wood usually 3.6 cubic metres or 128 cubic feet;
  - (f) “dangerous goods” means dangerous goods within the meaning of *The National Fire Code*;
  - (g) “Department” means the Fire Department of the Town of Kelvington;
  - (h) “discharge” includes to ignite, fire, or set off and the words “discharging” and “discharged” have a similar meaning;
  - (i) “dwelling unit” means a dwelling unit within the meaning of *The National Fire Code*;
  - (j) “fire separation” means a fire separation within the meaning of *The National Fire Code*;
  - (k) “fireworks” means fireworks as defined in the *Explosives Regulations*, C.R.C., c.599;
    - (1) “fireworks display permit” means a permit issued pursuant to Subsection 46(2);
    - (2) “fireworks sale permit” means a permit issued pursuant to Subsection 42(1);
    - (3) “sky lantern” also known as *Flying Lantern, Kongming Lantern or Chinese Lantern*, means a small hot air balloon made of paper, with an opening at the bottom where a small fire is suspended.
  - (l) “fireworks supervisor” means a person licensed or approved by the Chief Inspector of Explosives, Department of Energy, Mines and Resources to handle and use subdivision 2 of Division 2 fireworks;
  - (m) “flammable liquid” means a flammable liquid within the meaning of *The National Fire Code*;
  - (n) “hazardous substance” means a hazardous substance within the meaning of *The Hazardous Substances and Waste Dangerous Goods Regulations*, c. E-10.2, Reg. 3;
  - (o) “high hazard fireworks” means Subdivision 2 of Division 2 fireworks as defined in the *Explosives Regulations*, C.R.C., c.599;
  - (p) “Indemnification Technology” means Fire Department incident reporting and property insurance policy wording interpretation to maximize billing opportunities on behalf of fire departments by invoicing insurance companies for costs of fire department attendance with respect to insured perils;

- (q) “low hazard fireworks” means Subdivision 1 of Division 2 fireworks as defined in the *Explosives Regulations*, C.R.C., c. 599, but does not include sparklers, Christmas crackers, caps for toy guns containing not in excess of twenty-five one-hundredths of a grain of explosive per cap;
- (r) “municipal inspector” means a municipal inspector within the meaning of *The Fire Safety Act* and a designated officer within the meaning of *The Municipalities Act*;
- (s) “*National Fire Code*” means the Code declared to be in force pursuant to Subsection 3(1) of *The Saskatchewan Fire Code Regulations*;
- (t) “NFPA” means the National Fire Protection Association;
- (u) “private fireworks display” means the discharge of low hazard fireworks for private recreation and entertainment;
- (v) “public fireworks display” means the discharge of high or low hazard fireworks for public recreation and entertainment; and
- (w) “sell” includes distribute, offer for sale, cause or permit to be sold and to possess for the purpose of sale, and the words “selling” and “sold” have a similar meaning.

## **Part II - Fire Department**

### **Establishment of Department**

4. (1) The Fire Department is established.
- (2) The Department is responsible for:
  - (a) fire protection, including:
    - (i) fire suppression,
    - (ii) fire prevention and inspections,
    - (iii) fire investigations,
    - (iv) educational programs, and
    - (v) emergency mass notification:
  - (b) rescue service, including:
    - (i) surface water / ice rescue,
    - (ii) basic rope rescue,
    - (iii) vehicle extrication,
    - (iv) structural collapse support operations,
    - (v) confined space entry,
    - (vi) trench rescue support operations
    - (vii) rapid intervention rescue; and
  - (c) dangerous goods first response operations level
  - (d) pre-hospital emergency medical support service: Advanced First Aid Level.

**Duties of Fire Chief**

- 5. (1) The Fire Chief is the Director of the Fire Department.
- (2) The Fire Chief shall administer and enforce this Bylaw within the Town and shall perform any other duties and may exercise any other powers that may be delegated by Town Council.
  - (a) The Fire Chief shall have the authority to further delegate any matter delegated to him under this Bylaw.
- (3) The Fire Chief shall have the authority to prohibit any or all open fires when atmospheric conditions or local circumstances, in his/her opinion, make such fires hazardous. The Fire Chief shall advise the Chief Administrative Officer prior to issuing a fire ban within the corporate boundaries of the Town of Kelvington. The Chief Administrative Officer shall then inform Council.
- (4) The Fire Chief is responsible for the maintenance of discipline within the Department and may make Policies and Procedures necessary to carry out the daily administration and operations of the Department.

**Fees for Service**

- 6. (1) The Department is authorized to charge the applicable fees for the various services, tests and emergency responses listed in Schedule “A”.
- (2) The fees shall be reviewed and set by Town Council on the advice of the Fire Chief, as required.

**Agreement for Emergency Service**

- 7. The Town may enter into an agreement with any other municipality, municipal government, First Nations band, person or other properly constituted authority, organization or agency for the furnishing or receiving of fire fighting or fire prevention services or emergency services on any terms that may be agreed upon, including the setting and payment of charges.

**Request for Emergency Service**

- 8. (1) The Town may provide and charge for any fire fighting, fire prevention or emergency service outside the Town where no agreement exists, if a request is made by any other municipality, municipal government, First Nations band, person or other properly constituted authority, organization or agency.
- (2) The charge for any fire fighting, fire prevention or emergency service provided by the Department shall be determined according to the fees and rates listed in Schedule “A”

**Part III - National Fire Code**

**Adoption of National Fire Code**

- 9. (1) Except as modified by this Bylaw, it is declared that *The National Fire Code* is in force in The Town of Kelvington.
- (2) The following NFPA standards are in force in The Town of Kelvington:
  - (a) NFPA 24 Installation of Private Service Mains and Appurtenances

(b) NFPA 25 Water Based Fire Protection Systems

(c) NFPA 501A Fire Safety Criteria for Manufactured Home Installations, Sites and Communities.

## **Part IV – Inspections, Compliance with Orders and Enforcement Procedures**

### **Inspections**

10. (1) Inspection of property by the Town to determine compliance with this Bylaw is hereby authorized.
- (2) Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
- (3) No person shall obstruct a municipal inspector who is authorized to conduct an inspection under this Section, or a person who is assisting a municipal inspector.
- (4) Before entering on any land or into any building, structure or premises, the Fire Chief or a municipal inspector shall notify the owner or occupant of the purpose of the entry.

### **Order to Remedy Contravention**

11. (1) If a municipal inspector finds that a person is contravening this Bylaw, the municipal inspector may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
- (2) Orders given under this Bylaw shall comply with Section 364 of *The Municipalities Act*.
- (3) Orders given under this Bylaw shall be served in accordance with Section 390 of *The Municipalities Act*.

### **Registration of Order**

12. If an order is issued pursuant to Section 11, the Town may, in accordance with Section 364 of *The Municipalities Act*, give notice of the existence of the order by registering an interest against the title to the land that is the subject of the order.

### **Appeal of Order to Remedy Contravention**

13. (1) A person may appeal an order made pursuant to Section 11 in accordance with Section 365 of *The Municipalities Act*.
- (2) Any person who considers himself aggrieved by any Order made by the Fire Chief under the provisions of this Bylaw may appeal such Order in writing to the Fire Commissioner of the Province within fifteen (15) days of being served the Order.

### **Town Remedying Contraventions**

14. The Town may, in accordance with Section 366 of *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.

### **Civil Action to Recover Costs**

15. The Town may, in accordance with Section 368 of *The Municipalities Act*, collect any unpaid expenses and costs incurred in remedying a contravention of this Bylaw by civil action for debt in a court of competent jurisdiction.

#### **Adding Amounts to Tax Roll**

16. The Town may, in accordance with Section 369 of *The Municipalities Act*, add any unpaid expenses and costs incurred by the Town in remedying a contravention of this Bylaw to the taxes on the property on which the work was done.

#### **Emergencies**

17. In the event that it becomes an emergency to remedy a contravention of this Bylaw, the Town may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 367 of *The Municipalities Act*.

#### **Immediate Hazards**

18. (1) Notwithstanding any other provision of this Bylaw, where in the course of an investigation or inspection under this Bylaw, the municipal inspector is of the opinion that a condition exists creating a serious danger to life or property, the Fire Chief may:
  - (a) use any measures that the municipal inspector considers appropriate to remove or lessen the condition;
  - (b) evacuate and close the building, structure, premise or yard where the condition exists or any area surrounding such location for any period that the municipal inspector considers appropriate;
  - (c) order the owner, operator or occupant to immediately do anything necessary to remove or lessen the condition. For greater certainty, the municipal inspector may order the owner, operator or occupant to demolish a building or structure, to remove any debris and waste material and to fill in any open basement or excavation remaining on the site of the building or structure after its demolition.
- (2) If closed under Clause (1)(b), the municipal inspector shall, if possible, placard the building, structure, premise, yard or area as a serious danger to life or property.
- (3) No person shall enter, attempt to enter or tamper with a building, structure, premise, yard or area that has been closed under Clause (1)(b) without the prior approval of the municipal inspector.
- (4) No person shall take down, cover up, mutilate, deface or alter a placard posted under Subsection (2).
- (5) The costs and expenses incurred under this Section are a debt due to the Town and may be recovered from the owner of the building, structure, premise, yard or area in or on which the work was carried out.
- (6) If the costs and expenses mentioned in Subsection (5) are not paid at the end of the year in which the work was carried out, the Town may add the amount of the costs and expenses to the owner's property taxes.

## **Part V - Prevention and Suppression of Fires**

### **Smoke Alarms**

19. (1) Smoke alarms shall be installed in each dwelling unit and in each sleeping room not within a dwelling unit in conformance with *The National Fire Code*.
- (2) In addition to those smoke alarms required in the current National Building Code of Canada, residential rental properties shall have smoke alarms installed in each bedroom and/or sleeping area in the building as well as one working CO2 detector.

Tenants shall be responsible to inspect and test smoke alarms and such records shall be retained by the owner of the building or the owners authorized agent for examination by the Fire Department in accordance with *The National Fire Code*.

(a) in the case of alarms installed by permanent connection to an electrical circuit, at least once every 6 months;

(b) in the case of tamper-proof alarms with 10 year batteries, at least once every 6 months; or

(c) in the case of any other battery operated alarms, at least every 6 months.

### **Wood fuel burning appliances**

20. (1) No person shall install a fireplace or solid fuel burning appliances in any building in the Town of Kelvington without first having obtained approval to do so from the Building Official. Approval shall be granted after having obtained a building permit and meeting all regulations pertaining to fireplace installations.
- (2) Where such a permit is issued to a person, such person after having commenced to install the said fireplace shall not enclose such fireplace until an inspection is carried out by the Fire Chief as to its safety.
- (3) Outdoor Wood burning boiler heater systems shall not be allowed in any residential, commercial or industrial area within the limits of the Town of Kelvington.

### **Incinerators**

21. (1) Except for auxiliary-fuelled incinerators approved by Ministry of Environment no incinerator shall be constructed or installed within the corporate limits of the Town of Kelvington.
- (2) Burning barrels or any similar device used for the burning of any household, commercial or yard refuse are prohibited.

### **Open-Air Fires**

22. (1) Open-air fires shall not be permitted in the front yard (front yard as defined by the Zoning Bylaw 763/2000);



- (2) Open-air fires shall not be set unless the following measures are taken to limit their spread:
- (a) fires shall be contained in a non-combustible receptacle constructed of concrete, brick or sheet metal with a minimum 18-gauge thickness, with openings not exceeding 13 millimetres (0.5 inch);
  - (b) a receptacle shall be covered with a heavy gauge screen with openings not exceeding 13 millimetres (0.5 inch);
  - (c) the size of the fire box of any receptacle shall not exceed 75cm (30 inches);
  - (d) the receptacle shall be located a minimum of 3 metres (10 feet) from combustible materials, buildings, and similar amenity space and property line
  - (e) the receptacle shall not exceed 51cm (20 inches) in height.
- (3) The fuel for open-air fires shall consist only of charcoal or cut, seasoned wood. The burning of the following material is prohibited:
- (a) rubbish;
  - (b) garden refuse;
  - (c) manure;
  - (d) livestock or animal carcasses; and
  - (e) any material which when burned will generate black smoke or an offensive odour including insulation from electrical wiring or equipment, asphalt roofing materials, hydrocarbons, plastics, rubber materials, creosoted wood or any similar material.
- (4) Open-air fires shall be reasonably supervised so as to prevent their spread.
- (5) Open-air fires shall be adequately ventilated to ensure proper combustion and to prevent an unreasonable accumulation of smoke.
- (6) Open-air fires shall not be set in windy conditions conducive to creating a running fire or a nuisance to another person.
- (7) If smoke from an open-air fire causes an unreasonable interference with the use and enjoyment of another person's property, the fire shall be extinguished immediately.
- (8) The Department may issue a "Permit" to a person to set an open-air fire as part of a block party, community event or similar special function or celebration. In this event, the Department may waive any requirements of this Section with respect to the permitted open-air fire, but the permittee shall comply with all other requirements of this Section and any other conditions attached to the Permit by the Department.
- (9) If due to excessive flames and/or smoke of any residential open-air fire pit, a call is placed to the local fire department and firemen are dispersed, the owner of the fire pit may be assessed a fine.

### **Barbecuing**

23. (1) Every person who uses a barbecue or similar device shall:

- (a) use the barbecue in a reasonable and safe manner;
  - (b) keep the barbecue, when lit, a sufficient distance from all combustible material;
  - (c) refrain from leaving the barbecue unattended, when lit;
  - (d) keep the barbecue in a reasonable state of repair; and
  - (e) comply with all federal and provincial regulations governing the use and storage of propane cylinders.
- (2) In addition to requirements of Subsection (1), if any person uses a barbecue or similar device on a balcony, the following provisions apply:
- (a) propane cylinders shall not exceed 20-pund-size
  - (b) all storage and regulations as set out in the NFC regarding propane cylinders must be adhered to and followed.
  - (c) if a building has a freight or service elevator, propane cylinders shall be delivered to and from the dwelling units within the building using that elevator. If a building has a passenger elevator only, propane cylinders may be delivered to and from dwelling units within the building using that elevator as long as no passengers other than the person who owns the tank or maintenance or delivery personnel are on the elevator at the time of the delivery.

#### **Wood Piles**

24. (1) A person may store lumber, timber or firewood on a residential property subject to the following restrictions:
- (a) the lumber, timber or firewood shall be stored at least three metres from any dwelling on the property, and at least 1 metre from any property line.
- (2) Subsection (1) does not apply to lumber or timber stored on site during the construction of any building on a residential property.

#### **Storage of Containers**

25. (1) All boxes, crates, barrels and other containers, empty or otherwise, used or kept in any building or on any lot, shall be:
- (a) stacked or piled clear of windows and doors to provide clear ingress and egress to any building; and
  - (b) kept away from any source of fire.
- (2) If, in the opinion of the Fire Chief or a municipal inspector, any accumulation of boxes, crates, barrels or other containers or packing materials constitutes a fire hazard, the Fire Chief or a municipal inspector may order the owner or occupant of the building or lot to remove the accumulation immediately.

#### **Outdoor Storage of Rubber Tires**

26. (1) Except as provided in Subsection (2), rubber tires shall be stored in accordance with *The National Fire Code*.
- (2) If the individual storage area for rubber tires is located on a site which abuts a residential site, the following size and clearance restrictions apply:
- (a) the maximum height of storage cannot exceed 2 metres; and

(b) the minimum clear space between the storage area and any property line which separates the site from the residential site cannot be less than three metres.

### **Occupant Load**

27. (1) In all assembly occupancies, the occupant load shall be posted in conspicuous locations near the principal entrances to the room or floor area.
- (2) The Department shall determine the occupant load for any room or floor area and shall issue an occupant load limit sign for that room or floor area. The owner or occupant of the premises shall ensure that the sign is posted in accordance with Subsection (1).
- (3) The occupant load of a room or floor area shall be determined in accordance with *The National Fire Code*.
- (4) The number of occupants permitted to enter a room shall not exceed the maximum occupant load calculated in accordance with this Section.
- (5) If the Fire Chief or a municipal inspector reasonably believes that the number of occupants in a room may exceed the maximum occupant load, the Fire Chief or municipal inspector may temporarily close the room or building in order to determine the number of occupants in the room.
- (6) If the number of occupants in a room exceeds the maximum occupant load, the room shall not be re-opened to the public until the number of occupants is reduced to a number less than the maximum occupant load.

### **Property Identification**

28. The civic address of any building or structure shall be prominently displayed on the front of the building or structure so as to be clearly visible from the street.

### **Inspection, Testing and Maintenance of Portable Fire Extinguishers**

29. (1) In accordance with *The National Fire Code*, all portable fire extinguishers shall be inspected, tested and maintained in conformance with NFPA 10, "Portable Fire Extinguishers".
- (2) Inspection, testing and maintenance of portable fire extinguishers shall be performed by properly trained and qualified persons.

### **Inspection and Maintenance of Commercial Cooking Equipment**

30. (1) In accordance with *The National Fire Code*, the inspection and maintenance of commercial cooking equipment exhaust and fire protection systems shall be in conformance with NFPA 96, "Ventilation Control and Fire Protection of Commercial Cooking Equipment".
- (2) Inspection and maintenance of commercial cooking equipment exhaust and fire protection systems shall be performed by properly trained and qualified persons.

### **Inspection and Maintenance of Sprinkler and Standpipe Systems**

31. (1) Inspection and maintenance of sprinkler and standpipe systems shall be performed by properly trained and qualified persons.

- (2) Any person who intends to inspect or maintain sprinkler and standpipe systems shall submit proof to the Department that the person holds a journeyperson's certificate in the sprinkler systems installer trade or that the person is a fourth year apprentice in the sprinkler systems installer trade.

### **Inspection, Testing and Maintenance of Fire Alarm Systems**

32. (1) In accordance with *The National Fire Code*, the inspection, testing and maintenance of fire alarm systems shall be in conformance with CAN/ULC-S536, "Inspection and Testing of Fire Alarm Systems".
- (2) Inspection, testing and maintenance of fire alarm systems shall be performed by properly trained and qualified persons.
- (3) Any person who wishes to inspect, test or maintain fire alarm systems must (or their employer must):
  - (a) be a member in good standing of the Canadian Fire Alarm Association or the National Fire Protection Association; and,
  - (b) have at least one of the following qualifications:
    - (i) a certificate from a recognized alarm manufacturer that the person is a factory trained installer and serviceperson; or
    - (ii) a certificate that the person has successfully completed the Canadian Fire Alarm Association "Fire Alarm Technology" program, and has worked as an apprentice to a person who holds a permit under this section for a period of not less than one year; or
    - (iii) a certificate that the person has successfully completed the journeyman electrician trade's upgrading course entitled "Fire Alarm and Protection Systems".
- (4) For purposes of this section "Addressable Fire Alarm System" means a fire alarm system that consists of initiating devices and central appliances and that is capable of individually identifying and controlling discrete components and functions of the system.
  - (a) Only authorized factory trained personnel may service addressable fire alarm systems.
  - (b) Any person who wishes to obtain a permit to test, inspect or maintain addressable fire alarm systems shall submit proof satisfactory to the Department that the person:
    - (i) is, or the person's employer is, member in good standing of the Canadian Fire Alarm Association or the National Fire Protection Association; and
    - (ii) possesses appropriate factory training in servicing addressable fire alarm systems.
- (5) Upon proof of the matters referred to in subsections (4) and (5), the Department shall issue to the person the appropriate permit to inspect, test and maintain fire alarm systems in the Town, which permit shall be valid for the period specified on the permit.

- (6) The Department may, at its discretion, cancel, revoke or suspend the permit of any person who in the opinion of the Department has contravened any of the provisions of this bylaw.

### **Vacant Buildings**

33. (1) In accordance with *The National Fire Code*, all vacant buildings shall be secured against unauthorized entry.
- (2) All exterior windows and doors, whether broken or intact, on the first storey of a vacant building shall be boarded up to prevent unauthorized entry.
- (3) All broken exterior windows on any storey above the first storey of a vacant building shall be boarded up to prevent unauthorized entry.
- (4) The boards used to secure a vacant building shall be plywood, OSB (oriented strand board), particleboard or wafer board with a minimum thickness of 9.5mm (3/8 inch).
- (5) Wherever possible, the boards shall be one solid piece and shall be secured to the window or doorframe or brick molding using 5 cm (2 inches) gyproc screws placed approximately 41 cm (16 inches) apart.
- (6) The boards shall be cut so as to fit tightly against the door or window frames to prevent a person from prying off the boards.
- (7) In addition to the windows and doors, any other openings in the exterior of a vacant building shall be secured to prevent unauthorized entry or an infestation of pigeons or rodents.

### **Prevention of Fire Spread**

34. The Department may pull down or demolish any buildings or other erections when, in the opinion of the Fire Chief or the senior officer in command of a fire or any other emergency, such actions are considered necessary to prevent the spread of fire.

### **Commandeering of Equipment**

35. (1) Where an extreme fire hazard exists or the safety of persons or property is endangered by a fire, the Fire Chief or the senior officer in command of a fire or any other emergency may commandeer or use any privately owned equipment for the purpose of fire fighting.
- (2) The Department shall pay compensation to any person from whom private property is commandeered or used pursuant to Subsection (1).
- (3) The amount of compensation to be paid to a person by the Department pursuant to Subsection (2) is to be determined by the Department. In the event a person does not agree with the amount of compensation offered by the Department, the person may appeal the amount of the compensation and the provisions of Sections 13, 14 and 15 shall apply.

### **Obtaining Assistance in Fire Fighting**

36. (1) Where an extreme fire hazard exists or the safety of persons or property is endangered by a fire, the Fire Chief or the senior officer in command of a fire or other emergency may obtain the voluntary assistance of any adult for the purpose of fire fighting.
- (2) The Department shall pay compensation to any person who assists in fire fighting pursuant to Subsection (1).

- (3) The amount of compensation to be paid to a person by the Department pursuant to Subsection (2) is to be determined by the Department. In the event a person does not agree with the amount of compensation offered by the Department, the person may appeal the amount of the compensation and the provisions of Sections 13, 14 and 15 shall apply.
- (4) No person who assists in fire fighting pursuant to Subsection (1) shall be deemed to be an employee of the Department or of the Town for the purposes of this Bylaw or any other Act or law.

### **Duties of Persons Assigned to Fight Fires**

37. Every person who assists in fire fighting pursuant to Section 37 shall:

- (1) proceed as directed;
- (2) take all equipment with which the person has been supplied or which has been commandeered for the person pursuant to Section 37;
- (3) assume responsibility for the fire fighting equipment in the person's care;
- (4) obey all reasonable orders and requirements of the Fire Chief or the senior officer in command of the fire; and
- (5) make every reasonable effort to control and extinguish the fire and to protect any life and property endangered by the fire.

## **Part VI - Hazardous Substances**

### **Underground Storage Tanks**

38. (1) In accordance with *The National Fire Code* and *The Hazardous Substances and Waste Dangerous Goods Regulation*.

### **Testing, Repair and Removal of Storage Tanks**

39. If, in the opinion of the Fire Chief or a municipal inspector, there is a reasonable suspicion that flammable or combustible liquids or vapours are escaping from an underground or above-ground storage tank or piping which may create a hazardous condition, the Fire Chief or municipal inspector may order the owner, operator or occupant of the premises where the storage tank is located to:
- (1) Drill test holes and provide test results to the Department;
  - (2) Test the tank and associated piping; and
  - (3) Excavate the tank and piping and carry out any necessary work to correct the hazardous condition, including the removal, replacement or repair of the tank.

### **Discharge of Hazardous Substance Into Sewer System**

40. (1) No person shall discharge or permit to be discharged any flammable liquid, combustible liquid, dangerous good, hazardous substance or waste dangerous good, whether by itself or in combination with any other liquid or solid, into any sanitary sewer, storm sewer, sewer connection, catch basin, street, alley or ditch.
- (2) Notwithstanding Section 11, the Fire Chief or a municipal inspector may use any measures that the Fire Chief or municipal inspector considers appropriate to prevent a further discharge of a substance mentioned in

Subsection (1), and may suspend the operation of any activity or business suspected of being the source of the discharge.

## **Part VII - Fireworks**

### **Discharge of Fireworks**

41. (1) No person shall discharge any fireworks in a manner that would create a danger or nuisance to any other person or property.
- (2) No person shall discharge any fireworks into or onto any public place and no person being the owner or occupant of any premises shall permit any fireworks to be discharged into or onto any public place without first obtaining a fireworks display permit from the Department.
- (3) Clause 41(2) shall not apply to public fireworks displays conducted by a community association.
  - (a) Upon the written application of a person seeking to hold a public fireworks display involving low hazard fireworks, the Fire Chief may waive the date and time restrictions for the discharge of low hazard fireworks set out in Clause 41(2).
  - (b) The decision made by the Fire Chief pursuant to Clause 41 (2) is final and may not be appealed to Town Council.
- (4) No person shall discharge any fireworks on a school site without the prior written consent of the Board of Education that owns the site, and without first obtaining a fireworks display permit from the Department. Only low hazard fireworks may be discharged in a public display on a school site.
- (5) No person under 18 years of age shall discharge any fireworks except under the direct supervision of a parent, guardian or other responsible adult.
- (6) No parent or guardian of a child under 18 years of age shall suffer or permit the child to discharge any fireworks, except when under the direct supervision of the parent or guardian.
- (7) No person shall discharge any fireworks other than as specified in the fireworks display permit and in accordance with the terms and conditions of the fireworks display permit.
- (8) No person shall discharge any Sky Lantern at any time.

### **Indoor Fireworks**

42. (1) No person shall hold an indoor fireworks (pyrotechnics) display without first obtaining a permit from the Department.
- (2) The person holding the permit shall be responsible to ensure that the display is conducted in conformance with provisions of the current Pyrotechnic Special Effects Manual prepared by Natural Resources Canada.
- (3) The handling, storage and use of indoor fireworks shall be in conformance with the *Explosives Act* and its *Regulations*, and *The National Fire Code*.

### **High Hazard Fireworks Displays**

43. (1) No person shall hold a public fireworks display using high hazard fireworks without first obtaining a permit from the Department.

- (2) A public fireworks display using high hazard fireworks shall be conducted under the direct supervision of a fireworks supervisor.
- (3) The person holding the permit shall be responsible to ensure that the display is conducted in conformance with the current Fireworks Display Manual prepared by Natural Resources Canada.
- (4) The handling, storage and use of high hazard fireworks shall be in conformance with the *Explosives Act*, its *Regulations*, and *The National Fire Code*.

### **Fireworks Display Permits**

- 44. (1) The Fire Chief shall have the sole discretion to issue a permit to allow a person to:
  - (a) sell fireworks; or
  - (b) discharge fireworks.
- (2) The types of permit that may be issued by the Department include:
  - (a) fireworks sale permits;
  - (b) fireworks display permits in respect of:
    - (i) high hazard fireworks;
    - (ii) low hazard fireworks; and
    - (iii) indoor fireworks.
- (3) Application for a permit shall be made to the Fire Chief on such forms and accompanied by such information as may be prescribed by the Department from time to time.
- (4) The Fire Chief or his designate may issue a permit upon such terms and conditions as the Fire Chief considers appropriate.
- (5) Without limiting the generality of Subsection (4), the Fire Chief may, in any permit:
  - (a) place restrictions on the quantity and the type of fireworks that may be sold or discharged in the display;
  - (b) require the applicant to submit specified information;
  - (c) place restrictions on the location, date, and time of the display;
  - (d) require the applicant to provide security and fire safety measures;
  - (e) place restrictions on the manner in which fireworks may be discharged; and
  - (f) require the permit holder to, at the conclusion of the public fireworks display, immediately remove and dispose of all unused fireworks and debris.
- (6) A permit for an indoor fireworks display shall only be issued to persons holding a valid Assistant Pyro technician, Pyro technician or Special Effects



Pyro technician card issued by Natural Resources Canada. Applicants with pyrotechnic accreditation from other jurisdictions shall not receive a permit unless the Department is satisfied that the applicant is properly trained and qualified in indoor pyrotechnics.

- (7) A fireworks display permit for a public fireworks display using high hazard fireworks shall only be issued to persons holding a valid Fireworks Supervisor - Level I or Level II card issued by Natural Resources Canada. Applicants with Fireworks Supervisor accreditation from other jurisdictions shall not receive a permit unless the Department is satisfied that the applicant is properly trained and qualified in the use of high hazard fireworks.
- (8) The applicant for a fireworks display permit or a fireworks distribution permit shall procure and provide the Department, at least 7 days prior to the scheduled date of the display, a Certificate of Insurance which shall name the Town as insured under the applicant's insurance policy evidencing public liability insurance in the amounts hereinafter specified:
  - (a) for a permit regarding an indoor fireworks display or a public fireworks display using high hazard fireworks, a minimum of \$5,000,000.00;
  - (b) for a permit regarding a public fireworks display using low hazard fireworks, a minimum of \$2,000,000.00; or
  - (c) for a permit regarding sale of low hazard fireworks, a minimum of \$2,000,000.00.
- (9) The Fire Chief may, upon application from the holder of a permit, or at his discretion, amend the terms and conditions of the permit.
- (10) No person shall assign or transfer a fireworks distribution permit or a fireworks display permit.

## **Part VIII - Trailer, Mobile Home and Manufactured Home Communities**

### **Maintenance of Trailers, Mobile Homes and Manufactured Home Communities**

45. Every trailer, mobile home or manufactured home shall be maintained in conformance with FPA 501A Standard for Fire Safety Criteria for Manufactured Home Installations, Sites and Communities.

## **Part IX - Offences and Penalties**

### **Owner's Responsibility**

46. Unless otherwise specified, the owner or the owner's authorized agent shall be responsible for carrying out the provisions of this Bylaw.

### **Notice of Violation Offences**

47. (1) Every person commits an offence who:
  - (a) blocks an exit or access to an exit in any building;
  - (b) fails to maintain a fire exit door or fire exit hardware on a fire exit door in any building in operating condition;

- (c) no person shall park a vehicle whether occupied or unoccupied within a fire lane;
- (d) fails to maintain portable fire extinguishers in any building in conformance with *The National Fire Code*;
- (e) fails to maintain a commercial cooking equipment exhaust and fire protection system including duct work, an automatic sprinkler system or a fire alarm system in conformance with *The National Fire Code*;
- (f) permits combustible materials to accumulate in or around any building in quantities or locations that will constitute an undue fire hazard;
- (g) contravenes the provisions of Section 19 regarding smoke alarms;
- (h) fails to store flammable and combustible liquids or compressed gases in any building, structure or open space in conformance with *The National Fire Code*;
- (i) blocks or wedges open a closure in a fire separation in any building;
- (j) contravenes the provisions of Section 22 regarding the setting of open-air fires;
- (k) contravenes the provisions of Section 42 regarding the sale of fireworks;
- (l) contravenes the provisions of Section 43 regarding the discharge of fireworks;
- (m) fails to obtain an indoor fireworks display permit as required by Subsection 44;
- (n) fails to obtain a high hazard fireworks display permit as required by Subsection 45(1); or
- (o) contravenes the provisions of Subsection 44 regarding assignment or transfer of a fireworks distribution permit or fireworks display permit.

### **Minimum Penalty**

When a contravention occurs, the person responsible for the contravention is guilty of an offence and liable on summary conviction to a fine:

- (a) for the first offence, of \$250;
- (b) for a second offence, of \$500;
- (c) for a third or subsequent offence, of not less than \$750 and not more than \$10,000 in the case of an individual or \$25,000 in the case of a corporation.

### **Failure to Comply**

48. (1) Every person commits an offence who fails to comply with an Order to Remedy Contravention made under Section 11 of this Bylaw.
- (2) A person who contravenes Subsection (1) is guilty of an offence and liable on summary conviction to a fine:
- (a) for a first offence, of not less than \$500;
  - (b) for a second offence, of not less than \$750; and

(c) for a third or subsequent offence, of not less than \$1,000.

### **Maximum Penalty**

49. (1) No person shall:
- (a) fail to comply with an order made under this Bylaw;
  - (b) obstruct or hinder the Fire Chief or any municipal inspector acting under the authority of this Bylaw; or
  - (c) fail to comply with any other provision of this Bylaw.
- (2) Except where a penalty is specifically provided for in this Bylaw, every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:
- (a) in the case of an individual, to a fine of not more than \$10,000 and, in the case of a continuing offence, to a further fine of not more than \$2,500 for each day during which the offence continues; and
  - (b) in the case of a corporation, to a fine of not more than \$25,000 and, in the case of a continuing offence to a fine of not more than \$2,500 for each day during which the offence continues.
- (3) A conviction for an offence for failing to comply with an order does not relieve the person convicted from complying with the order and the convicting judge or justice of the peace may, in addition to any fine imposed, order the person to do any act or work, within a specified time, to comply with the order with respect to which the person was convicted.
- (4) The Court may, in default of payment of a fine imposed under this Bylaw, order imprisonment of an individual for a term not exceeding one year.

### **Fine Levied**

50. Except as provided in Subsection (5), the following procedure shall apply to offences committed under this Section:
- (1) the Fire Chief, a municipal inspector or any member of the Department may issue a notice of bylaw violation to any person committing a first or second offence under Subsection (1). The notice shall require the person to pay to the Town the amount specified in clause (48)(a), (b) or (c);
  - (2) the fine may be paid:
    - (a) in person, during regular office hours, to the cashier located at Town Office, Kelvington, Saskatchewan,
    - (c) by mail addressed to the Office of the Town Administrator, Town Office, P.O. Box 10, Kelvington, Saskatchewan, S0A 1W0;
  - (3) if payment of the fine as provided in clause (50)(a), (b), or (c) is made prior to the date when the person contravening the Bylaw is required to appear in court to answer a charge, the person shall not be liable to prosecution for that offence;
  - (4) upon payment, the person contravening the Bylaw shall not be liable to prosecution for that offence.

## **Part X - Miscellaneous**

51. Bylaw No. 231-17 is hereby repealed.

52. This Bylaw shall come into force and take effect upon the final passing thereof.

\_\_\_\_\_  
Mayor

READ A THIRD TIME AND  
FINALLY ADOPTED THIS

\_\_\_\_ DAY OF \_\_\_\_\_, 2020

\_\_\_\_\_  
Administrator

Certified a true Original of Bylaw No. 4-2020  
passed by Council the \_\_\_\_ day of \_\_\_\_\_,  
2020.

## Schedule "A"

### Kelvington Fire Association Call out Rates – 2017

<b>First unit for the first hour</b>		\$ 900.00
- additional hours	@	250.00 per hour
Each additional response unit	@	250.00 per hour per unit
Man power		20.00 per man per hour

#### **For a big fire if we called for Mutual aid from surrounding fire departments:**

- such as - Lintlaw, Wadena, Rose Valley, Porcupine Plain,		
- First unit – first hour		\$ 700.00
additional hours		300.00 per hour
- additional units		300.00 per hour per unit
man power		20.00 per hour per man

#### **Our biggest structure fire – in 2007 – was over \$10,000.00**

– at the rate of \$700 for the first unit / first hour

and \$200 per additional hours – and additional units per hour

- This fire involved mutual aid with Lintlaw      I am not sure what the mutual aid rate was  
at that time