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**TOWN OF HEPBURN**

**BYLAW NO 55-2018**

**FIRE PREVENTION BYLAW**

**A BYLAW FOR THE PREVENTION OF FIRE, THE PREVENTION OF THE SPREAD OF FIRE, AND FOR  
THE PRESERVATION OF LIFE AND PROPERTY IN THE EVENT OF FIRE**

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

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## **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 adopt a fire prevention code which establishes a satisfactory standard for fire prevention, fire fighting and life safety in buildings;
- (b) to provide for the prevention and suppression of fires;
- (c) to provide guidelines for the storage and handling of flammable liquids, combustible liquids, dangerous goods, hazardous substances and waste dangerous goods;
- (d) to regulate the sale and setting off of fireworks;

### **Definitions**

3. In this Bylaw,

- (a) "Town" means The Town of Hepburn;
- (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) "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 Town of Hepburn Volunteer Fire Department;
- (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;
- (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;
- (o) "municipal inspector" means a municipal inspector within the meaning of The Fire Prevention Act, 1992;

- (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; and
- (s) "public fireworks display" means the discharge of high or low hazard fireworks for public recreation and entertainment.

## **Part II – Hepburn Volunteer Fire Department**

- 4. (1) The Hepburn Volunteer Fire Department is established by Bylaw No. 97-97.
- (2) The Department is responsible for the following on a volunteer basis where appropriate training and equipment are in place:
  - (a) fire protection, including:
    - (i) fire suppression,
    - (ii) fire prevention and inspections,
    - (iii) fire investigations, and
    - (iv) educational programs;
  - (b) rescue service, including:
    - (i) surface water rescue,
    - (ii) vehicle extrication,
    - (iii) structural collapse,
    - (iv) rapid intervention rescue; and
  - (c) pre-hospital emergency medical service.

## **Duties of Fire Chief**

- 5. (1) The Fire Chief is the general manager of the Department.
- (2) The Fire Chief may administrate 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.
- (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 may 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, Indian band, person or other properly constituted authority, organization or agency for the



furnishing or receiving of fire fighting, 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, Indian 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 Hepburn.

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

##### **Inspection of Premises**

10. (1) For the purposes of ensuring compliance with this Bylaw, or any order made under this Bylaw, the Fire Chief or a municipal inspector may, at any reasonable time, enter and inspect any building, structure or premises.
- (2) Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
- (3) The Fire Chief or a municipal inspector making an inspection may:
  - (a) collect data or samples;
  - (b) make any inspection or study;
  - (c) conduct any test;
  - (d) examine books, records and documents; and
  - (e) require the production of documents and property for the purposes of examination or making copies.
- (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.

##### **Compliance Orders**

11. (1) If, in the opinion of the Fire Chief or a municipal inspector, there is a contravention of this Bylaw, the Fire Chief or municipal inspector may issue to the owner, operator or occupant of the building, structure, premises or land in or on which the contravention is occurring a written order in which the Fire Chief or municipal inspector:
  - (a) shall specify:
    - (i) the contravention,
    - (ii) the civic address and legal description of the building, structure, premises or land in or on which the contravention is occurring,

- (iii) any terms and conditions to be complied with to remedy the contravention, and
  - (iv) the date by which the terms and conditions of the order are to be complied with;
- (b) shall provide:
  - (i) a statement that if the terms and conditions of the order have not been complied with within the time specified in the order, the Fire Chief may carry out the remedy at the expense of the owner,
  - (ii) the date and place at which and the process by which an appeal from the order may be made, and
  - (iii) a statement that filing an appeal does not stay the order but that the appellant may apply to the fire commissioner for a stay of the order under Section 25 of The Fire Prevention Act, 1992; and
- (c) may direct the owner, operator or occupant to do one or more of the following within the time limit set out in the order:
  - (i) remedy the contravention of the Bylaw, including doing anything in relation to the building, structure or premises that the Fire Chief or municipal inspector considers necessary to remedy the noncompliance,
  - (ii) repair, alter, remove or demolish the building, structure or premises,
  - (iii) alter the use or occupancy of the building, structure or premises,
  - (iv) replace materials used in the construction of buildings, structures and premises,
  - (v) remove or change the manner of use, storage, handling or disposal of flammable and combustible liquids, flammable and combustible materials, and explosives,
  - (vi) clean, repair, remove or replace equipment, apparatus or fire protection devices that are faulty or considered dangerous,
  - (vii) install or correct the faulty installation of fire safeguards, equipment or fire protection devices, and
  - (viii) clear or remove any obstruction to public access for a building used for public assemblage.
- (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 367 of *The Municipalities Act*.

### **Notice to Registrar of Titles**

- 11.1 (1) The Fire Chief or a municipal inspector may register an interest based on an order made under this bylaw in the Land Titles Registry against title to the parcels of land to which the order applies, and the notice runs with the land and is binding on the owner and any subsequent purchaser.
- (2) Where an interest has been registered under this section and the order has been complied with, the Fire Chief or a municipal inspector shall apply to the Registrar of Titles to discharge the interest.

### **Carrying out of Orders by Fire Chief**

12. (1) The Fire Chief may, in accordance with Section 366 of *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw if:
- (a) the person to whom the order is directed fails to comply with the order within the time specified in the order and, no stay of the order has been issued; or
  - (b) after reasonable inquiry, the whereabouts of the owner, an agent of the owner or occupant of the building, structure or premises that is the subject of the order cannot be determined.
- (2) If an order is carried out by the Fire Chief under Subsection (1), the costs incurred in carrying out the order are a debt due to the Town and may be recovered from the owner of the building, structure or premises in or on which the order was carried out.
- (3) If the costs mentioned in Subsection (2) are not paid at the end of the year in which the order was carried out, the Town may add the amount of the costs and expenses to the owner's property taxes.

### **Appeal to Fire Commissioner**

13. (1) A person who is aggrieved by an order made by the Fire Chief or a municipal inspector may, within 20 days of being served with the order, appeal the order to the fire commissioner.
- (2) An appeal under this Section is made by filing a written notice of appeal setting out the reasons for the appeal on the fire commissioner and serving a copy of the appeal on the Fire Chief or municipal inspector.
- (3) The fire commissioner shall consider the appeal within 20 days of the serving of the appeal and may confirm, modify or revoke the order appealed from or substitute an order for the order being appealed from.
- (4) The fire commissioner shall cause a copy of the decision to be served on:
- (a) the appellant;
  - (b) the Fire Chief or municipal inspector; and
  - (c) any other persons whom the fire commissioner considers may be interested in the decision.
- (5) An appeal taken under this Section does not operate as a stay of the order appealed from unless the fire commissioner, on an application by the appellant, decides otherwise.

### **Appeal to Saskatchewan Municipal Board**

14. (1) The Fire Chief, municipal inspector or other person who is aggrieved by a decision of the fire commissioner under Section 13 may, within 20 days of being served with the decision, appeal the decision to the Saskatchewan Municipal Board.
- (2) A person making an appeal under this Section shall serve a written copy of the appeal on the fire commissioner.
- (3) On receipt of an appeal under this Section, the Saskatchewan Municipal Board shall consider the appeal and may confirm, modify or repeal the decision appealed from or substitute its decision for the decision being appealed from.

- (4) The Saskatchewan Municipal Board shall give written notice of its decision to the fire commissioner, the appellant and any other person that the Saskatchewan Municipal Board considers may be interested in the decision.
- (5) An appeal taken under this Section does not operate as a stay of the decision appealed from unless the Board, on an application by the appellant, decides otherwise.

#### **Appeal to Court of Appeal**

- 15. Notwithstanding The Municipal Board Act, with leave of a judge of the Court of Appeal, any person who is aggrieved by a decision of the Saskatchewan Municipal Board made under Section 14 may appeal to the Court of Appeal against the decision of the Saskatchewan Municipal Board within:
  - (a) 30 days after the date the decision was made; or
  - (b) any further period not exceeding 30 days that a judge of the Court of Appeal may allow on an application that is made within 30 days after the date the decision was made.

#### **Immediate Hazards**

- 16. (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; and
  - (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) 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**

17. (1) Smoke alarms shall be installed in each dwelling unit and in each sleeping room not within a dwelling unit in conformance with Article 2.1.3.3 of 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 every 3 months.
- (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 conformance with Article 1.1.1.2 of 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.

(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

(e) affix a sticker to a smoke alarm under Subsection (10)(g) without first conducting a proper inspection in conformance with this Section.

### **Open-Air Fires**

18. (1) 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 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 1.2 metres.

(2) 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.

(3) Open-air fires shall be reasonably supervised so as to prevent their spread.

(4) Open-air fires shall be adequately ventilated to ensure proper combustion and to prevent an unreasonable accumulation of smoke.

(5) Open-air fires shall not be set in windy conditions conducive to creating a running fire or a nuisance to another person.

(6) 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.

(7) The Department or Town 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 or Town 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 or Town.

### **Use of Blowlamps**

18. (1) No person shall use a blowlamp or similar device to burn 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, unless such use is permitted under The Environmental Management and Protection Act and is conducted in a manner acceptable to The Saskatchewan Environment and Resource Management Department.

### **Barbecuing**

19. (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**

20. (1) A person may store lumber, timber or firewood on a residential property subject to the following restrictions:

- (a) the total amount of lumber, timber and firewood stored on the property shall not exceed one cord; and
- (b) 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**

21. (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**

- 22. (1) Except as provided in Subsection (2), rubber tires shall be stored in accordance with Article 3.3.3 of 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.

### **Propane Fuelled Vehicles**

- 23. (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 sweeper used to clean any underground or enclosed parking facility provided the sweeper is stored in accordance with the following conditions:
- (3) Zamboni used for ice maintenance:
  - (a) The sweeper and zamboni shall be located in a room that is separated from the remainder of the building by a gas-tight fire separation having a fire resistance rating of at least two hours;
  - (b) The room in which the sweeper and zamboni are stored shall be located on an exterior wall of the building;
  - (c) The room in which the sweeper and zamboni are stored shall be provided with ventilation separate from the remainder of the building; and
  - (d) The sweeper and zamboni shall not be fuelled anywhere in the underground or enclosed parking facility.
- (4) 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.
- (5) 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.
- (6) Signs required by this Section shall have lettering not less than 100mm high with a 15mm stroke.

### **Occupant Load**



24. (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 or building inspector 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**

25. (1) 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**

26. (1) In accordance with Article 6.2.4.1 of 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.
- (3) Any person who intends to inspect, test or maintain portable fire extinguishers shall submit on request proof of proper training to the Department or Town before carrying out any inspections, testing or maintenance.

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

27. (1) In accordance with sentence 2.6.1.9(2) of 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.
- (3) Any person who intends to inspect or maintain commercial cooking equipment exhaust and fire protection systems shall submit on request proof of proper training to the Department or Town before carrying out any inspections or maintenance.

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

28. (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 on request proof to the Department that the person holds a journey person'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**

29. (1) In accordance with article 6.3.1.2 of The National Fire Code, the inspection, testing and maintenance of fire alarm systems shall be in conformance with CAN/ULC-S536-M, "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) (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 service person; 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 test, inspect or maintain addressable fire alarm systems shall submit on request proof satisfactory to the Department or Town 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.

### **Vacant Buildings**

30. (1) In accordance with Article 2.4.6.1 of The National Fire Code, all vacant buildings shall be secured against unauthorized entry as provided in this Article.
- (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**

31. 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**

- 32. (1) Where an extreme fire hazard exists or the safety of persons or property is endangered by a fire, the Fire Chief or the incident commander who shall be 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**

- 33. (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**

34. 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**

35. (1) the standards and requirements of The National Fire Code and The Hazardous Substances and Waste Dangerous Goods Regulations respecting the design, construction and use of storage tanks for flammable liquids and combustible liquids shall apply.

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

36. 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**

37. (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**

38. (1) No person shall sell any high hazard fireworks to another person unless the person is a fireworks supervisor.

- (2) No person shall sell any low hazard fireworks to person unless the person is 18 years of age or older.

### **Fireworks Displays**

39. (1) A public fireworks display shall only be held in public locations approved and designated by the Department or Town.
- (2) No person shall hold a public fireworks display without first obtaining a permit from the Department or Town.
- (3) A public fireworks display shall be held at the time and location set out in the permit.
- (4) A 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.
- (5) The applicant for a permit for a public fireworks display using high hazard fireworks shall procure and provide to 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. The Insurance Certificate shall indicate that the Applicant has at least \$1,000,000.00 of public liability insurance.
- (6) A public fireworks display using high hazard fireworks shall only be held if the display is conducted under the direct supervision of a fireworks supervisor.
- (7) In accordance with Article 5.1.1.2 of The National Fire Code, a public fireworks display using high hazard fireworks shall be conducted in conformance with the current "Fireworks Display Manual" prepared by Natural Resources Canada.
- (8) At the conclusion of the public fireworks display, all unused fireworks and debris shall be immediately removed and disposed of by the person holding the permit to conduct the display.
- (9) No permit is required for a private fireworks display.

### **Setting Off Fireworks**

40. (1) No person shall set off any fireworks in a manner that would create a danger or nuisance to another person or property.
- (2) a) No person shall set off any fireworks on a street or public area except as part of a public fireworks display as permitted by this Bylaw.
- b) A permit for a private fireworks display using low hazard fireworks out at a designated park area within Town limits may be issued by the Department or Town, providing the applicant has the minimum insurance and liability coverage as outlined in Section 39, subsection 5 of this bylaw.
- (3) No person shall set off 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 public fireworks display permit from the Department or Town.
- (4) No person under 18 years of age shall set off any fireworks except under the direct supervision of a parent, guardian or other responsible adult.

- (5) No parent or guardian of a child under 18 years of age shall suffer or permit the child to set off any fireworks, except when under the direct supervision of the parent or guardian.

#### **Indoor Fireworks**

41. (1) The handling, storage and use of indoor fireworks (pyrotechnics) shall be in conformance with the Explosives Act and its Regulations, and The National Fire Code.
- (2) No person shall hold an indoor pyrotechnics display without first obtaining a permit from the Department or Town.
- (3) A permit for an indoor pyrotechnics display shall only be issued to persons holding a valid Assistant Pyrotechnician, Pyrotechnician or Special Effects Pyrotechnician card issued by Natural Resources Canada. Applicants with pyrotechnic accreditation from other jurisdictions shall not receive a permit unless the Department or Town is satisfied that the applicant is properly trained and qualified in indoor pyrotechnics.
- (4) The applicant for a permit or an indoor pyrotechnics display shall procure and provide to the Department or Town 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. The Insurance Certificate shall indicate that the applicant has at least \$1,000,000.00 of public liability insurance.
- (5) 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.

#### **Part VIII - Offences and Penalties**

##### **Owner's Responsibility**

43. 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**

44. (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) fails to maintain portable fire extinguishers in any building in conformance with The National Fire Code;
  - (d) 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;
  - (e) permits combustible materials to accumulate in or around any building in quantities or locations that will constitute an undue fire hazard;
  - (f) contravenes the provisions of Section 17 regarding smoke alarms;
  - (g) fails to store flammable and combustible liquids or compressed gases in any building, structure or open space in conformance with The National Fire Code;
  - (h) blocks or wedges open a closure in a fire separation in any building;
  - (i) contravenes the provisions of Section 18 regarding the setting of open-air fires; or



- (j) contravenes the provisions of Section 18.1 regarding the improper use of blowlamps.
  - (k) contravenes the provisions of Section 40, regarding the setting off of fireworks.
  - (l) contravenes the provisions of Section 38 (2), regarding the sale of low hazard fireworks to anyone under the age of 18 years old.
- (2) When a contravention of Subsection (1) 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 \$250.00
  - (b) for a second offence, of \$500;
  - (c) for a third or subsequent offence, of not less than \$500 and not more than \$10,000 in the case of an individual or \$25,000 in the case of a corporation.
- (3) Except as provided in Subsection (4), the following procedure shall apply to offences Committed under this Section:
- (a) the Fire Chief, a municipal inspector 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 (2)(a) or;
  - (b) the fine may be paid:
    - (i) in person, during regular office hours, to the cashier located at Town Office, Hepburn, Saskatchewan,
    - (ii) by mail addressed to the Town Of Hepburn, Box 217, Hepburn, Saskatchewan, S0K 1Z0. If paying by cheque, please have it made out to Town Of Hepburn.
  - (c) if payment of the fine as provided in clause (2)(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 (2)(a) or (b) shall be discounted to the sum of \$200.00 for a first offence if paid within 10 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 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.
  - (e) If payment is not received within 20 calendar days of the notice of bylaw violation, a summons may/will be issued.
- (4) The provisions of Subsection (3) shall not apply in the case of a second or subsequent offence.

#### **General Penalty**

45. (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 further 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.

#### **REVOKING OF PERMITS WHEN DEEMED NECESSARY**

46. Any permit issued by the Department or Town may be revoked when deemed necessary for whatever reason that the Fire Chief, Deputy Fire Chief or Fire Inspector feel is sufficient to warrant such action.

#### **PART IX - Repeal and Coming into Force**

##### **Repeal**

47. Bylaw No.s 108-98, 20-2014 and 32-2015 are hereby repealed.

##### **Coming into Force**

48. This Bylaw shall come into force and effect on the day it is approved by the Council of the Town of Hepburn.

[SEAL]

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Administrator

Read a third time and adopted

this 17 day of October, 2017

  
\_\_\_\_\_

Administrator



**Schedule "A"**  
**Fees for Service**

**1) FIRE CHARGES FOR CALLS OUTSIDE OF THE HEPBURN TOWN BOUNDARIES**

- a) HEPBURN FIRE DEPARTMENT EQUIPMENT
  - i) \$250.00 call out fee for false alarms
  - ii) \$700.00 per hour for first fire truck
  - iii) \$500.00 per hour for secondary fire trucks
  - iv) \$500.00 per hour for rapid response vehicle
  - v) Specialty equipment used is actual cost
- b) The above noted rates shall apply regardless of the number of fire fighters and equipment deployed to the scene of a fire.
- c) In addition to the fees herein provided, the town may also charge the municipality for;
  - i) Materials used for fighting the fires, such as foam, purchased water, hired equipment, etc; and
  - ii) Damage to or loss of town owned firefighting equipment (excluding fire trucks and apparatus) which occurs as a result of rural fire fighting and for which coverage is excluded in the town insurance policy, except where such loss is caused by the negligence of the town fire fighters.

This Bylaw does not replace any Service Agreement already in place