

**Town of Creighton
Bylaw No. 2-2014
The Fire Prevention Bylaw**

The Council of the Town of Creighton 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 recognize and establish the Fire Department under this bylaw and the Fire Protection Department Bylaw;
- (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 of any kind at the site of an emergency.

Definitions

3. In this Bylaw,

- (a) “Town” means The Town of Creighton;
- (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*;
- (c.1) “community association” means a Non-profit Corporation providing recreational programs and services for designated Town neighbourhoods;
- (d) “cord” means a measure of cut wood usually 3.6 cubic metres or 128 cubic feet;
- (e) “dangerous goods” means dangerous goods within the meaning of *The National Fire Code*;
- (f) “Department” means the Fire Department of The Town of Creighton;
- (f.1) “discharge” includes to ignite, fire, or set off and the words “discharging” and “discharged” have a similar meaning;
- (g) “dwelling unit” means a dwelling unit within the meaning of *The National Fire Code*;
- (h) “fire separation” means a fire separation within the meaning of *The National Fire Code*;
- (i) “fireworks” means fireworks as defined in the *Explosives Regulations, C.R.C., c.599*;
- (i.1) “fireworks display permit” means a permit issued pursuant to Subsection 39(2);
- (i.2) “fireworks sale permit” means a permit issued pursuant to Subsection 38(1);
- (j) “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;
- (k) “flammable liquid” means a flammable liquid within the meaning of *The National Fire Code*;

- (l) “hazardous substance” means a hazardous substance within the meaning of *The Hazardous Substances and Waste Dangerous Goods Regulations*, c. E-10.2, Reg. 3;
- (m) “high hazard fireworks” means Subdivision 2 of Division 2 fireworks as defined in the *Explosives Regulations*, C.R.C., c.599;
- (n) “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;
- (o) “municipal inspector” means a municipal inspector within the meaning of *The Fire Prevention Act, 1992* and a designated officer within the meaning of *The Northern Municipalities Act; 2010*;
- (p) “*National Fire Code*” means the Code declared to be in force pursuant to Subsection 3(1) of *The Saskatchewan Fire Code Regulations*;
- (q) “NFPA” means the National Fire Protection Association;
- (r) “private fireworks display” means the discharge of low hazard fireworks for private recreation and entertainment;
- (s) “public fireworks display” means the discharge of high or low hazard fireworks for public recreation and entertainment; and
- (t) “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 under the Fire Protection Department Bylaw.
- (2) The Department is responsible to carry out fire protection and other activities as outlined in the Fire Protection Department Bylaw, the Fire Prevention Bylaw and other activities as Council directs including but not limited to:
 - (a) fire protection, including:
 - (i) fire suppression,
 - (ii) fire prevention and inspections,
 - (iii) educational programs;
 - (b) rescue service, including:
 - (i) water rescue,
 - (ii) vehicle extrication,
 - (iii) structural collapse,
 - (iv) dangerous goods emergency service.
 - (v) ATV/Snowmobile rescue

Duties of Fire Chief

5. (1) The Fire Chief is the general manager of the Department.
- (2) The Fire Chief shall administer and enforce this Bylaw and the Fire Protection Department 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 is authorized to further delegate any matter delegated to him under this Bylaw.
- (3) The Fire Chief is responsible for the maintenance of discipline within the Department and may make rules and regulations 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. All revenues will be recorded and used towards the purchase of fire equipment, training and any other fire department expenses as approved by Council.

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 Creighton.
- (2) The following NFPA standards are in force in The Town of Creighton:
 - (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 if this Bylaw is being complied with is hereby authorized.
- (2) Inspections under this Bylaw shall be carried out in accordance with Section 382 of *The Northern Municipalities Act, 2010*.
- (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, if the owner or occupant is present at the time of the entry, 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 384 of *The Northern Municipalities Act, 2010*.

- (3) Orders given under this Bylaw shall be served in accordance with Section 411 of *The Northern Municipalities Act, 2010*.

Registration of Order

12. If an order is issued pursuant to Section 11, the Town may, in accordance with Section 384 of *The Northern Municipalities Act, 2010*, register 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 385 of *The Northern Municipalities Act, 2010*.
- (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 Remediating Contraventions

14. The Town may, in accordance with Section 386 of *The Northern Municipalities Act, 2010* 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 388 of *The Northern Municipalities Act, 2010* collect any unpaid expenses and costs incurred in remediating 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 389 of *The Northern Municipalities Act, 2010* add any unpaid expenses and costs incurred by the Town in remediating a contravention of this Bylaw to the taxes on the property on which the work was done.

Emergencies

- 16.1 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 387 of *The Northern Municipalities Act, 2010*.

Immediate Hazards

- 16.2 (1) Notwithstanding any other provision of this Bylaw, where in the course of an investigation or inspection under this Bylaw, the Fire Chief 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 Fire Chief 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 Fire Chief considers appropriate;
 - (c) order the owner, operator or occupant to immediately do anything necessary to remove or lessen the condition. For greater certainty, the Fire Chief 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 Fire Chief 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 Fire Chief.
- (4) No person shall take down, cover up, mutilate, deface or alter a placard posted under Subsection (2).
- (5) Under Section 389 (2) (b) of *The Northern Municipalities Act, 2010*, 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) Under Section 389 (2) (B) of *The Northern Municipalities Act, 2010*, 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

17. (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) Smoke alarms shall be installed in accordance with the manufacturer's instructions.
- (3) Smoke alarms shall be maintained in an operable condition at all times. Without limiting the generality of the foregoing, smoke alarms shall be maintained in accordance with the following requirements:
 - (a) smoke alarms shall be securely fastened to the wall or ceiling;
 - (b) smoke alarms shall be free of any physical damage, paint application or excessive grease and dirt;
 - (c) the ventilation holes on smoke alarms shall be clean and free of any obstructions;
 - (d) smoke alarms shall have a continuous source of power, either batteries or electricity; and
 - (e) the batteries in battery operated smoke alarms shall be replaced immediately when the low battery warning beep sounds.
- (4) Smoke alarms shall be inspected:
 - (a) in the case of alarms installed by permanent connection to an electrical circuit, at least once every 12 months;
 - (b) in the case of tamper-proof alarms with 10 year batteries, at least once every 12 months; or
 - (c) in the case of any other battery operated alarms, at least once a month.
- (5) Notwithstanding Subsection (4), if a tenancy is terminated, all smoke alarms in a dwelling unit shall be inspected before the dwelling unit is re-occupied.
- (6) Inspections under this Section shall be carried out by the owner or the owner's authorized agent.
- (7) Inspections under this Section shall be done while the person doing the inspection is actually present in the premises.
- (8) Inspections under this Section shall, at a minimum, determine:
 - (a) whether the smoke alarm is receiving power;
 - (b) whether the smoke alarm is working properly; and

- (c) whether the smoke alarm has been properly maintained in accordance with the requirements of Subsection (3).
- (9) A record shall be kept of all inspections required by Subsection (4), and such records shall be retained for examination by the Department in accordance with *The National Fire Code*.
- (10) A record required by Subsection (9) shall contain the following information:
- (a) the address of the premises being inspected;
 - (b) the date of the inspection;
 - (c) the name of the person doing the inspection;
 - (d) the type of smoke alarm in the premises;
 - (e) the deficiencies, if any, in the condition, maintenance and operation of the smoke alarm;
 - (f) the corrective measures, if any, taken to correct the deficiencies; and
 - (g) the signature of the occupant of the premises, or a notation to the effect that a sticker issued by the Department evidencing the inspection has been affixed inside the cover of the smoke alarm.
- (11) No person shall:
- (a) tamper with or disconnect a smoke alarm;
 - (b) remove a smoke alarm;
 - (c) remove batteries from a smoke alarm;
 - (d) place anything over a smoke alarm so as to render it inoperable; or

Fireplaces

18. (1) No person shall install a fireplace or solid fuel burning appliances in any building in the Town of Creighton without first having obtained approval to do so from the Building Inspector. 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.

Incinerators

19. (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 Creighton.
- (2) Burning barrels or any similar device used for the burning of any household or yard refuse are prohibited.
- (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 Creighton.

Open-Air Fires

20. (1) Open-air fires shall not be permitted in the front yard (front yard as defined by the Town of Creighton Zoning Bylaw;
- (2) Open-air fires shall not be set unless an approved permit is acquired that stipulates regulations as outlined in Schedule "C" and also the following measures are taken to limit their spread:
 - (a) fires shall be contained in a non-combustible receptacle constructed of cement, brick or sheet metal with a minimum 18-gauge thickness;
 - (b) a receptacle shall be covered with a heavy gauge screen with openings not exceeding 13 millimetres; and
 - (c) the size of the fire box of any receptacle shall not exceed 75cm or 2 feet 6 inches in width or diameter.
 - (d) the fire pit/receptacle must be located on the property owner/applicant's private property, a distance of 10 feet (3 metres) from any property line, buildings or combustible structures or from trees or combustible vegetation that might be situated on the property.
- (3) The fuel for open-air fires shall consist only of charcoal or cut, clean dry 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 by a responsible person over the age of 18 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 "Temporary 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 shall be assessed a fine in accordance with Schedule "B".

Barbecuing

- 21. (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) solid fuel barbecues or similar cooking devices shall not be used;
 - (b) propane cylinders shall not exceed the 20-pound size;
 - (c) propane cylinders shall not be repaired, stored or contained within the building;
 - (d) propane cylinders shall be shut off at the tank valve when not in use;
 - (e) propane cylinders shall be connected and secured to the barbecue;
 - (f) propane cylinders shall be kept in an upright position at all times including when cylinders are in transit, in service or in storage; and
 - (g) 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

22. (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 3 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

23. (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

- 24. (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 3 metres.

Propane Fuelled Vehicles

- 25. (1) No person shall park a vehicle fuelled with propane in any underground or enclosed parking facility attached to a major residential, business and personal services or mercantile occupancy.
- (2) Subsection (1) does not apply to a zamboni used to maintain artificial ice in the Arena facility provided the zamboni is stored in accordance with the following conditions:
 - (a) the room in which the zamboni is stored shall be located on an exterior wall of the building;
 - (b) the room in which the zamboni is stored shall be provided with ventilation separate from the remainder of the building; and
- (3) No person shall park any recreation vehicle including a motorhome, travel trailer, van motorhome, fifth wheel, tent trailer, truck camper or similar vehicle that has any propane tank attached to it for any use, in any underground or enclosed parking facility attached to a major residential, business and personal services or mercantile occupancy.
- (4) The owner of every underground or enclosed parking facility shall post signs to indicate the parking prohibition of vehicles, fuelled or using propane in any manner, in conspicuous locations near the principal entrances to the parking facility.

- (5) Signs required by this Section shall have lettering not less than 100 mm high with a 15 mm stroke.

Occupant Load

26. (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

27. 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

28. (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 only.

Inspection and Maintenance of Commercial Cooking Equipment

29. (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 only.

Inspection and Maintenance of Sprinkler and Standpipe Systems

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

Inspection, Testing and Maintenance of Fire Alarm Systems

- 31. (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) No person shall inspect, test or maintain a fire alarm system without first obtaining a valid permit issued by the Department.
- (4) Any person who wishes to obtain a permit to inspect, test or maintain fire alarm systems shall submit proof satisfactory to the Department that the person:
 - (a) is, or the person’s employer is, a member in good standing of the Canadian Fire Alarm Association or the National Fire Protection Association; and,
 - (b) has 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”.
- (5) 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.
- (6) 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.
- (7) 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

- 32. (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 waferboard with a minimum thickness of 7/16 inch.
- (5) Wherever possible, the boards shall be one solid piece and shall be secured to the window or doorframe or brick molding using 2 inch gyproc screws placed approximately 10 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

33. 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

34. (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

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 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

36. Every person who assists in fire fighting pursuant to Section 34 shall:
- (a) proceed as directed;
 - (b) take all equipment with which the person has been supplied or which has been commandeered for the person pursuant to Section 33;
 - (c) assume responsibility for the fire fighting equipment in the person's care;
 - (d) obey all reasonable orders and requirements of the Fire Chief or the senior officer in command of the fire; and
 - (e) 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

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

Testing, Repair and Removal of Storage Tanks

38. 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:
- (a) drill test holes and provide test results to the Department;
 - (b) test the tank and associated piping; and
 - (c) 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

39. (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

Sale of Fireworks

40. (1) No person shall sell any fireworks and no person being the owner, occupant or person in charge of any premises shall permit Schedule "D" any fireworks to be sold on the premises:
- (a) without first having obtained a fireworks sale permit from the Department; and
 - (b) except to a person who is 18 years of age or older.
- (2) No person shall sell any high Display Fireworks and no person being the owner, occupant or person in charge of any premises shall permit any high hazard fireworks to be sold on the premises to anyone who is not certified by Natural Resources Canada.
- (3) No person shall sell, and no person being the owner, occupant or person in charge of any premises shall permit any fireworks to be sold other than as specified in the fireworks sale permit.
- (4) The handling and storage of fireworks shall be in conformance with the *Explosives Act* and its *Regulations*, and *The National Fire Code*.

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)
 - (a) No person shall discharge any low Consumer Fireworks and no person being the owner or occupant of any premises shall permit any low hazard fireworks to be discharged except:
 - (i) between the hours of dusk and 11:00 p.m. on Victoria Day, Canada Day, or Labour Day; or
 - (ii) between the hours of dusk on New Year's Eve to 00:15 a.m. on New Year's Day.
 - (b) Clause 39(3)(a) shall not apply to public fireworks displays conducted by a community association.
 - (c) 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 39(3)(a).
 - (d) The decision made by the Fire Chief pursuant to Clause 39(3)(c) 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.

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 certified 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
- (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 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.
- (7) 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.
- (8) The Fire Chief may, upon application from the holder of a permit, or at his discretion, amend the terms and conditions of the permit.
- (9) 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.

OFFENCES AND PENALTIES

FINE LEVIED

- | | | | |
|-----|--|-----|---|
| (1) | Contravention of this Bylaw for which a penalty is not mentioned. | (a) | Not less than \$200 and not more than \$2,000/individual |
| | | (b) | Not less than \$500 and not more than \$5,000/corporation |
| (2) | Cost incurred due to answering call to an open-air fire pit by the Fire Department | | \$850/call |
| (3) | Every person who contravenes any provision of this Bylaw for which no other penalty is specifically provided for in this Bylaw is guilty of an offence and liable on summary conviction to a fine as provided in Schedule "B" of this Bylaw. | | |
| (4) | Except as provided in Subsection (5), the following procedure shall apply to offences committed under this Section: | | |
| | (a) 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 (1)(a) or (b);

(b) the fine may be paid:

(i) in person, during regular office hours, to the cashier located at Town Office, Creighton, Saskatchewan,

(ii) by deposit, at the depository located at the main entrance to Town Office, Creighton, Saskatchewan, or

(iii) by mail addressed to the Office of the Town Treasurer, Town Office, Creighton, Box 100 Saskatchewan, S0P 0A0;

(c) if payment of the fine as provided in clause (1)(a) or (b) 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 clause (1)(a) shall be discounted to the sum of \$200 for a first offence if paid within 14 calendar days of the date of the notice of bylaw violation. The date of payment shall be determined as follows:

(i) for payment in person, the date of payment shall be the date payment is received by the Town;

(ii) for payment by deposit, the date of payment shall be the date payment is deposited in the depository at Town Office; or

(iii) for payment by mail, the date of payment shall be the post marked date on the remittance.

Upon payment, the person contravening the Bylaw shall not be liable to prosecution for that offence.

(5) The provisions of Subsection (4) shall not apply in the case of a third or subsequent offence.

Part XI - Miscellaneous

Bylaws Repealed

47. Bylaw No. 4-2008, a bylaw to prohibit and regulate sale and setting of fireworks is hereby repealed.
Bylaw No. 3-1994, a bylaw respecting Fire Prevention and amending bylaw 6-2011 is also hereby repealed.

Coming Into Force

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

Read a first time this 10th day of September, 2014

Read a second time this 10th day of September, 2014.

Read a third and final time this 10th day of September, 2014

Mayor Bruce Fidler

Paula Muench
Administrator

Schedule "A"

Fees for Service

1. Inspection Services

- | | |
|--|---|
| (1) Third party requests for business Premises required for a Provincial or Federal grant or license | \$ 55.00/first hour
\$ 30.00/additional hour |
| (2) File search | \$ 50.00 |
| (3) Request for on-site inspection | \$ 55.00/first hour
\$ 30.00/additional hour |

2. Emergency Response Charges

- | | |
|---------------------------------|---|
| (1) Dangerous goods response | |
| a) Rail Carrier | \$850.00/hour per unit plus cost plus disposables |
| b) Highway Carrier | \$850.00/hour per unit plus cost plus disposables |
| (i) In or Out-of-Town Responses | \$850.00/hour per unit plus cost plus disposables |
| (2) Out-of-Town Rescue calls | \$850.00/hour per unit plus cost plus disposables |

3. Open Air Fire Permit

- | | |
|-----------------------------|--|
| (21) Inspection of fire pit | \$50.00 per permit
\$50.00 - required before approval is granted. |
|-----------------------------|--|

Schedule “B”

FINES

Offence	Fine
Fails to maintain a clear and unobstructed exit or means of egress as required by the National Fire Code	\$250
Fails to maintain a fire exit door or fire exit hardware as required by the National Fire Code	\$250
Fails to ensure exterior passageways and exterior exit stairs serving occupied buildings are maintained clear of ice and snow accumulations as required by the National Fire Code	\$250
Fails to maintain, service or test portable fire extinguishers as required by the National Fire Code	\$300
Fails to maintain, service or test an automatic sprinkler system as required by the National Fire Code	\$300
Fails to maintain, service or test commercial cooking equipment including exhaust and Fire Protection Systems as required by the National Fire Code	\$300
Fails to maintain, service or test special extinguishing system as required by the National Fire Code	\$300
Fails to maintain, service or test Fire Alarm Systems and components as required by the National Fire Code	\$300
Fails to maintain, service or test a standpipe system as required by the National Fire Code	\$300
Permits combustible materials to accumulate in or around buildings or locations that create an undue fire hazard as required by the National Fire Code	\$250
Blocks or wedges open a closure in a fire separation as required by the National Fire Code	\$250
Fails to maintain fire separations as required by the National Fire Code	\$300
Obscures or obstructs a fire hydrant as required by the National Fire Code	\$250
Obscures or obstructs a fire Department connection as required by the National Fire Code	\$300
Fails to maintain a clear and unobstructed fire lane as required by the National Fire Code	\$250
Fails to maintain exit signs as required by the National Fire Code	\$250
Fails to maintain emergency lighting as required by the National Fire Code	\$250
Fails to post an occupant load sign as required by the National Fire Code	\$250
Contravenes any provisions regarding the sale of fireworks as required by this Bylaw	\$500
Contravenes any of the provisions regarding the discharge of fireworks or pyrotechnics as required by this Bylaw	\$500

Fails to obtain a high hazard fireworks display permit as required by this Bylaw	\$500
Contravenes any of the provisions relating to smoke alarms as required by this Bylaw	\$300
Fails to maintain a clearance of 45 cm (18 inches) between sprinkler heads and products as required by the National Fire Code	\$300
Contravenes any of the provisions regarding open air fires as required by this Bylaw	\$300
Contravenes any of the provisions relating to Fire Pits and Outdoor Fireplaces as required by this Bylaw	\$300

Fire Prevention Bylaw Schedule "C"
PERMIT TO INSTALL AN OPEN-AIR FIRE PIT RECEPTACLE.

PERMIT # _____ **DATE** _____, 20_____

Burning site address _____.

Permit is hereby issued to _____
who is the property owner at the burning site address as above mentioned. This permit allows the property owner to build a fire pit according to regulatory guidelines or purchase a CSA approved _____receptacle according to the requirement of the Fire Prevention Bylaw _____.

It is the express condition of this permit that the applicant , whose signatures appears hereunder, shall be responsible and liable for any injury or damages to person or property arising from the use of this permit.

Signature of Applicant

Signature of Fire Chief or Fire Department Member Designate

Regulations for open air fire pits

1. No owner shall light, ignite, start or allow to be lighted, any fire in a fire pit or CSA approved receptacle without first obtaining an inspection by the Fire Chief or designated Fireman of the Town of Creighton.
2. Each owner must pay the permit fee for the initial inspection of the fire pit and must have additional inspections if the fire pit is relocated or moved on the property.
3. The fire pit must be fully contained within heavy gauge steel, concrete or cinder blocks, must have screen cover or spark arrestor (13 mm or smaller) and no larger than 75cm /2.5 feet). There must be a competent person (not less than 18 years old) in constant attendance, with extinguishing equipment and necessary tools, (shovels, rakes, fire extinguisher/water hose, etc). The fire pit shall be located on a flat, level, non-combustible base and vertically clear of any overhead combustible materials such as eaves, tree branches, utility wires etc. Also must comply with any further recommendations as set out by the Fire Chief or designated Fireman of the Town of Creighton which will be outlined below.
4. The fire pit/receptacle must be located on the property owner/applicant's private property, a distance of 10 feet (3 metres) from any property line, buildings or combustible structures or from trees or combustible vegetation that might be situated on the property.
5. Please be considerate....check with your neighbors before you burn, even though a permit has been issued, care must be taken with respect to wind direction and strength. If conditions are not favorable DO NOT BURN. If smoke from an open air fire pit causes an unreasonable interference with the use and enjoyment of another person's property, the fire must be extinguished immediately. If due to excessive flames /and or smoke, a call is placed to the local fire department and fireman are dispersed, the owner of the fire pit shall cover the costs of the incident response.

6. No person shall burn anything in a fire pit other than **clean dry wood or charcoal briquettes**. Without limiting the generality of that prohibition, no person may burn garbage, recyclables, household waste, lawn clippings, leaves, or any other compostable material in a fire pit. All fires shall be limited in a size so that they are readily controllable.

7. No person shall burn during any dry season, or shut downs by municipality of the Town of Creighton/ Fire Chief or province of Saskatchewan.

If at any time the fire extends beyond the outdoor fire pit or outdoor receptacle or becomes uncontrollable, call the **Creighton Fire Department at 911**.

Penalties

Any person who contravenes the provisions of the bylaw and this permit as reported by the Fire Chief or Designated Creighton Fire Department Member is committing an offence and liable to a fine of not less than.

- (a) three hundred dollars (\$300.00) for the first offence;
- (b) four hundred dollars (\$400.00) for the second offence;
- (c) five hundred dollars (\$500.00) for each subsequent offence.

Under Section 389 (1) (c) of *The Northern Municipalities Act, 2010*, failure to pay fines will result in the charges being placed against the property owners taxes.

Burning Without a Burning Permit

If the Fire Department provides an incident response at a property for which no burning permit has been issued and the incident is a result of open burning at the property, the owner of the property shall pay to the Town of Creighton within thirty (30) days of demand of same, the actual costs and expenses incurred by or on behalf of the Fire Department.

Failure to comply with a Burning Permit

If the Fire Department provides incident response at a property for which a burning permit has been issued and the incident is a result of non-compliance with the burning permit, the Owner of the Property shall pay to the Town of Creighton within thirty (30) days of demand of same, the penalties as outlined in the Fire Prevention bylaw or costs and expenses incurred by or on behalf of the Town of Creighton (whichever is greater) to provide for the incident response to the property.

Further recommendations for installation and operation of the Fire Pit as outlined by the Fire Chief or Fire Department Designate :

I, the above applicant have read, understand and agree to the Guidelines, Use and Safety Conditions, Regulations and Penalties as outlined and warrant my Fire Pit installation is in compliance with the Guidelines. I further accept any and all responsibility and liability for damages that may occur from the use of the Fire Pit on my property.

_____ Dated: _____
Applicant/property owner

Fees : \$50.00 for permit _____ **\$50.00 for Inspection** _____ **APPROVED** _____ **Initials**

SALE OF FIREWORKS

Fire Prevention Bylaw Schedule "D"

Sale of Fireworks

- 40. (1) No person shall sell any fireworks and no person being the owner, occupant or person in charge of any premises shall permit any fireworks to be sold on the premises:
 - (a) without first having obtained a fireworks sale permit from the Department; and
 - (b) except to a person who is 18 years of age or older.
- (2) No person shall sell any high hazard fireworks and no person being the owner, occupant or person in charge of any premises shall permit any high hazard fireworks to be sold on the premises to anyone other than a fireworks supervisor.
- (3) No person shall sell, and no person being the owner, occupant or person in charge of any premises shall permit any fireworks to be sold other than as specified in the fireworks sale permit.
- (4) The handling and storage of fireworks shall be in conformance with the *Explosives Act* and its *Regulations*, and *The National Fire Code*.

Sellers Name or Business Identification name, address and contact information

APPROVED:

Fire Chief/Designate

Records must be kept on the following:

Date Sold	Print Name & Signature of Purchaser	Contact Information	Product and Amount Sold
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