

City of Melfort
BYLAW No. 2020-09

The Melfort Fire and Protective Services Bylaw

WHEREAS *The Cities Act* provides the City Council of the City of Melfort the power to pass bylaws for City purposes that it considers expedient in relation to the following matters respecting the City:

AND WHEREAS it is desirable that the Melfort Fire Department provide certain non-emergency services;

AND WHEREAS it is desirable that the people for whom services are provided be responsible for offsetting the cost of the provision of those services;

NOW THEREFORE THE COUNCIL OF THE CITY OF MELFORT IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

PART I – SHORT TITLE AND INTERPRETATION

1. SHORT TITLE

This Bylaw may be cited as “*The Melfort Fire and Protective Services Bylaw*”.

2. PURPOSE

The purpose of this bylaw is to:

- a) continue the Fire Department as an established department of the *City*;
- b) provide for fire prevention, suppression and protection services;
- c) provide for the storage and handling of *flammable liquids, combustible liquids, dangerous goods*, as defined in the Saskatchewan hazardous substances and waste *dangerous goods* regulations;
- d) provide for inspection of *buildings, structures and premises* in relation to fire safety;
- e) provide for rescue and emergency response services;
- f) regulate the sale and use of *fireworks* and pyrotechnics; and
- g) adopt, revise, vary and modify the *National Fire Code* of Canada.

3. DEFINITIONS

In this Bylaw:

“Act” means *The Fire Safety Act*, being Chapter F-15.011 of the Statutes of Saskatchewan and any *Act* passed by the Legislature of Saskatchewan to amend or replace the *Act*;

“Authority having jurisdiction” referred to throughout the *National Fire Code* of Canada means the *Fire Chief* or his designate;

“Balcony” means a platform with a rail or balustrade, on the outside of a *building*, with access to an upper storey door or window;

“Bylaw Enforcement Officer” means any person appointed by *Council* to represent the *City*, pursuant to Section 337 of *The Cities Act*;

“City Manager” means the person hired by *Council* as the head of all *City* departments and operations;

“City” means the municipal corporation of the City of Melfort or the geographical area within the *City Limits*, as the context requires;

“Council” means the elected *Council* of the *City*;

“Court” means the Provincial Court of Saskatchewan;

“Department” means the Melfort Fire Department;

“Designated Officer” means any person appointed by the City Manager, pursuant to Section 2 (l) of *The Cities Act*;

“Dwelling Unit” means a *suite* operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary features.

“Emergency” means a serious, unexpected and dangerous situation requiring immediate action or coordination of action that may include but is not limited to;

- a) Accident;
- b) Act of war or Insurrection;
- c) Terrorist activity as defined In the Criminal Code;
- d) Forces of nature;
- e) The loss of life;
- f) Harm or damage to the safety, health or welfare of people; or
- g) Damage to property or the environment;

“Fire alarm system” means a system consisting of a control unit and a combination of electrically interconnected devices, which are:

- a) designed and intended to detect a fire condition and to actuate an alarm of fire in a *building* or structure; or
- b) manually activate and includes the systems installed throughout any *building* or structure;

“Fire Chief” means: with respect to a municipality, a person appointed or employed as a Fire Chief by a municipality and is also designated as the local assistant to the Office of the Fire Commissioner.

“Fire lane” means that area designated by a sign or a marking as a fire lane;

“Fire pit” means a permanently affixed outdoor fire receptacle or a portable fire receptacle, including chimnea;

“Fire protection system” means *fire alarm systems*, sprinkler systems, special extinguishing systems, commercial cooking systems, standpipe and hose systems, and emergency power installations;

“Fire route” means any public or private roadway, lane, ramp or other means of vehicular access to or egress from a building and it may include part of a parking lot set aside for use by authorized emergency vehicles;

“Fireworks” means explosives that are enclosed in any case or contrivance, or are otherwise manufactured or adapted for the production of pyrotechnic effects, pyrotechnic signals or sound signals and includes any chemical compound or mechanically mixed preparation of an explosive or of a flammable nature that is used for the purpose of making such explosives;

“Fireworks display” means a display of *fireworks* intended for the entertainment of the general public or in open view of the public;

“Fireworks Supervisor” means a person who has been certified as a Display Supervisor by the Explosives Regulatory Division of Natural Resources Canada;

“Flying lanterns” means any type of unmanned hot air balloon using a flame to create heat in an enclosed space so as to make the balloon rise.

“High hazard fireworks” means *fireworks* classed as Subdivision 2 and Subdivision 3 of Division 2 *fireworks* in the National Fire Code of Canada, such as (but not limited to) model rocket engines, rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces, pigeons, and firecrackers;

“Low hazard recreational fireworks” means *fireworks* classed as Subdivision 1 of Division 2 *fireworks* in the federal regulations comprised of *low hazard recreational fireworks* generally used for recreation, such as *fireworks* showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes and sparklers, but does not include Christmas crackers or caps for toyguns;

“Municipal Inspector” means an inspector appointed by the *Fire Chief* in accordance with Section 2 of the *Act*, to enforce the *Act* and this Bylaw.

“National Building Code” means the *National Building Code of Canada*, issued by The National Research Council of Canada, including any amendments made to it from time to time, as modified by *The Uniform Building and Accessibility Standards Act*, and the Regulations passed pursuant to *The Uniform Building and Accessibility Standards Act*, unless otherwise modified by this Bylaw;

“National Fire Code” means *The National Fire Code of Canada*, issued by The National Research Council of Canada, including any amendments made to it from time to time, as

modified by *The Fire Safety Act*, and the Regulations passed pursuant to *The Fire Safety Act*, unless otherwise modified by this Bylaw;

“NFPA” means the National Fire Protection Association;

“Occupant” includes:

- a) a person residing on land or in a *premises*;
- b) a person entitled to the possession of land or a *premises* if there is no person residing on the land or in the *premises*;
- c) a leaseholder;

“Owner” means any person who has any right, title, estate or interest in land, improvements or *premises* other than that of a mere *occupant*, tenant or mortgagee;

“Placard” includes poster, tag or barricade tape;

“Premises” includes buildings, facilities and structures;

“Pyrotechnician” means a person who has been certified as a *pyrotechnician* by the Explosives Regulatory Division of Natural Resources Canada;

“Pyrotechnic special effects” means those *fireworks* that are used in the entertainment industry whether designed specifically for indoor or outdoor use, such as blackpowder bombs, bullet effects, flash powder, smoke compositions, gerbs, lances, and wheels;

“Pyrotechnics display” means a display of *pyrotechnic special effects* intended for the entertainment of the public, in open view to the general public, or in a place to which the general public may be admitted, and includes places to which admittance to the general public is restricted by age or by invitation;

“Special effects pyrotechnician” means a person who has been certified as a *special effects pyrotechnician* by the Explosives Regulatory Division of Natural Resources Canada;

4. INTERPRETATION

- 1) The words and terms not specifically defined in this Bylaw shall have the meaning prescribed in *The Saskatchewan Fire Safety Act*, *The Saskatchewan Fire Safety Regulations*, the *National Fire Code of Canada* and the *National Building Code of Canada*.
- 2) Words and phrases not specifically defined in this Bylaw or in the legislation in subsection (1), shall have the meanings which are commonly assigned to them with reference to the context in which they are used and with reference to the specialized use of terms within the various trades and professions to which the terminology applies.

PART II – FIRE DEPARTMENT**5. ESTABLISHMENT**

The Melfort Fire Department is continued as an established department of the *City* pursuant to clause 8(1) of *The Cities Act*.

6. SERVICE DELIVERY

Subject to the provisions in this Bylaw, the *Department* is authorized to provide the following services and to exercise the powers necessary to the provision of these services:

- (a) *Fire Protection Services:*
 - (i) to provide fire prevention including public education and *building* inspections;
 - (ii) to investigate all fires occurring within the City of Melfort
 - (iii) to provide fire protection including offensive interior structural firefighting, grasslands firefighting, automotive and machinery firefighting, explosions, and site-specific industrial firefighting to meet the needs of properties in the *City*;
 - (iv) response to reports of odours, suspected carbon monoxide, suspected gas leaks and unusual events;
 - (v) aircraft rescue firefighting (ARFF) for small single engine aircraft with limited cargo capacity and/or passenger capacity of up to 10 persons.
- (b) *Dangerous Goods/Hazardous Materials Services:*
 - (i) response to hazardous materials incidents to the Operations Level with Mission Specific capabilities in the following disciplines:
 - a) personal protective equipment (PPE) to Class “A” level;
 - b) mass decontamination;
 - c) technical decontamination;
 - d) product control limited to small spill and releases as defined in the current edition of the *Emergency Response Guidebook*; and
 - e) victim rescue and recovery.
- (c) *Rescue Services:*
 - (i) basic rope rescue services;
 - (ii) basic confined space rescue;
 - (iii) vehicle and machinery rescue including automobile, bin, heavy truck and transport, farm equipment and special machinery;
 - (iv) surface water rescue including land based and in-water rescue;
 - (v) trench rescue support operations
 - (vi) ice rescue restricted to surface rescue; and
 - (vii) structural collapse support operations
- (d) *Emergency Medical Services:*
 - (i) response to assist local ambulance services provider at the First Aid, CPR-C / AED level.
 - (ii) the Melfort Fire Department will not conduct patient transport but may assist local ambulance provider personnel in the transport of patients.

7. AGREEMENTS

The *Department* may provide service to another municipality, municipal government, First Nation, or other properly constituted authority, organization or agency where an agreement, duly authorized by *Council*, exists with that agency or upon request from the Provincial Government or a duly authorized representative of the jurisdiction requesting assistance. The *Department* shall obtain dispatch services from an outside agency by agreement as approved by *Council*.

8. APPOINTMENT OF FIRE CHIEF AND LOCAL ASSISTANT

The *Fire Chief* as hired and appointed in accordance with the City of Melfort and shall act as the Local Assistant to the Office of the Fire Commissioner as defined by the *Act* and is continued by this Bylaw.

9. DUTIES OF THE FIRE CHIEF

- (1) The *Fire Chief* is the Director of the *Department*.
- (2) The *Fire Chief* shall be responsible for administering this Bylaw.
- (3) The *Fire Chief* is responsible for the maintenance of discipline within the *Department* and may make any policies, regulations and operating procedures or guidelines necessary to ensure the safe, effective, professional operation of the *Department*.
- (4) The *Fire Chief* is authorized to further delegate any matter delegated to him or her under this Bylaw.

10. STAFFING

The number of fire fighters shall be as determined by *Council* and provided for in the annual budget. The training and qualifications required of firefighters shall be as such to meet the determined service delivery as stipulated in this Bylaw.

11. FIRE DEPARTMENT FACILITIES

The *City* shall operate and maintain sufficient fire stations, firefighter staffing and facilities to meet the response needs of the *Department* and to provide for the storage of fire apparatus and equipment, the training of firefighters, administration, and the provision of public education and fire prevention.

12. FIRE DEPARTMENT EQUIPMENT

The *City* shall provide the *Department* with such apparatus, equipment, clothing, personal protective equipment (PPE) and supplies as necessary to carry out its responsibilities in a safe and efficient manner.

13. BOUNDARIES

- a) The *Department* shall respond within the *City* boundaries and provide the services listed in Section 6.
- b) The *Department* may respond outside *City* limits to provide services to other agencies in accordance with Section 7.
- c) The *Department* may provide specialty rescue services, or exterior attack fire suppression outside *City* limits to areas where no agreement exists, on the authority of the *Fire Chief or delegate*, if those services can be provided without putting the community at risk due to lack of personnel to respond to incidents within *City* limits.

PART III – FIRE PREVENTION

14. ADOPTION OF THE NATIONAL FIRE CODE OF CANADA

- (1) It is hereby declared that whatever the current version of The *National Fire Code of Canada* or any subsequent edition of the *National Fire Code of Canada* as referenced by the *Act*, shall be in force in the *City*.
- (2) Pursuant to Section 49 of the *Act*, the *National Fire Code of Canada*, 2015 is revised, varied and modified as set forth in this Part.

15. FIRE ALARM SYSTEM MONITORING

Division B, Part 2, Article 2.1.3.1. (NFCC 2015) is amended by adding the following:

2.1.3.1. Fire Alarm, Standpipe, and Sprinkler Systems

- 1) Where a fire alarm system that is required to be installed in accordance with Section 3.2.4. of the National Building Code, is, in the opinion of the *Fire Chief*, not adequately maintained, the *Fire Chief* may require the fire alarm system to be monitored for any alarm or supervisory signal by an alarm monitoring service capable of receiving the signal 24 hours per day and transmitting the signal to the fire department dispatch center.
- 2) Where a fire alarm system that is required to be installed in accordance with Section 3.2.4. of the National Building Code, is, in the opinion of the *Fire Chief*, not adequately maintained, the *Fire Chief* may require the building owner or manager to assign a dedicated Fire Watch person(s) to patrol the affected building or areas when occupied by the public, tenants or other authorized persons. The Fire Watch must have the capability to communicate with the fire department dispatch center.

16. SMOKE ALARMS

Division B, Part 2, Article 2.1.3.3. is repealed and the following substituted:

“2.1.3.3. Smoke Alarms

- 1) *Smoke alarms* conforming to CAN/ULC-531, “Smoke Alarms” shall be installed in each *dwelling unit* and, except for *care, treatment or detention occupancies* required to have a *fire alarm system*, in each sleeping room not within a *dwelling unit*.
- 2) *Smoke alarms* within *dwelling units* shall be installed between each sleeping area and the remainder of the *dwelling unit*, and where the sleeping areas are served by hallways, the *smoke alarms* shall be installed in the hallways.
- 3) *Smoke alarms* shall be installed in accordance with CAN/ULC-S553, “Installation of *Smoke Alarms*”.
- 4) *Smoke alarms* shall be inspected and tested in conformance with the manufacturer’s instructions or at least every 30 days, whichever is more frequent, to ensure that the *smoke alarms* are still in place and operable.
- 5) *Smoke alarms* are permitted to be battery operated.
- 6) Notwithstanding subsections 4) and 5), where a *building* contains either more than one *dwelling unit*, or one or more *dwelling units* that are not occupied by the *owner* of the *building*, the *owner* shall ensure that the *smoke alarms* contained in the *building*:
 - a) are installed with permanent connections to an electrical circuit;
 - b) have no disconnect switches between the overcurrent device and the *smoke alarm*; and
 - c) are inspected and tested at least once in every 12 months to ensure that they are still in place and operable.
- 7) Subject to subsection 6), *smoke alarms* shall be installed in conformance with the manufacturer’s instructions and the Canadian Electrical Code.
- 8) *Smoke alarms* shall be maintained in an operable condition at all times.
- 9) The *owner* of a *building* or the *owner’s* authorized agent shall conduct all inspections and testing required by subsections 4) and 6).
- 10) The *owner* of a *building* subject to Section 6), shall maintain a record of all inspections and tests required pursuant to subsection 6) c).
- 11) Where the *authority having jurisdiction* requests a copy of any record required to be kept pursuant to subsection 10), the *owner* or the *owner’s* authorized agent shall produce the original record and provide a copy of the record within 24 hours.

- 12) The record required by subsection 10) shall contain the following information;
 - a) the address of the *building* being inspected;
 - b) the date of the inspection;
 - c) the name of the person conducting the inspection;
 - d) the condition, maintenance and operation of the *smoke alarm*, including any deficiencies; and
 - e) any corrective measures that were taken.”

17. FIRE PROTECTION SYSTEMS

Article 2.1.3.6 is amended by adding the following subsections:

“2.1.3.6. Inspection, Maintenance and Testing of Fire Safety Devices

- 3) Every person who installs, inspects, repairs, tests or completes maintenance on a *fire protection system* in the *City* shall, upon request, provide documentation of training and/or certification by a recognized authority acceptable to the *authority having jurisdiction* in accordance with subsections 4) through 7).
- 4) Fire Alarm Systems
 - a) Testing and/or maintenance of *fire alarm systems* must be conducted by a graduate of the Canadian Fire Alarm Association, “Fire Alarm Technology Program”, and licensed to work in Saskatchewan.
 - b) The person conducting these tests shall forward copies of all tests and documentation to the *Department*, upon request, within 24 hours.
- 5) Automatic Sprinkler Systems and Standpipe Systems
 - a) Installation, inspection, testing and maintenance of sprinkler systems designed to *NFPA 13, Standard for the Installation of Sprinkler Systems*, and *NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height*, and standpipe systems designed to *NFPA 14, Standard for the Installation of Standpipes and Hose Systems* shall be performed by a journeyman sprinkler installer.
 - b) Installation, testing and maintenance of sprinkler systems designed to *NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes* shall be performed by a journeyman plumber or a journeyman sprinkler installer.
- 6) Commercial Cooking Fire Suppression Systems
 - a) Installation, inspection, testing and maintenance of commercial cooking fire suppression systems shall be performed by persons who are trained and certified by the manufacturer of the specific make and model of system.
- 7) Portable Fire Extinguishers
 - a) Inspection, testing and maintenance of portable fire extinguishers shall be performed by persons holding a certificate in Fire Extinguisher Inspection and Maintenance.

18. WOOD PILES

Articles 2.4.1.1. 7) and 8) are added.

“2.4.1.1. Accumulation of Combustible Materials

- 7) A person may store lumber, timber or firewood on a residential property subject to the following restrictions:
 - a) the total amount of lumber, timber, or firewood stored on the property does not exceed one (1) cord (128 ft³ / 3.6 m³); and
 - b) the lumber, timber or firewood shall be stored at least 3 meters (10 feet) from any dwelling on the property and at least 1 meter (3 feet) from any property line.
- 8) Subsection 7) does not apply to lumber or timber, stored in accordance with Section 5.6 of the *National Fire Code*, during construction of any *building* on a residential property”.

19. OPEN AIR FIRES

Articles 2.4.5.2, 2.4.5.3 and 2.4.5.4 are added.

2.4.5.2. Fire Pits and Outdoor Fireplaces

- 1) (1) Subject to Subsection (3) no person shall light, ignite, or start or allow or cause to be lighted, ignited or started a fire of any kind whatsoever in the open air without first having obtained a written permit to do so from the Fire Chief or designate.
- 2) A person to whom a permit has been issued under Subsection (1), shall place and at all times keep a competent person in charge of the fire while it is burning or smoldering and shall provide that person with efficient equipment in order to prevent the fire from getting beyond control or causing damage or becoming dangerous. The equipment to be used could consist of a garden hose connected to the water supply or portable fire extinguishers.
- 3) (a) The Fire Chief or Bylaw Enforcement Officer shall have the authority to prohibit any or all open fires when atmospheric conditions or local circumstances make such fires hazardous.
(b) No permit shall be required to light, ignite, or start, allow or cause to be lighted, ignited or started a charcoal or gas operated barbecue, grill, or similar device used to cook food.
- 4) No charcoal burners shall be kindled or maintained on combustible balconies or within 10-ft (3.1 m) of combustible patios on ground floors in multi-unit dwellings.
- 5) Open-air fires used for the purpose of cooking food shall only be permitted in receptacles approved by the Fire Chief or Bylaw Enforcement Officer.

- 6) Other types of receptacles are prohibited, and their use would be considered a contravention under the provisions of this bylaw, and the offender would be subject to the penalty as laid out in the penalty section of this bylaw.
- 7) *Fire pits* and outdoor fireplaces shall meet the following requirements:
 - a) the fire be contained in a non-combustible receptacle constructed of concrete, clay brick, or sheet metal with a minimum 18-gauge thickness;
 - b) the receptacle is covered with a heavy gauge metal screen with openings not exceeding 13 millimetres ($\frac{1}{2}$ inch); and
 - c) the size of the firebox does not exceed 75 centimetres (30 inches) in any dimension.
- 8) The fuel used in the *fire pits* and outdoor fireplaces shall be only charcoal, cut seasoned wood, or manufactured fire logs.
- 9) No person shall cause, allow or permit the burning of the following materials in a *fire pit* or outdoor fireplace:
 - a) Waste; including grass clippings, green wood, organic yard waste, rubbish, slimes, manure, treated or painted lumber, livestock or animal carcasses, tailings, garbage, garden refuse, or scrap;
 - b) any material classified by the *authority having jurisdiction* as a hazardous material or dangerous goods; or
 - c) any material that generates black smoke or an offensive odour when burned including, but not limited to, insulation from electrical wire, rubber tires, asphalt shingles, hydrocarbons, plastics, and lumber treated with wood preservatives.
- 10) All *fire pits* or outdoor fireplaces shall be located a minimum of 3 meters (10 ft) from any combustible material, *building*, porch, deck, similar amenity space and property line. This provision shall not apply to *fire pits* or outdoor fireplaces installed in campgrounds or Recreational Vehicle (RV) Parks where *occupants* can change daily.
- 11) No *fire pit* or outdoor fireplace shall be used on a combustible deck or *balcony*.
- 12) All *fire pits* and outdoor fireplaces shall be situated on a non- combustible surface.
- 13) All *fire pits* and outdoor fireplaces shall be supervised by an adult so as to prevent the spread of fire.
- 14) If smoke from a *fire pit* or outdoor fireplace is being blown toward another property in such a manner as to cause an unreasonable interference (in the opinion of the Fire Officer on scene) with the use and enjoyment of another person's property, the fire shall be extinguished immediately.

- 15) *Fire pits* and outdoor fireplaces shall not be used in conditions conducive to creating a fire spread, such as (but not limited to) wind speeds that cause swaying of trees, ground litter / debris to blow around or cause the smoke to travel in a horizontal direction.
- 16) *Fire pits* and outdoor fireplaces shall be clear of overhangs such as tree branches, utility lines, and structures.
- 17) Any person that uses a *fire pit* or outdoor fireplace shall ensure that a means of extinguishing the fire is readily accessible at all times while the fire is burning.
- 18) The *Fire Chief or designate* may order any fire extinguished without cause during the hours of 11:00 pm until 8:00 am.
- 19) Where ordered by the *Fire Chief or designate* or a peace officer, a person shall extinguish a fire in a *fire pit* or outdoor fireplace and shall not re-light the fire for a period of 12 hours.
- 20) Notwithstanding any provisions of this bylaw, the *Fire Chief or designate* may declare a ban of burning in the *City* or portion of the *City*.
- 21) The *Fire Chief or designate* shall coordinate fire bans with the appropriate Ministry of the Government of Saskatchewan.
- 22) No person shall ignite or allow any kind of fire to be ignited, in a fire pit requiring a permit, when a complete ban on burning has been declared by the *Fire Chief or designate*.

2.4.5.3. Indoor Fireplaces and Wood Burning Stoves

- 1) The fuel used in fireplaces and wood burning stoves shall be only cut seasoned wood, manufactured fire logs, or wood pellets.
- 2) Burning of treated wood or any substance that causes unpleasant odors or excess amounts of smoke is strictly prohibited.

2.4.5.4. Incinerators

- 1) Except for approved auxiliary-fuelled incinerators, no incinerator shall be constructed, installed or used within the corporate limits of the City of Melfort.
- 2) Burning barrels or any other similar device used for the burning of any household or yard refuse are prohibited.
- 3) Exterior solid-fuel hydronic heating systems shall not be allowed in any residential area within the limits of the *City of Melfort*. Discretionary approval may be granted by City

Council to permit exterior solid-fuel hydronic heating systems in commercial or industrial areas on a case-by-case basis.

20. VACANT AND FIRE DAMAGED BUILDINGS

Article 2.4.6.1. is repealed and the following substituted:

“2.4.6.1. Vacant Buildings

- 1) Vacant *buildings* shall be secured by the *owner or authorized agent* against unauthorized entry.
- 2) All exterior windows and doors, whether broken or intact, on the *first storey* of a vacant *building* shall be secured by either the locking of intact structures or boarded up to prevent unauthorized entry. Where it is evident that the locking of doors or windows is not sufficient to prevent unauthorized access, the *owner* shall secure using approved boarding materials and processes.
- 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, with a minimum thickness of 15.875 mm (5/8 inch).
- 5) Wherever possible, the boards shall be one solid piece and shall be secured to the window or door frame or brick molding using structural screws placed approximately 250 mm (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.
- 8) A *building* that has been damaged by any event or occurrence (other than fire) and in the opinion of the *Fire Chief* poses an immediate risk to public safety may be ordered by the *Fire Chief* to be removed or demolished in accordance with Section 33 (1)(b)(ii) of the *Act* and should the *owner* fail to comply, the *Fire Chief or designate* may remove or demolish the *building* and the costs of the removal or demolition shall be a debt owed to the *City* and on failure to pay the debt within 30 days, the costs shall be added to the taxes on the property in accordance with section 36 of the *Act* and section 333 of *The Cities Act*.

2.4.6.2. Fire Damaged Buildings

- 1) Where a *building* is damaged by fire, the *owner or authorized agent* of the *building* shall secure the *building* against unauthorized entry upon direction from the *Fire Chief* or designate.
- 2) Where the *owner* is unavailable or fails to comply with section 1), the *City* may secure the *building* and the costs of securing the building shall be a debt owed to the *City* and on failure to pay the debt within 30 days, the costs shall be added to the taxes on the property in accordance with section 36 of the *Act* and section 333 of *The Cities Act*.
- 3) The *Fire Chief or designate* may order a fire damaged building to be removed or demolished in accordance with Section 33 (1)(b)(ii) of the *Act* and the costs of the removal or demolition shall be a debt owed to the *City* and on failure to pay the debt within 30 days, the costs shall be added to the taxes on the property in accordance with section 36 of the *Act* and section 333 of *The Cities Act*.

21. OCCUPANT LOAD

Article 2.7.1.3. is repealed and the following substituted:

“2.7.1.3. Occupant Load

- 1) The maximum permissible *occupant load* for any room, when requested or required by design, function or planned activity shall be calculated per the National Fire Code of Canada 2.7 Safety to Life.
- 2) The number of occupants permitted to occupy a room shall not exceed the maximum *occupant load* calculated and posted in conformance with Subsection 1.

22. FUEL POWERED VEHICLES AND EQUIPMENT

The following article is added after Division B, Part 2, Article 2.7.3.1.:

“2.7.4 Enclosed Parking Facilities

2.7.4.1. Vehicles Fueled with Propane

- 1) No person shall park a vehicle fueled with propane in any underground or enclosed parking facility attached to a multi-suite residential, business, personal services, or mercantile occupancy.
- 2) The *owner* of every underground or enclosed parking facility shall post signs to indicate the parking prohibition for vehicles fueled with propane in conspicuous locations near the principle entrances to the parking facility.

- 3) Signs required by this section shall have lettering not less than 100mm high with 15mm stroke.
- 4) No person shall park a recreation vehicle including a motorhome, travel trailer, van motorhome, fifth wheel, tent trailer, truck camper, or similar vehicle that has a propane tank attached to it for any use, in any underground or enclosed parking facility attached to a multi-suite residential, business, personal services, or mercantile occupancy.”

23. MAINTENANCE OF HYDRANTS

The following article is added after Division B, Part 6, Article 6.4.1.1.:

“6.4.1.2. Maintenance of Fire Hydrants

- 4) No person shall erect, place, allow or maintain a fence, shrub, tree or other object, or pile snow:
 - a) within one meter of a fire hydrant;
 - b) in a manner that impedes the visibility of the hydrant from the *street*; or
 - c) in a way that creates an obstruction to *Fire Department* personnel.
- 5) No person shall paint, discolor, decorate or otherwise alter the appearance of a fire hydrant.
- 6) No unauthorized person shall use, take water from, or mechanically open any fire hydrant in the *City* without first obtaining the permission of the Director of the City Works & Utilities Department.
- 7) Persons requiring fire flow information for development purposes shall obtain the required hydrant flows from the Works & Utilities Department and shall pay a fee as approved by *Council*, if applicable.
- 8) Water flow tests shall be conducted on a schedule as determined by the *Director of Works & Utilities* to determine the water flow capability and results forwarded to the Fire Chief.

6.4.1.3. Private Fire Hydrants

- 1) Private fire hydrants shall be maintained in accordance with article 6.4.1.2.
- 2) If for any reason, a private hydrant is to be taken out of service, the *owner* shall notify the *Fire Chief or designate* in writing stating the reason it is out of service and the expected date of return to service, as well as clearly marking the affected hydrant as such in a manner prescribed by the *Fire Chief*.

PART IV – FIREWORKS, PYROTECHNICS AND HAZARDOUS SUBSTANCES**24. FIREWORKS AND PYROTECHNICS**

- 1) Application
 - a) This section shall apply to the manufacture, handling, transportation, sale and use of *fireworks* and pyrotechnics within the *City*.
 - b) This section shall apply to *flying lanterns and any variants thereof*.
 - c) This section shall not apply to the sale and use of toy caps in paper or plastic format containing less than 3 milligrams of explosives.
 - d) This section shall not apply to sparklers up to 355mm (14”) in length.
This section shall not apply to road flares, emergency flares, railroad flares and torpedoes, signaling flares, or military ordinance.

- 2) Manufacture of *Fireworks* and Pyrotechnics
 - a) No person shall manufacture *fireworks* or pyrotechnics within the *City*.

- 3) Sale of *Fireworks* and Pyrotechnics
 - a) No person shall sell or offer to sell *low hazard recreational fireworks* to another person unless the purchaser is 18 years of age or older.
 - b) No person shall sell or offer to sell *high hazard fireworks* unless the purchaser is a holder of a valid *Display Supervisor, or Display Supervisor with Endorsements* certificate issued by Natural Resources Canada.
 - c) No person shall sell or offer to sell *flying lanterns (or any variant)*.
 - d) Notwithstanding the above, model rocket engines may be sold within the *City* (subject to Section 26. 7).

- 4) *Low Hazard Recreational Fireworks* displayed for sale must meet the following:
 - a) Non-aerial fireworks in consumer packs or in packaging or containers that comply with the safety standards for means of containment under the Transportation of Dangerous Goods Act, 1992 must be separated into lots of 100 kg gross mass or less;
 - b) Aerial fireworks in packaging or containers that comply with the safety standards for means of containment under the Transportation of Dangerous Goods Act, 1992 must be separated into lots of 100 kg gross mass or less;
 - c) All other fireworks, whether aerial or non-aerial, must be separated into lots of 25 kg gross mass or less;
 - d) Each lot must be separated from the other lots by a fire break;
 - e) The fireworks must be kept away from flammable substances and sources of ignition;
 - f) The fireworks must not be exposed to heat or dampness that might cause them to deteriorate;
 - g) The fireworks must be separated from the ceiling and from any fire prevention system by at least 0.6 m;
 - h) Only people authorized by the retailer may have access to the fireworks storage area behind a sales counter;
 - i) Smoking must be prohibited within 8 m of the fireworks; and
 - j) The fireworks must be attended when the sales establishment is unlocked

5) *Fireworks Displays*

- a) A public *fireworks display* shall only be held in public locations approved and designated by the *Department*.
- b) A public *fireworks display* shall be held at the time and location set out in the permit obtained from the *Department* in the form attached as Schedule "A".
- c) A permit for a public *fireworks display* using *high hazard fireworks* shall only be issued to persons holding a valid *Display Supervisor, or Display Supervisor with Endorsements* certificate issued by Natural Resources Canada. Applicants with *Display Supervisor* accreditation from other jurisdictions shall not receive a permit unless the *Fire Chief* is satisfied that the applicant is properly trained and qualified in the use of *high hazard fireworks*.
- d) The applicant for a permit for a public *fireworks display* using *high hazard fireworks* shall procure and provide to the *Department* at least 45 days prior to the scheduled date of the display, a certificate of insurance which shall name the *City* as the insured under the applicant's insurance policy. The Insurance Certificate shall indicate that the applicant has at least \$2,000,000.00 of public liability insurance.
- e) A public *fireworks display* using *high hazard fireworks* shall only be held if the display is conducted under the supervision of a *Display Supervisor*.
- f) A public *fireworks display* shall be conducted in accordance with Article 5.1.1.3 of the *National Fire Code* and the *Display Fireworks Manual* published by Natural Resources Canada.
- g) At the conclusion of the public *fireworks display*, all unused *fireworks* and debris shall immediately be removed and disposed of by the person holding the permit to conduct the display.
- h) The Fire Chief may refuse a fireworks permit, if in the opinion:
 - i) The applicant does not have adequate insurance coverage
 - ii) The fireworks display or its proposed location constitutes a fire hazard to neighboring properties or environment, and suitable fire safety or suppression equipment is not available
 - iii) The fireworks display poses a danger to public health and safety
 - iv) The fireworks application is incomplete

6) *Pyrotechnics Displays*

- a) The handling, storage and use of indoor pyrotechnics shall be in conformance with *The Explosives Act* and its Regulations, and the *National Fire Code*.
- b) No person shall hold a *pyrotechnics display* without first obtaining a permit from the *Department* in the form attached as Schedule 'C'.
- c) A permit for an indoor *pyrotechnics display* shall only be issued to persons holding a valid *Pyrotechnician, Senior Pyrotechnician, or Special Effects Pyrotechnician* certificate issued by Natural Resources Canada. Applicants with pyrotechnic accreditation from another jurisdiction shall not receive a permit unless the *Fire Chief or designate* is satisfied that the applicant is properly trained and qualified in indoor pyrotechnics.
- d) The applicant for a permit for an indoor *pyrotechnics display* shall procure and provide to the *Department* at least 45 days prior to the scheduled date of the

display, a certificate of insurance which shall name the *City* as the insured under the applicant's insurance policy. The Insurance Certificate shall indicate that the applicant has at least \$5,000,000.00 of public liability insurance.

- e) A *pyrotechnics display* shall be conducted in accordance with the provisions of the current edition of the Special Effects Pyrotechnics Manual published by Natural Resources Canada.
- f) No permit for an indoor *pyrotechnics display* will be issued until written permission is received, by the *Department*, from the *owner* or *owner's* agent of the *building*, structure, or premise in which the display will take place.

7) *General Fireworks Requirements*

- a) With the exception of a permitted public display, no person shall discharge *fireworks* within the limits of the City of Melfort
- b) No person shall light, display or otherwise use *flying lanterns (or variants)* within the limits of the City of Melfort.
- c) No person shall set off any fireworks in a manner that would create a danger or nuisance to another person or property.
- d) No person shall set off any fireworks on a street or other public place except as part of a public fireworks display in accordance with this Bylaw.
- e) 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. Only low hazard fireworks may be discharged in a public display located on a school site.
- f) 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.
- g) No parent or guardian of a child under 18 years of age shall permit the child to set off any fireworks, except when under the direct supervision of the parent or guardian.
- h) A fee for service shall occur when any costs incurred by the Melfort Fire Department when called to extinguish such fire when, in the opinion of the *Fire Chief or designate*, the fire was the result of fireworks.

8) *Model Rocket Engines and Model Rockets*

- a) Commercially manufactured model rocket engines may be sold, offered for sale and displayed for sale in the *City* if they are:
 - i) displayed in a display case that is not accessible to the public;
 - ii) the display case is not in direct sunlight or exposed to excessive heat;
 - iii) the display does not exceed 25 kilograms of model rocket engines gross weight; and
 - iv) the model rocket engines are dispensed from the display case only by the vendor or the vendor's employees.
- b) No person shall sell any model rocket engines to another person unless the person is 18 years of age or older.
- c) No person shall set off model rockets on a school site without the prior written permission of the Board of Education that owns the site.

- d) No person shall set off model rockets on any *City* owned property, public parks, walkways, paths, parking lots, recreation fields or playgrounds.
- 9) Flammable and Combustible Liquids
- a) Above ground and underground bulk storage tanks for flammable and / or combustible liquids is not permitted in residential R1, R2, R3 and R4 zoned areas within the City.
- 10) Testing, Repair and Removal of Storage Tanks
- a) If, in the opinion of the *Fire Chief or designate*, there is a reasonable suspicion that flammable or combustible liquids or vapors are escaping from an underground or above ground bulk storage tank or piping which may create a hazardous condition, the *Fire Chief or designate* may order the owner, operator or occupant of the premises where the storage tank is located to immediately cease any operation which would provide an ignition source, secure the impacted area and:
 - i) Provide an engineer's report identifying both the qualification and quantification of the hazard and an acceptable mitigation and remediation plan to the Department, or
 - ii) Excavate the tank and piping and carry out the necessary work to correct the hazardous condition including the removal, replacement or repair of the tank or piping.

PART V – FIRE CODE BUILDING PERMITS

25. CONSTRUCTION PLANS

- 1) When a building permit has been obtained under the requirements of the Building Bylaw for construction of new buildings or renovations to existing buildings that are subject to the National Building Code which incorporates Fire and Life Safety components as required by the National Fire Code, the plans submitted to the Building Department shall be reviewed by the Fire Department for compliance with National Fire Code requirements.
- 2) The building permit fees shall be deemed to cover the cost of the Fire Department review and any oversight of the construction project by Fire Department personnel.

PART VI – ENFORCEMENT

26. SPECIAL AUTHORITIES OF THE FIRE CHIEF

- 1) The *Fire Chief or designate*, has authority to manage and control any emergency situations, or may pass off control depending on the emergency situation under a unified command, where one (1) or more external agencies are involved.

- 2) The *Fire Chief or designate*, may call upon all or any person to assist in the suppression of a fire or in the stabilization of an emergency situation, and all persons called upon shall obey the commands of the *Fire Chief or designate*.
- 3) The *Fire Chief or designate*, may make such orders as are deemed necessary in order to eliminate any discharge of *dangerous goods* and to temporarily shut down any activity or operation suspected of being the source of a discharge of *dangerous goods*.
- 4) The *Fire Chief or designate*, may prescribe the limits within which no person or vehicle shall be permitted and shall have the authority to close any *street* or lane to the public for the duration of a fire or emergency and any related operations.
- 5) The *Fire Chief or designate*, has authority to evacuate or cause to be evacuated any *premises, building*, or structure in the *City* or any area of the *City* when deemed necessary in his judgement to protect life, property, or the environment from the effects of an ongoing emergency incident.
- 6) This Bylaw shall be enforced by the *Fire Chief or designate* and any municipal inspector appointed by the *Fire Chief* pursuant to Section 2 of the *Fire Safety Act*.

27. CORRECTION OF IMMEDIATE HAZARDS

- 1) Notwithstanding any other provision of this Bylaw, where in the course of an investigation or inspection under this Bylaw, the *Fire Chief or designate* is of the opinion that a condition exists creating a serious danger to life or property, the *Fire Chief or designate* 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 or designate* considers appropriate;
 - c) order the number of *occupants* in an *assembly occupancy* to be reduced to a number less than the posted *occupant* load or the *occupant* load for which the room was designed; and order the *owner*, operator or *occupant* to immediately do anything necessary to lessen the condition.
 - d) for greater certainty, the *Fire Chief or designate* 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 1) b), the *Fire Chief or designate* 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 or designate*.
- 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 *City* 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 within 30 days of when the work was carried out, the *City* may add the amount of the costs and expenses to the *owner's* property taxes in accordance with Section 36 of the *Fire Safety Act* and Section 333 of *The Cities Act*.

28. FEES FOR RESPONDING TO FALSE FIRE ALARMS

- 1) The Fire Department may charge a fee for responding to a false fire alarm, as set out in Schedule "B" of this Bylaw, where the Fire Department responds:
 - a) To more than two (2) False Alarms at the same building within the same calendar year and as laid out in accordance to Schedule "B" of this Bylaw, or
 - b) To any alarm that is activated by any act of negligence, malice, act or omission, which results in a request for service from the Fire Department
 - c) Where the Fire Department responds to an alarm and the Business Owner, Property Owner, or Property Manager does not provide access to the interior of the Building within fifteen (15) minutes of the arrival of the Fire Department at the Building, the Fire Department may charge, in addition to the False Alarm fee set out in Schedule "B" an additional standby fee until access is provided to the interior of the Building
 - d) If a Business Owner, Property Owner or Property manager has installed a lock-box in an accessible location as per suggested by the Fire Department, and if that lock-box contains current keys or codes to provide access to the Building, a Person or key-holder does not have to be present to satisfy the access requirements as set out in this Bylaw.
 - e) The fees provided for by this section may be charged to a Property Owner, Business Owner, Alarm Company, Property Manager, or Person responsible for the False Alarm. This section also applies to the Fire Department responding to Intrusion Alarms which are communicated as Fire Alarms.

PART VII – OFFENCES AND PENALTIES

29. OWNERS RESPONSIBILITY

- 1) Every *owner* of a *premises* shall ensure that the premises is designed, constructed, erected, placed, altered, repaired, demolished, relocated or removed in accordance with the *Act*, the regulations, any order made pursuant to the *Act* and this bylaw.
- 2) Every *owner* and *occupant* of land shall ensure that the land is used or occupied in accordance with the *Act*, the regulations, any order made pursuant to the *Act* and this bylaw.
- 3) Unless otherwise specified, the *owner* or the *owner's* authorized agent shall be responsible for carrying out the provisions of this bylaw.

30. DIRECTORS, ETC., OF CORPORATIONS

If a corporation contravenes any provision of Part VII, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable on summary conviction to the penalties mentioned in Part VII whether or not the corporation has been prosecuted or convicted.

31. NOTICE OF VIOLATION OFFENSES

- 1) Every person commits an offence who:
 - a) fails to maintain a clear and unobstructed *exit* or *means of egress* as required by the *National Fire Code*;
 - b) fails to maintain a fire *exit* door or fire *exit* hardware as required by the *National Fire Code*;
 - c) 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*;
 - d) fails to maintain, service or test portable fire extinguishers as required by the *National Fire Code*;
 - e) fails to maintain, service or test an automatic sprinkler system as required by the *National Fire Code*;
 - f) fails to maintain, service or test commercial cooking equipment including exhaust and *fire protection systems* as required by the *National Fire Code*;
 - g) fails to maintain, service or test special extinguishing systems as required by the *National Fire Code*;
 - h) fails to maintain, service or test *fire alarm systems* and components as required by the *National Fire Code*;
 - i) fails to maintain, service or test a standpipe system as required by the *National Fire Code*;

- j) permits combustible materials or waste combustible materials to accumulate in or around *buildings* or locations that create an undue fire hazard as required by the *National Fire Code*;
 - k) blocks or wedges open a *closure* of a *fire separation* required by the *National Fire Code*;
 - l) fails to maintain *fire separations* as required by the *National Fire Code*;
 - m) obscures, obstructs or fails to maintain a fire hydrant as required by the *National Fire Code*;
 - n) obscures or obstructs a fire department connection as required by the *National Fire Code*;
 - o) fails to maintain a clear and unobstructed fire lane as required by the *National Fire Code*;
 - p) fails to maintain *exit* signs as required by the *National Fire Code*;
 - q) fails to maintain emergency lighting as required by the *National Fire Code*;
 - r) fails to post an *occupant* load sign as required by the *National Fire Code*;
 - s) contravenes any of the provisions regarding the sale of *fireworks* or pyrotechnics as required by this bylaw;
 - t) contravenes any of the provisions regarding the discharge of *fireworks* or pyrotechnics as required by this bylaw;
 - u) fails to obtain an indoor fireworks or pyrotechnics permit as required by this Bylaw;
 - v) fails to obtain a high hazard fireworks display permit as required by this Bylaw;
 - w) contravenes any provisions relating to *smoke alarms* as required by this bylaw;
 - x) fails to maintain 45 cm (18 inch) clearance between sprinkler heads and products as required by the *National Fire Code*;
 - y) contravenes any of the provisions regarding open air fires as required by this bylaw;
 - z) contravenes any of the provisions relating to *fire pits* and outdoor fireplaces or indoor fireplaces as required by this bylaw;
 - aa) stores *flammable liquids*, compressed gases or dangerous goods in any *building*, structure or open space except in a manner provided for in the *National Fire Code*;
 - bb) stores lumber, timber or firewood in contravention of this bylaw;
 - cc) negligently causes a false alarm of fire to be transmitted to the fire department;
 - dd) fails to notify a fire alarm monitoring company and/or the fire department that they will be testing, maintaining, repairing or otherwise working on a fire alarm system causing a false alarm of fire to be transmitted to the fire department, or;
 - ee) contravenes any of the provisions of Section 5.6 of the *National Fire Code* respecting construction and demolition site safety.
 - ff) contravenes any of the provisions of the National Fire Code not expressly listed in items 'a' through 'ff'.
- 2) When the *Fire Chief* or *designate*, a municipal inspector, or a Bylaw Enforcement Officer has a reason to believe that a person has contravened any provisions of subsection 32 (1) of this Bylaw, and for which other non-punitive measures have failed to resolve, the *Fire Chief*, a municipal inspector, or a Bylaw Enforcement Officer may issue a Notice of Violation to the person in contravention.

- 3) Where a Notice of Violation is issued, a person may make a voluntary payment of the fine amount listed in Schedule "A" for that violation, if the person does so before the specified date set out on the Notice of Violation.
- 4) When the *Fire Chief or designate*, a municipal inspector or a Bylaw Enforcement Officer issues a Notice of Violation for a second offence for the same contravention of a provision of subsection 32 (1) within 12 months of the previous violation, the *Fire Chief or designate*, a municipal inspector or a Bylaw Enforcement Officer may double the amount of the voluntary payment listed in Schedule "A".
- 5) When the *Fire Chief or designate*, a municipal inspector or a Bylaw Enforcement Officer issues a Notice of Violation for a third or subsequent offence for the same contravention of a provision of subsection 32 (1) within 12 months of the previous violation, the *Fire Chief or designate*, a municipal inspector or Bylaw Enforcement Officer may triple the amount of the voluntary payment listed in Schedule "A".
- 6) Where the *Fire Chief or designate* or any other agency approved by the *Fire Chief or designate* receives a voluntary payment of the prescribed amount in Schedule "A", and the contravention has been resolved, the matter shall be considered to be concluded, and not subject to further prosecution.
- 7) Where the *Fire Chief or designate* receives payment for contravening any provision of section 32 (1) of this Bylaw within 14 days after the issuance of the Notice of Violation, the *Fire Chief or designate* or any other agency approved by the *Fire Chief or designate* may reduce the prescribed amount by \$50.
- 8) Where the recipient of a Violation Notice issued under this Bylaw wishes to contest the issuance of the same, they shall make application to appear before the Bylaw Adjudication Committee as indicated on the issued Violation Notice in accordance with the City of Melfort General Penalty Bylaw No. 2020-01.

32. GENERAL PENALTY

- 1) No person shall:
 - a) fail to comply with an order issued pursuant to this bylaw;
 - b) obstruct or hinder the *Fire Chief or designate* or a municipal inspector or a bylaw enforcement officer or a designated officer acting under the authority of this bylaw; or
 - c) fail to comply with any other provisions 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 to a fine in accordance with Section 42 of the *Act*.

- 3) Notwithstanding subsection 32, every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction, in addition to any surcharge imposed by the Courts:
 - a) In the case of an individual, to a fine of not less than \$500 and not more than \$10,000;
 - i) on a first offence, a fine not less than \$500;
 - ii) on a second offence, a fine not less than \$750;
 - iii) on a third offence, a fine not less than \$1,000.
 - b) In the case of a corporation, to a fine of not less than \$1,000 and not more than \$25,000;
 - i) on a first offence, a fine not less than \$1,000;
 - ii) on a second offence, a fine not less than \$1,500;
 - iii) on a third offence, a fine not less than \$2,000;
 - c) In the case of a continuing offence, to a maximum daily fine of not less than \$25 per day and not more than \$2,500 per day.

PART VIII - MISCELLANEOUS

33. RECOVERY OF EXPENSES

Notwithstanding the other provisions of this Bylaw and in accordance with Section 333 of *The Cities Act*, anytime an *owner*, tenant or *occupant* responsible for a *building* or *premises* refuses or neglects to do any matter or thing required to be done by him hereunder by the *authority having jurisdiction* and the matter or thing is done by the *City*, the *City* may recover the expenses of doing so by adding the expenses to, and they thereby form part of, the taxes on the land on which or with respect to which the work is done.

34. FEES FOR SERVICES

- 1) In accordance with Section 33 of *The Cities Act*, the *City* may enter into an agreement with any other municipality, municipal government, First Nation, corporation, person or other properly constituted authority, organization or agency for the furnishing of or receiving of firefighting services, fire prevention services, rescue services, or emergency services on any terms that may be agreed upon, including the setting and payment of charges, by resolution of *Council*.
- 2) The *Department* is authorized to charge fees for various services, tests, and emergency responses, and said fees shall be established by resolution of *Council* on the advice of the *Fire Chief* or *designate*, as indicated in Schedule 'B'.

35. SERVICE OF NOTICE OR DOCUMENTS

- 1) Unless otherwise provided in this bylaw, any notice, order, or document required by the bylaw to be given or served is to be served personally or mailed by ordinary or

registered mail to the last known address of the person being served or by any other prescribed means.

- 2) A notice, order or document directed to the *occupants* of a *premises* that contains two or more units intended for separate occupancy is deemed to have been served on each *occupant* by posting a copy of the notice, order or document in a conspicuous place on the land or *premises* to which the notice, order or document relates.
- 3) A notice, order or document served by ordinary mail or registered mail is deemed to have been received on the seventh business day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of the person, he or she did not receive the document or that he or she received it at a later date.
- 4) In a case where the *owner* or *occupant* of a *premises* cannot be located and the last known address cannot be determined, a notice, order or document may be posted on the front entrance to the *premises* and is deemed to be served on that person on the date of posting.
- 5) Irregularity in the service of a notice, order or document does not affect the validity of an otherwise valid order, notice or document.

36. IMMUNITY FROM LIABILITY

- 1) Neither this Bylaw nor the *National Fire Code* shall be construed to hold the *City* of Melfort or its employees, responsible or liable for any damage to persons or property by reasons of:
 - a) inspections authorized by this Bylaw, *The Fire Safety Act*, or *The Cities Act*;
 - b) failure to carry out an inspection or re-inspection;
 - c) permits issued as herein provided for; or
 - d) the approval or disapproval of any equipment authorized herein.

37. PRECEDENCE

This bylaw shall be deemed to take precedence over any and all provisions for the prevention of fire in any other Bylaw of the City of Melfort.

38. SEVERABILITY

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

39. REPEALS

Bylaw 04-10 (*Fire Prevention Bylaw*) is hereby repealed.

40. COMING INTO FORCE

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

INTRODUCED AND READ a first time this 4th day of May, 2020

READ A SECOND TIME this this 4th day of May, 2020

READ A THIRD TIME AND PASSED this 4th day of May, 2020

Mayor

City Clerk

SEAL

CERTIFIED a true copy of Bylaw No. 2020-09, adopted by resolution of Council on the 4th day of May, 2020

City Clerk

SCHEDULE "A" FINES

	OFFENCES	FINES
a.	fails to maintain a clear and unobstructed <i>exit</i> or <i>means of egress</i> as required by the <i>National Fire Code (2.7.1.6)</i>	\$300
b.	fails to maintain a fire <i>exit</i> door or fire <i>exit</i> hardware as required by the <i>National Building Code (3.3.1.13)</i>	\$300
c.	fails to ensure exterior passageways and exterior <i>exit</i> stairs serving occupied <i>buildings</i> are maintained clear of ice and snow accumulations as required by the <i>National Fire Code (2.7.1.7)</i>	\$300
d.	fails to maintain, maintain access, service or test portable fire extinguishers as required by the <i>National Fire Code (6.2.1)</i>	\$300
e.	fails to maintain, service or test an automatic sprinkler system as required by the <i>National Fire Code (6.4.1)</i>	\$300
f.	fails to maintain, service or test commercial cooking equipment including exhaust and <i>fire protection systems</i> as required by the <i>National Fire Code (2.6.1.9)</i>	\$300
g.	fails to maintain, service or test special extinguishing systems as required by the <i>National Fire Code (6.6.1)</i>	\$300
h.	fails to maintain, service or test <i>fire alarm systems</i> and components as required by the <i>National Fire Code (6.3.1)</i>	\$300
i.	fails to maintain, service or test a standpipe system as required by the <i>National Fire Code (2.1.3)</i>	\$300
j.	permits combustible materials or waste combustible materials to accumulate in or around <i>buildings</i> or locations that create an undue fire hazard as required by the <i>National Fire Code (2.4.1)</i>	\$300
k.	blocks or wedges open a <i>closure</i> of a <i>fire separation</i> required by the <i>National Fire Code (2.2.2.4 (4))</i>	\$500
l.	fails to maintain <i>fire separations</i> as required by the <i>National Fire Code (2.2.1.2)</i>	\$300
m.	obscures or obstructs a fire hydrant as required by the <i>National Fire Code (5.6.3.6)</i>	\$300
n.	obscures or obstructs a fire department connection as required by the <i>National Fire Code (2.5.1.4)</i>	\$300
o.	fails to maintain a clear and unobstructed fire lane as required by the <i>National Fire Code (2.5.1.5)</i>	\$300
p.	fails to maintain <i>exit</i> signs as required by the <i>National Fire Code (2.7.3)</i>	\$300
q.	fails to maintain emergency lighting as required by the <i>National Fire Code (2.7.3)</i>	\$300
r.	fails to post an <i>occupant</i> load sign as required by the <i>National Fire Code (2.7.1.4)</i>	\$300
s.	contravenes any of the provisions regarding the sale of <i>fireworks</i> or pyrotechnics as required by this bylaw	\$500
t.	contravenes any of the provisions regarding the discharge of <i>fireworks</i> or pyrotechnics as required by this bylaw	\$300
u.	fails to obtain an indoor fireworks or pyrotechnics permit as required by this Bylaw	\$500
v.	fails to obtain a high hazard fireworks display permit as required by this Bylaw	\$500
w.	contravenes any provisions relating to <i>smoke alarms</i> as required by this bylaw	\$300
x.	fails to maintain 45 cm (18 inch) clearance between sprinkler heads and products as required by the <i>National Building Code (3.2.5.12) (NFPA 13 – 8.5.5.2.1)</i>	\$300
y.	contravenes any of the provisions regarding open air fires as required by this bylaw	\$300
z.	contravenes any of the provisions relating to <i>fire pits</i> and outdoor fireplaces as required by this bylaw	\$300

aa.	stores <i>flammable liquids</i> or compressed gases in any <i>building</i> , structure or open space except in a manner provided for in the <i>National Fire Code (Part 4)</i>	\$300
bb.	stores lumber, timber or firewood in contravention of this bylaw	\$300
cc.	negligently causes a false alarm of fire to be transmitted to the fire department	\$300
dd.	fails to notify a fire alarm monitoring company and/or the fire department that they will be testing, maintaining, repairing or otherwise working on a fire alarm system causing a false alarm of fire to be transmitted to the fire department	\$500
ee.	contravenes any of the provisions of Section 5.6 of the <i>National Fire Code</i> respecting construction and demolition site safety	\$500
ff.	contravenes any of the provisions of the National Fire Code not expressly listed in items 'a' through 'ff'	\$300

SCHEDULE "B" FEES FOR SERVICE

Service	Fee
Inspection Services I. Third Party requests for business premises required for a Provincial or Federal grant or license II. File Search III. Fire Report (Freedom of Information request) IV. Occupancy calculation (per room/occupancy)	\$75.00 \$75.00 \$75.00 \$95.00
False Alarm Response (other than 32(1)(cc) and (dd)) I. For responses as a result of accident, good intent or mechanical failure (per response) a. 1-2 responses per calendar year b. 3-5 responses per calendar year c. Greater than 5 responses per calendar year	No Fee \$500.00 \$750.00
Emergency Response Charges I. Fire / Rescue services at accidents II. Dangerous Goods Response – Rail III. Dangerous Goods Response – Highway Carrier (Out of City) IV. Dangerous Goods Response – Highway Carrier (In-City, Non Resident)	SGI Rate \$1250.00/hr per unit plus consumables \$1250.00/hr per unit plus consumables \$1250.00/hr per unit plus consumables
Out of City Rescue Calls	Per Rural Firefighting Society
Out of City Fire Response (No Mutual Aid Agreement)	Per Rural Firefighting Society
Standby Fee - City (Not Committed / Committed)	\$750 / \$1250 / hr - per Unit
Standby Fee - Rural	Per Rural Firefighting Society
Fireworks Permit	\$30.00 plus any applicable taxes
Indemnification Technology	Per Posted SGI Rate

SCHEDULE "C" FIREWORKS/PYROTECHNICS APPROVAL PERMIT



Melfort Fire Department Fireworks / Pyrotechnics Approval Permit

Pursuant to the provisions of Bylaw No. 04-10 – *The Fire Prevention Bylaw*, permission is hereby granted to:

Name of Applicant: (First Name) _____ (Last Name): _____

Applicant Address: _____ Postal Code: _____

Phone #: _____ Mobile #: _____ Fax #: _____

I, _____ of _____ hereby request permission to conduct a fireworks / pyrotechnics display on (date): _____.

*****This permit does not authorize the applicant to launch / release any form of Sky Lantern within the municipal limits of the City of Melfort.*****

Low Hazard Fireworks

To be initiated at (address): _____ between the hours of _____ and _____.

Is this on School Property? Yes No *If yes, a letter from the School Board granting permission must be attached to this application.*

A copy of the Safety Plan is attached: Yes No

I have read and understand the relevant Sections of the Fire Prevention Bylaw that pertain to Low Hazard Fireworks. Yes No

This permit must be available at all times at the above address during the exploding of the Fireworks.

Permit Fee paid (\$25.00)

High Hazard Fireworks or Pyrotechnics

To be initiated at (address): _____ between
the hours of _____ and _____.

To be initiated by: _____ Certificate No.: _____

Check appropriate boxes to complete the application...

- Copies of valid Fireworks Supervisor cards attached to Fireworks Permit.
- Copy of liability insurance to indemnify The City of Melfort attached to Permit.
- Copy of Safety Procedures attached to Permit.
- Copy of completed 'Airspace Supplement' attached.
- This permit must be available at all times at the above address during the exploding of the Fireworks.
- Permit Fee paid (\$25.00)

Further, I agree to absolve The City of Melfort, the Fire Chief of the Fire Department and any employees from any and all damages or civil litigation caused by or attributable to consumer fireworks display initiated by the owner, occupier or person in charge of the premises.

I have completed this application accurately and truthfully. By signing this application I agree to be bound by the commitments I have made in the application and to have them form conditions on the permit issued.

Signature of Applicant: _____ Date: _____

There (are) (are not) restrictions to airspace that will prohibit the discharge of fireworks in accordance with this permit.

Airport Manager (Signature): _____ Date: _____

This permit application is hereby: Approved Not Approved

Fire Chief (Signature): _____ Date: _____

This permit is conditional upon factors being favorable at time of display. The Fire Chief may revoke or suspend a Fireworks / Pyrotechnics display if conditions become unfavorable, or it is believed that the applicant has contravened any of the conditions of the permit.