

**TOWN OF SHAUNAVON
BYLAW NO. 98 - 14**

A BYLAW TO PROVIDE FOR THE PREVENTION OF FIRES IN THE TOWN OF SHAUNAVON.

WHEREAS, Section 136 of the Urban Municipality Act, 1984, s.s., 1983-84 cap. U-11 makes provision for the passing of a bylaw to provide for the prevention and extinguishment of fires and for the preservation of life and property from destruction by fire:

NOW, THEREFORE, the Council of the Town of Shaunavon, in the Province of Saskatchewan, enacts as follows:

1. SHORT TITLE

This bylaw may be cited as the Fire Prevention Bylaw.

2. INTERPRETATION

In this Bylaw:

“Act” means *The Fire Prevention Act, 1992* being Chapter F-15.001 of the Statutes of Saskatchewan.

“authority having jurisdiction” referred to throughout the National Fire Code of Canada, 1995, and throughout this bylaw, means the Chief of the Shaunavon Fire Department and shall include any other person or persons authorized to act on his behalf, including the municipal inspector.

“Council” means the elected governing council of the Town of Shaunavon.

“Fire Chief” means the Fire Chief of the Town of Shaunavon Fire Department appointed by resolution of Council; and in his absence the Deputy Fire Chief or such other person who may be appointed by the Council to carry out the provisions of this bylaw.

“Fireworks” shall mean and include any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation and any fireworks containing any explosive or flammable compound, including sparklers, or any tablets, caps or other device containing any explosive or flammable substances, except that the term “fireworks” shall not include paper caps containing not in excess of an average of 16.2 milligrams of explosive content per cap or devices for use of such caps, the sale and use of which shall be permitted at all times.

“Permit” means the written authority of the Fire Chief issued pursuant to this bylaw.

“Person” means and includes a natural person, the owner, occupant or lessee of a building, property and a corporation and the heirs, executors, administrators or other legal representatives of a *person*.

“*Regulations*” means regulations made pursuant to the *Act*.

Any words used in this Bylaw not defined in this Section shall be interpreted under the provisions of Section 1.2 of the *National Fire Code* and/or Section 2 of the *Fire Prevention Act, 1992*.

If any section, subsection, sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by any court of competent jurisdiction that portion shall be deemed a separate, distinct and independent provision and the holding of the court shall not affect the validity of the remaining portion of the Bylaw.

3. NATIONAL FIRE CODE

The *National Fire Code of Canada*, included as Schedule "A" to this Bylaw, as adopted by Order in Council 14/97 dated February 3, 1997, of the Province of Saskatchewan, is hereby adopted.

4. CORRECTION OF IMMEDIATE HAZARDS

- 1) Whenever the Fire Chief finds in a church, school, rink, apartment block, hotel, motel, restaurant, hall or other building used by the public as a resort or place of public as a resort or place of public amusement, that any entrance doors or any emergency exit doors are blocked, barred, bolted, or locked in any manner other than with standard panic hardware or a form of quick-acting hardware during the time when the building is being publicly used, he may order the owner, tenant or occupant responsible to immediately remove all such blockages, bars, bolts, padlocks, chains or other devices so that the doors can be readily opened from the interior.
- 2) Whenever the Fire Chief finds combustible or explosive material, flammable liquids or hazardous chemicals being used, stored or kept in such manner as to constitute a threat to persons or property, he may, verbally or in writing, order the owner, tenant, occupant or agent responsible to remove the combustible or explosive material, flammable liquid, or hazardous chemical, immediately from the building or premises.
- 3) Whenever the Fire Chief finds a building, structure or premise or part of a building, structure or premise which is unoccupied and which, in his opinion, is not being kept in a safe condition to guard against fire or the risk of fire or other dangerous risk or accident, he may order the owner, tenant, occupant, or agent responsible to remedy the dangerous condition and to secure that building, structure or premise or part of the building, structure or premise in such a manner as to prevent any unauthorized entry of the building, structure or premise or part of the building, structure or premise by any person while it is unoccupied.
- 4) In the event of an immediate hazard if the owner, tenant, occupant or agent responsible refuses and/or neglects to comply with the Order of the Fire Chief to remedy the hazardous condition or if the owner, tenant, occupant or agent responsible for the building cannot be located, the Fire Chief may take such action as is appropriate, without notice and at the expense of the owner, tenant, occupant or agent responsible for the building.
- 5) Without limiting the generality of the foregoing, when immediate measures must be taken to avoid an imminent danger of fire or risk of accident, the Fire Chief may cause the evacuation of any building or area, and he may order that the building remain evacuated until the hazard is removed, and he may call upon the Police and the Fire Prevention authorities to assist him in this regard.

5. STORAGE OF EXPLOSIVES

All dynamite, blasting powder and similar explosive material shall be stored in receptacles complying with the Regulations passed by the Governor General in Council under The Explosives Act (Canada) and shall be stored in compliance with such regulations provided that no such material shall be stored within 4.6 metres of any stairway or elevator, or placed in such a position as to render egress from a building hazardous in case of fire.

6. FIRE WORKS

- 1) Manufacture and Discharge of Fireworks
 - a) The manufacture of fireworks is prohibited within the Municipality.

- b) Except as hereinafter provided it shall be unlawful for any person to use or explode any fireworks within the Town of Shaunavon provided that the authority having jurisdiction shall have power to adopt reasonable rules and regulations for the granting of Permits for supervised public displays of fireworks by the Town, Fair Associations, amusement parks and other organizations or groups of individuals. Every such display, after proper inspection, shall be handled by a competent operator, licenced by Natural Resources Canada, approved by the Office in Charge of the Town Detachment of the Royal Canadian Mounted Police and the Fire Chief or his designated representative, and shall not be hazardous to property or endanger any person.
- c) Application for Permits shall be made in writing at least thirty (30) days in advance of date of the display. Permits will only be granted to operators licenced by Natural Resources Canada. No Permit granted hereunder shall be transferable. Once an application has received approval, sale, possession, use of distribution of fireworks for such display shall be lawful for that purpose only.

2) Insurance

The Permittee shall furnish documented evidence of liability insurance in sufficient amount to indemnify the Town of Shaunavon for all costs resulting from damage which may be caused to either a person or persons or to property by reason of the permitted display.

3) Disposal of Unfired Fireworks

Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a manner approved by the authority having jurisdiction.

4) Exceptions

Nothing in this article shall be construed to prohibit any agent, wholesaler, dealer or jobber to sell at wholesale such fireworks as are not herein prohibited; or any use of fireworks by railroads or other transportation agencies for signal purposes or illumination or the use of blank cartridges for a show or theater or for signal or ceremonial purposes in athletics or sports or for use by military organizations.

7. PERSONS PRESENT AT A FIRE OR OTHER EMERGENCY

- 1) No person shall drive any vehicle over any hose while in use or about to be used at any fire or other emergency or which has been used or laid to be used at a fire, fire practice, or any other emergency.
- 2) No person shall in any way impede or hinder any fire personnel, or other person who shall be assisting at the extinguishing of any fire, or assisting at an emergency, or who may be engaged in other duties connected therewith.
- 3) No person shall obstruct, hinder or delay any Emergency Services vehicle while the same is proceeding to a fire, or to another emergency and every person traveling, riding or driving on any street or place along which any fire department vehicle is proceeding to a fire, or other emergency, shall yield the right-of-way to the same and shall not in any manner obstruct, hinder or delay the same.

8. SPECIAL AUTHORITIES OF FIRE CHIEF

- 1) The Fire Chief, or his designate, has authority to manage and control any and all emergency situations.
- 2) The Fire Chief, or his designate, may call upon all or any person to assist in the suppression of a fire, or in the stabilization of an emergency situation, and all persons called upon shall obey the commands of the Fire Chief or his designate.

- 3) The Fire Chief, or his designate, may prescribe the limits within which no person, horse or vehicle shall be permitted and shall have power to close any street or lane to the public for the duration of the fire, or emergency and related operation.

9. OBSTRUCTING A FIRE HYDRANT

No person shall, by means of a hedge, shrub or tree, fence, wall or other structure, hinder, prevent or obstruct access by the Emergency Services to any fire hydrant located on a street or public place.

10. OPEN AIR FIRES

- 1) No person shall ignite or set an open air fire unless the following measures are taken to limit their spread:
 - a) Fires must be contained in a non-combustible receptacle constructed of cement, brick or sheet metal with a minimum 18 gauge thickness;
 - b) a receptacle must be covered with a heavy gauge metal screen with openings not exceeding 13 millimeters; and
 - c) the size of the fire box of any receptacle must not exceed .61 cubic metres.
- 2) The fuel for open-air fires may 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;
 - e) any material classified as a dangerous good; and
 - f) any material which when burned will generate black smoke or an offensive odour including insulation from electrical coring or equipment, asphalt roofing materials, hydrocarbons, plastics, rubber materials, creosoted wood or any similar material.
- 3) All outdoor fires shall have responsible supervision at all times.
- 4) Open-air fires must not be set in windy conditions conducive to creating a running fire or a nuisance to another person.
- 5) If smoke from an open-air fire causes an unreasonable interference with the use and enjoyment of another person's property, the fire must be extinguished immediately.
- 6) The property owner/occupant is responsible for any or all damages as a result of burning.

11. OFFENCES AND PENALTIES

- 1) Every person who contravenes any provisions of this bylaw for which no other penalty is specifically provided is guilty of an offence and liable on summary conviction to a fine of not more than:
 - a) \$2,000.00 in the case of an individual,
 - b) \$5,000.00 in the case of a corporation

11.1 Everyone who commits an offence who:

- a) blocks an exit or access to an exit in any building;
- b) neglects to maintain a fire exit door or fire exit hardware on a fire exit door in any building in operating condition;
- c) neglects to maintain portable fire extinguishers in any building in conformance with the National Fire Code of Canada 1995;
- d) neglects to maintain an automatic sprinkler system, special extinguishing system or fire alarm system in any building in conformance with the National Fire Code of Canada 1995;
- e) permits combustible waste materials to accumulate in or around any building in quantities or locations that will constitute an undue fire hazard;

- f) store flammable or compressed liquids in any building, structure or open space except in the manner provided in the National Fire Code of Canada 1995;
 - g) blocks or wedges open a door, shutter, wired glass or glass block in a fire separation; or
 - h) contravenes the provisions of Section 10 regarding the setting of open-air fires.
- 2) Everyone who commits an offence under Section 11.1 is guilty of a summary offence and liable to a fine of \$50.00.
- 4) The following procedure shall apply for offences committed under Section 11.1:
- a) The Fire Chief, or his designate, may issue a notice of bylaw violation to every person committing an offence under Section 11.1 of the Bylaw. The notice shall require the person to pay to the Treasurer of the Town of Shaunavon the amount named in Section 11.(2):
 - b) The fine may be paid:
 - i) in person, during regular office hours, to either the cashier located in the Town Office, Shaunavon, Saskatchewan;
 - ii) by mail, post marked within the 14 day period to:

Town of Shaunavon
Box 820,
Shaunavon, Saskatchewan
S0N 2M0
 - c) if payment of the fine as provided in this Section 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;
 - d) the amount of the fine under this Section shall be discounted to the amount of \$25.00 if paid within 14 calendar days of the date of the notice of Bylaw violation, and upon payment, the person contravening the Bylaw shall not be liable to prosecution for that offence.

12. COST OF ORDERS APPLIED TO TAXES

If the owner, tenant or occupant responsible for the building or premises refuses or neglects to do any matter or thing required to be done by him hereunder by the authority having jurisdiction, the matter or thing may be done by the Town of Shaunavon at the expense of the person in default, and the Town of Shaunavon may recover the expenses of doing so with costs by adding the expenses to, and they thereby form part of the taxes on the land on which or with respect to which the work is done.

13. FEES FOR SERVICE

The Town of Shaunavon is authorized to charge applicable fees for various services, tests and emergency responses performed or undertaken by the Shaunavon Fire Department or another company or municipality engaged to perform or undertake such services or tests. These fees shall be established by resolution of Council.

14. IMMUNITY FROM LIABILITY

This Bylaw or the Code shall not be construed to hold the Town of Shaunavon or its employees responsible for any damage to persons or property by reasons of:

- a) inspections authorized by this Bylaw or the Code;
- b) failure to carry out an inspection;
- c) the permit issued as herein provided for;
- d) the approval or disapproval of any equipment authorized herein.

15. REPEAL OF BYLAW

Bylaw No. 88-11 is hereby repealed.

16. COMING INTO EFFECT

This Bylaw shall come into force and take effect on the day of its final passing.

Mayor

(SEAL)

Administrator

Read a third time and adopted this
day of _____, 1998.

Administrator