

CITY OF MARTENSVILLE  
FIRE PREVENTION BYLAW  
BYLAW 13-2022

A BYLAW OF THE CITY OF MARTENSVILLE TO ESTABLISH A  
FIRE PREVENTION BYLAW

The Council of the City of Martensville 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, 47-2006.

**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; and
  - (d) to regulate the sale and setting off of fireworks.

**Definitions**

3. In this Bylaw,
  - (a) “City” means the City of Martensville;
  - (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 City of Martensville 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*

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*National Fire Code*;

(i) “fireworks” means fireworks as defined in the *Explosives Regulations, 2013, S.O.R./2013-211*;

(j) “fireworks supervisor” means a person licensed or approved by the Chief Inspector of Explosives, Natural Resources Canada 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, 2013 S.O.R./2013-211*;

(n) “low hazard fireworks” means Subdivision 1 of Division 2 fireworks as defined in the *Explosives Regulations, C.R.C., c.599*; but does not include sparklers, Christmas crackers, caps for toy guns containing not in excess of twenty-five one-hundredths of a grain of explosive per cap;

(o) “municipal inspector” means a municipal inspector within the meaning of The Fire Safety Act and a designated officer within the meaning of The Cities Act;

(p) “*National Fire Code*” means the Code declared to be in force pursuant to Subsection 3(1) of *The Fire Safety Regulations*;

(q) “NFPA” means the National Fire Protection Association;

(r) “private fireworks display” means the discharge of low hazard fireworks for private recreation and entertainment;

(s) “public fireworks display” means the discharge of high or low hazard fireworks for public recreation and entertainment; and

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(t) “sell” includes distribute, offer for sale, cause or permit to be sold and to possess for the purpose of sale, and the words “selling” and “sold” have a similar meaning.

**Part II – Martensville Volunteer Fire Department**

4. (1) The Martensville Volunteer Fire Department is established.
- (2) The Department is responsible, manpower permitted, for:
  - (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) technical rope rescue;
    - (iii) vehicle extrication;
    - (iv) structural collapse;
    - (v) confined space entry; and
    - (vi) rapid intervention rescue.
  - (c) pre-hospital emergency medical service. (First Responder)

**Duties of Fire Chief**

5. (1) The Fire Chief is the general manager of the Department.
- (2) The Fire Chief administrates and enforces this Bylaw within the City and shall perform any other duties and may exercise any other powers that may be delegated by City Council.
- (2.1) The Fire Chief is authorized to further delegate any matter delegated to him under this Bylaw.
- (3) The Fire Chief is responsible for the maintenance of discipline within the Department and may make rules and regulations necessary to carry out the

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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 City Council on the advice of the Fire Chief, as required.

**Agreement for Emergency Service**

7. The city 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 firefighting, 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 City may provide and charge for any fire fighting, fire prevention, or emergency service outside the city 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 City of Martensville.

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

**Inspections**

10. (1) The inspection of property by the City to determine if this Bylaw is being complied with is hereby authorized.
- (2) Inspections under this Bylaw shall be carried out in accordance with Section 324 of The Cities Act.
- (3) No person shall obstruct a municipal inspector who is authorized to conduct an inspection under this Section, or a person who is assisting a municipal inspector.
- (4) Before entering on any land or into any building, structure or premises, the Fire Chief or a municipal inspector shall notify the owner or occupant, if the owner or occupant is present at the time of the entry, of the purpose of the entry.

**Order to Remedy Contravention**

11. (1) If a municipal inspector finds that a person is contravening this Bylaw, the municipal inspector may, by written order, require the owner or occupant of the property to which the contravention relates to remedy the contravention.
- (2) Orders given under this Bylaw shall comply with Section 328 of The Cities Act.
- (3) Orders given under this Bylaw shall be served in accordance with Section 347 of The Cities Act.

**Registration of Order**

12. If an order is issued pursuant to Section 11, the City may, in accordance with Section 328 of The Cities Act, give notice of the existence of the order by registering an interest against the title to the land that is the subject of the order.

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**Appeal of Order to Remedy Contravention**

13. (1) A person may appeal an order made pursuant to Section 11 in accordance with Section 329 of The Cities Act.
- (2) Appeals shall be made initially to the Fire Appeal Board, which Board is hereby established.
- (3) The Board shall consist of five members appointed by Council. A quorum shall consist of three members.

**City Remedying Contraventions**

14. The City may, in accordance with Section 330 of The Cities Act, take whatever actions or measures are necessary to remedy a contravention of this Bylaw

**Civil Action to Recover Costs**

15. The City may, in accordance with Section 332 of The Cities Act, collect any unpaid expenses and costs incurred in remedying a contravention of this Bylaw by civil action for debt in a court of competent jurisdiction.

**Adding Amounts to Tax Roll**

16. The City may, in accordance with Section 333 of The Cities Act, add any unpaid expenses and costs incurred by the City in remedying a contravention of this Bylaw to the taxes on the property on which the work was done.

**Emergencies**

- 16.1 In the event that it becomes an emergency to remedy a contravention of this Bylaw, the City may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 331 of The Cities Act.

**Immediate Hazards**

- 16.2 (1) Notwithstanding any other provision of this Bylaw, where in the course of an



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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 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 at the end of the year in which the work was carried out, the city may add the amount of the costs and expenses to the owner's property taxes.

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**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.

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- (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, or a notation to the effect that a sticker issued by the Department evidencing the inspection has been affixed inside the cover of the smoke alarm.
- (11) No person shall:
- (a) tamper with or disconnect a smoke alarm;
  - (b) remove a smoke alarm;
  - (c) remove batteries from a smoke alarm;

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- (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, Outdoor Fireplaces, and Fire Receptacles**

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 0.61 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

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immediately.

(7) The City 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 city 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 City.

**Use of Blowlamps /Tiger Torch**

19. 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**

20. (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;

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- (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**

21. (1) A person may store lumber, timber or firewood on a residential property subject to the following restrictions:
- (a) the yard or storage area shall be surrounded by a firmly anchored fence that is substantially constructed to discourage climbing and unauthorized entry;
  - (b) the total amount of lumber, timber and firewood stored on the property shall not exceed one cord; and
  - (c) 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.

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**Storage of Containers**

22. (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**

23. (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 meters; 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 meters.

**Propane Fueled Vehicles**

24. (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.

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(2) Subsection (1) does not apply to a sweeper and or Zamboni used to clean any underground or enclosed parking or ice facility provided the sweeper/Zamboni is stored in accordance with the following conditions:

(3) Zamboni/Sweeper used for 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**

25. (1) In all assembly occupancies, the occupant load shall be posted in conspicuous locations near the principal entrances to the room or floor area.



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(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 and Business License**

26. (1) The civic address of any building or structure shall be prominently displayed on the front of the building or structure to be clearly visible from the street.
- (2) Every business must have a valid Business License clearly displayed or produced upon request.

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

27. (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

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shall submit on request proof of proper training to the Department before carrying out any inspections, testing or maintenance.

**Inspection and Maintenance of Commercial Cooking Equipment**

28. (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 before carrying out any inspections or maintenance.

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

29. (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 journeyperson’s certificate in the sprinkler systems installer trade or that the person is a fourth-year apprentice in the sprinkler systems installer trade.

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

30. (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

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by properly trained and qualified persons.

(3) Any person who inspects, tests or maintains fire alarm systems shall submit proof satisfactory that the person is:

(a) is, or the person's employer is, a member in good standing of the Canadian Fire Alarm Association or the National Fire Protection Association; and

(b) has at least one of the following qualifications;

(i) a certificate from a recognized alarm manufacturer that the person is a factory trained installer and serviceperson; or

(ii) a certificate that the person has successfully completed the Canadian Fire Alarm Association "Fire Alarm Technology" program, and has worked as an apprentice to a person who holds a permit under this section for a period of not less than one year; or

(iii) a certificate that the person has successfully completed the journeyman electrician trade's upgrading course entitled "Fire Alarm and Protection Systems".

(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 tests, inspects or maintains addressable fire alarm systems shall submit on request proof satisfactory to the Department that the person;

(i) is, or the person's employer is, member in good standing of the Canadian Fire Alarm Association or the National Fire Protection Association; and

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(ii) possesses appropriate factory training in servicing addressable fire alarm systems.

**Vacant Buildings**

31. (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 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**

32. 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**

33. (1) Where an extreme fire hazard exists or the safety of persons or property is

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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**

34. (1) Where an extreme fire hazard exists, or the safety of persons or property is endangered by a fire, the Fire Chief or the senior shall 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 city for the purposes of this Bylaw or any other Act or law.

**Duties of Persons Assigned to Fight Fires**

35 Every person who assists in fire fighting pursuant to Section 34 shall:

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- (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 Captain 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.

**Fire Hydrants**

36. Fire Hydrants shall be maintained as follows:

- (a) Don't allow plants, shrubs, trees or snow to hide a fire hydrant. A clear and unobstructed radius of one meter should be maintained around the hydrant.
- (b) A hydrant should be clearly visible from the roadway while approaching from either direction.
- (c) When parking your car, do not park within one meter from the center of the hydrant.

**Part VI - Hazardous Substances**

**Underground Storage Tanks**

37. (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:

- (a) Underground storage tanks and associated piping shall be double walled or monitored in a manner acceptable to the Department;

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- (b) Every underground storage tank shall be equipped with piezometers as required by this Section; and
- (c) All piping connections shall be visible through the use of a transition box.

(2) Piezometers shall be designed, constructed and used in accordance with the following standards and requirements:

- (a) the piezometer shall be constructed of plastic (poly-vinyl chloride) pipe not less than 100 mm in diameter;
- (b) the piezometer shall be placed vertically from the bottom of the tank bed (sand or pea gravel) to approximately 100mm below grade level;
- (c) the top of the piezometer shall be protected from damage by the installation of an approved metal frame and cover 300 mm in diameter. The cover shall be painted white and clearly marked;
- (d) The top end of the piezometer shall be equipped with a threaded plastic nut for access to the pipe;
- (e) The bottom end of the piezometer shall be plugged or sealed;
- (f) The piezometer shall have slots cut in the sides of the pipe. The slots shall be 50 mm in length, 1mm in width and 50 mm apart. The slots shall be staggered on all sides of the pipe and extend a minimum of 1200 mm from the bottom of the pipe; and
- (g) Piezometers shall be placed in the tank hole. There shall be at least 1 more piezometer in the tank hole than the number of storage tanks in the same tank hole.

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

38. If, in the opinion of the Fire Chief or a municipal inspector, there is a reasonable suspicion that flammable or combustible liquids or vapours are escaping from an

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underground or above-ground storage tank or piping which may create a hazardous condition, the fire chief or municipal inspector may order the owner, operator or occupant of the premises where the storage tank is located to:

- (a) drill test holes and provide test results to the Department;
- (b) test the tank and associated piping; and
- (c) excavate the tank and piping and carry out any necessary work to correct the hazardous condition, including the removal, replacement or repair of the tank.

**Discharge of Hazardous Substance into Sewer System**

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

**Part VII – Fireworks**

**Sale of Fireworks**

40. (1) No person shall sell any fireworks without first having obtained an inspection from the Department.
- (2) No person shall sell any high hazard fireworks to another person unless the person is a fireworks supervisor.
- (3) No person shall sell any fireworks to a person unless the person is 18 years of age or older.



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(4) The handling and storage of fireworks shall be in conformance with the *Explosives Act* and its *Regulations*, and *The National Fire Code*.

**Discharge of Fireworks**

41. (1) No person shall set off any fireworks in a manner that would create a danger or nuisance to another person or property.
- (2) No person shall discharge any fireworks into or onto any public place and no person being the owner or occupant of any premises shall permit any fireworks to be discharged into or onto any public place except as part of a public fireworks display as permitted in this Bylaw (Section 43).
- (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 City. Only low hazard fireworks may be discharged in a public display on a school site.
- (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.
- (6) The discharge of fireworks shall not contravene the *City of Martinsville Noise Bylaw* except where a permit has been obtained for a public firework display (Section 43).

**Indoor Fireworks**

42. (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 indoor pyrotechnics display without first obtaining a permit from the city.

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(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 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 at least 7 days prior to the scheduled date of the display, a Certificate of Insurance which shall name the City as 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.

(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.

**Fireworks Displays**

43. (1) A public fireworks display shall only be held in public locations approved and designated by the Fire Chief.

(2) No person shall hold public fireworks display without first obtaining a permit from the City.

(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

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shall procure and provide to the City at least 7 days prior to the scheduled date of the display, a Certificate of Insurance which shall name the City as 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.

(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.

## **Part VIII – OFFENCES AND PENALTIES**

### **Owner's Responsibility**

44. 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**

45. (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*;

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- (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, Outdoor fireplaces, and Fire receptacles;
- (j) contravenes the provisions of Section 19 regarding the improper use of blowlamps/tiger torch and
- (k) contravenes the provisions of Sections 40, 41, 42, or 43 regarding the sale of fireworks, discharge of fireworks, indoor fireworks or fireworks displays.

(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 \$500.00;
- (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 City the amount specified in clause (2)(a) or (b);
- (b) the fine may be paid;

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(i) in person, during regular office hours, to the cashier located at City Hall, Martensville, Saskatchewan;

(ii) by mail addressed to the City of Martensville, Box 970, Martensville, Saskatchewan, S0K 2T0. If paying by cheque, please have it made out to City of Martensville;

(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 and \$400.00 for a second offence if paid within 14 calendar days of the date of the notice of bylaw violation.

The date of payment shall be determined as follows;

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

(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 third or subsequent offence.

**Minimum Penalty**

46 (1) Every person commits an offence who fails to comply with an Order to Remedy Contravention made under section 11 of this bylaw.

(2) A person who contravenes Subsection (1) is guilty of an offence and liable on summary conviction to a fine:

(a) for a first offence of not less than \$500;

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(b) for a second offence of not less than \$750; and

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

**General Penalty**

47. (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**

48. Any permit issued by the City may be revoked when deemed necessary for whatever reason that the Fire Chief feels is sufficient to warrant such action.

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**PART IX - MISCELLANEOUS**

**BYLAW NO. 47-2006 REPEALED**

49. Bylaw No. 47-2006 is hereby repealed.

**COMING INTO FORCE**

50. This Bylaw comes into force on the day of its final passing.

Read a first time this 20<sup>th</sup> day of September 2022

Read a second time this 20<sup>th</sup> day of September 2022

Read a third and final time 20<sup>th</sup> day of September 2022

SEAL

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Mayor

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City Clerk

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**Schedule “A”**

**Fees for Service**

**1. Inspection Services**

- (1) Third party requests for business premises required for a Provincial license  
\$75 per hour
- (2) File search \$50.00
- (3) Request for on-site inspection \$75.00 per hour

**2. Emergency Response Charges**

- (1) Outside of city limits, firefighting, and motor vehicle collision rates are adopted based on the rate dictated by SGI.
- (2) A minimum rate of \$250.00 shall be charged for each rural false alarm.
- (3) A rate of pay when called for back up by another fire department shall be adopted based on the rate dictated by SGI.
- (4) The above noted rates shall apply regardless of the number of fire fighters and equipment deployed to the scene of a fire.
- (5) In addition to the fees herein provided, the city may also charge the municipality for.
  - (a) Materials used for fighting the fires, such as foam, purchased water, hired equipment, etc; and
  - (b) Damage to or loss of city owned fire fighting equipment (excluding fire trucks and apparatus) which occurs as a result of rural fire fighting and for which coverage is excluded in the city insurance policy, except where such loss is caused by the negligence of the city fire fighters.

This Bylaw does not replace any Service Agreement already in place.