

**TOWN OF MARTENSVILLE
FIRE PREVENTION BYLAW NO. 47-2006**

The Council of The Town 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.

Purpose

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

Definitions

3. In this Bylaw,
- (a) “Town” means The Town of 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 Town 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
National Fire Code;
 - (i) “fireworks” means fireworks as defined in the Explosives
Regulations,

C.R.C., c.599;

(j) “fireworks supervisor” means a person licensed or approved by the

Chief Inspector of Explosives, Department of Energy, Mines and Resources to handle and use Subdivision 2 of Division 2 fireworks;

(k) “flammable liquid” means a flammable liquid within the meaning of The National Fire Code;

(l) “hazardous substance” means a hazardous substance within the meaning of The Hazardous Substances and Waste Dangerous Goods Regulations, c. E-10.2, Reg. 3;

(m) “high hazard fireworks” means Subdivision 2 of Division 2 fireworks as defined in the Explosives Regulations, C.R.C., c.599;

(n) “low hazard fireworks” means Subdivision 1 of Division 2 fireworks as defined in the Explosives Regulations, C.R.C., c.599;

(o) “municipal inspector” means a municipal inspector within the meaning of The Fire Prevention Act, 1992;

(p) “National Fire Code” means the Code declared to be in force pursuant

to Subsection 3(1) of The Saskatchewan Fire Code Regulations;

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

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

(s) “public fireworks display” means the discharge of high or low hazard

fireworks for public recreation and entertainment.

Part II - Martensville Volunteer Fire Department

4. (1) The Martensville Volunteer Fire Department is established.
- (2) The Department is responsible on a volunteer basis 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) vehicle extrication,
 - (iii) structural collapse, and
 - (iv) rapid intervention rescue;
- (c) pre-hospital emergency medical service.

Duties of Fire Chief

5. (1) The Fire Chief is the general manager of the Department.
- (2) The Fire Chief administrates and enforces this Bylaw within the Town and shall perform any other duties and may exercise any other powers that may be delegated by Town Council.
- (3) The Fire Chief is responsible for the maintenance of discipline within the Department and may make rules and regulations necessary to carry out the daily administration and operations of the Department.

Fees for Service

6. (1) The Department is authorized to charge the applicable fees for the various services, tests, and emergency responses listed in Schedule "A".
- (2) The fees may be reviewed and set by Town Council on the advice of the Fire Chief, as required.

Agreement for Emergency Service

7. The Town may enter into an agreement with any other municipality, municipal

government, Indian band, person or other properly constituted authority, organization or agency for the furnishing or receiving of fire fighting, fire prevention services, or emergency services on any terms that may be agreed upon,
including the setting and payment of charges.

Request for Emergency Service

8. (1) The Town may provide and charge for any fire fighting, fire prevention, or emergency service outside the Town where no agreement exists, if a request is made by any other municipality, municipal government, Indian band, person or other properly constituted authority, organization or agency.
- (2) The charge for any fire fighting, fire prevention, or emergency service provided by the Department shall be determined according to the fees and rates listed in Schedule "A".

Part III - National Fire Code

Adoption of National Fire Code

9. (1) Except as modified by this Bylaw, it is declared that The National Fire Code is in force in the Town of Martensville.

Part IV - Inspections, Compliance with Orders and Enforcement Procedures

Inspection of Premises

10. (1) For the purposes of ensuring compliance with this Bylaw, or any order made under this Bylaw, the Fire Chief or a municipal inspector may, at any reasonable time, enter and inspect any building, structure or premises.
- (2) The Fire Chief or a municipal inspector making an inspection may:

- (a) collect data or samples;
- (b) make any inspection or study;
- (c) conduct any test;
- (d) examine books, records and documents; and
- (e) require the production of documents and property for the purposes of examination or making copies.

(3) When entering on land or into any building, structure or premises under this

Section, the Fire Chief or a municipal inspector may:

- (a) enter with any equipment, machinery, apparatus, vehicle or materials that the Fire Chief or municipal inspector considers necessary for the purpose of the entry; and
- (b) take any person who or thing that the Fire Chief or municipal inspector considers necessary to assist in the purpose of the entry.

(4) Where the Fire Chief or a municipal inspector considers it necessary for purposes of the entry, the Fire Chief or municipal inspector may temporarily

close the building, structure or premises until the purpose of the entry is fulfilled.

(5) 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.

(6) The Fire Chief or a municipal inspector shall not enter a private dwelling without a warrant issued under this Section unless the owner or occupant

consents.

(7) The Fire Chief or a municipal inspector may apply without notice to a justice of the peace or a judge of the provincial court for a warrant where a person:

(a) refuses to permit the Fire Chief or municipal inspector to enter on land

or into any building, structure or premises to carry out any of the activities mentioned in Subsection (2); or

(b) fails to produce any documents or property as required in Clause 2(e).

(8) A justice of the peace or a judge of the provincial court may issue a warrant if

satisfied by oath that the Fire Chief or municipal inspector believes on reasonable grounds that there is a contravention of this Bylaw or an order made under this Bylaw.

(9) A warrant issued under this Section authorizes the person named in the warrant to enter the place named in the warrant and any premises connected

with that place to:

(a) examine the place and connected premises;

(b) carry out the activities described in Subsection (2); and

(c) search for and seize any books, records and documents.

(10) The Fire Chief or a municipal inspector may request the assistance of a peace

officer shall in carrying out the provisions of this Section.

(11) While the Fire Chief or a municipal inspector is conducting an inspection

under this Section, no person shall:

(a) fail to comply with a reasonable request of the Fire Chief or municipal

inspector;

(b) knowingly make any false or misleading statement to the Fire Chief or

municipal inspector;

(c) unless authorized by the Fire Chief or municipal inspector, remove, alter or interfere in any way with anything seized, detained or removed by the Fire Chief or municipal inspector; or

(d) obstruct or interfere with the Fire Chief or municipal inspector.

Compliance Orders

11. (1) If, in the opinion of the Fire Chief or a municipal inspector, there is a contravention of this Bylaw, the Fire Chief or municipal inspector may issue to the owner, operator or occupant of the building, structure, premises or land in or on which the contravention is occurring a written order in which the Fire Chief or municipal inspector:

(a) shall specify:

(i) the contravention,

(ii) the civic address and legal description of the building, structure, premises or land in or on which the contravention is occurring,

(iii) any terms and conditions to be complied with to remedy the

contravention, and

(iv) the date by which the terms and conditions of the order are to be complied with;

(b) shall provide:

(i) a statement that if the terms and conditions of the order have not been complied with within the time specified in the order, the Fire Chief may carry out the remedy at the

expense of the owner,

(ii) the date and place at which and the process by which an appeal from the order may be made, and

(iii) a statement that filing an appeal does not stay the order but that the appellant may apply to the fire commissioner for a stay of the order under Section 25 of The Fire Prevention Act, 1992; and

(c) may direct the owner, operator or occupant to do one or more of the

following within the time limit set out in the order:

(i) remedy the contravention of the Bylaw, including doing anything in relation to the building, structure or premises that the Fire Chief or municipal inspector considers necessary to remedy the noncompliance,

(ii) repair, alter, remove or demolish the building, structure or premises,

(iii) alter the use or occupancy of the building, structure or premises,

(iv) replace materials used in the construction of buildings, structures and premises,

(v) remove or change the manner of use, storage, handling or disposal of flammable and combustible liquids, flammable and combustible materials, and explosives,

(vi) clean, repair, remove or replace equipment, apparatus or fire protection devices that are faulty or considered dangerous,

(vii) install or correct the faulty installation of fire safeguards, equipment or fire protection devices, and

(viii) clear or remove any obstruction to public access for a building used for public assemblage.

(2) Every order made under this Bylaw Shall be served:

- (a) in the case of service on an individual:
- (i) personally, or
 - (ii) by mailing it by registered mail to the last known address of the individual being served; and
- (b) in the case of service on a corporation:
- (i) personally on a director, shall or manager of the corporation, or
 - (ii) by leaving it at or mailing it by registered mail to the registered office of the corporation or to the office of its attorney in Saskatchewan, if it is an extra-provincial corporation.

(3) An order served by registered mail is deemed to have been received on the fifth day following the date of its mailing.

Notice to Registrar of Titles

11.1 (1) The Fire Chief or a municipal inspector may register an interest based on an order made under this bylaw in the Land Titles Registry against title to the parcels of land to which the order applies, and the notice runs with the land

and is binding on the owner and any subsequent purchaser.

(2) Where an interest has been registered under this section and the order has been complied with, the Fire Chief or a municipal inspector shall apply to the Registrar of Titles to discharge the interest.

Carrying out of Orders by Fire Chief

12. (1) The Fire Chief may carry out or cause to be carried out the activities required

to be done by an order if:

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

Appeal to Fire Commissioner

13. (1) A person who is aggrieved by an order made by the Fire Chief or a municipal inspector may, within 20 days of being served with the order, appeal the order to the fire commissioner.
- (2) An appeal under this Section is made by filing a written notice of appeal setting out the reasons for the appeal on the fire commissioner and serving a copy of the appeal on the Fire Chief or municipal inspector.

(3) The fire commissioner shall consider the appeal within 20 days of the serving of the appeal and may confirm, modify or revoke the order appealed from or substitute an order for the order being appealed from.

(4) The fire commissioner shall cause a copy of the decision to be served on:

- (a) the appellant;
- (b) the Fire Chief or municipal inspector; and
- (c) any other persons whom the fire commissioner considers may be interested in the decision.

(5) An appeal taken under this Section does not operate as a stay of the order appealed from unless the fire commissioner, on an application by the appellant, decides otherwise.

Appeal to Saskatchewan Municipal Board

14. (1) The Fire Chief, municipal inspector or other person who is aggrieved by a decision of the fire commissioner under Section 13 may, within 20 days of being served with the decision, appeal the decision to the Saskatchewan Municipal Board.

(2) A person making an appeal under this Section shall serve a written copy of the appeal on the fire commissioner.

(3) On receipt of an appeal under this Section, the Saskatchewan Municipal Board shall consider the appeal and may confirm, modify or repeal the decision appealed from or substitute its decision for the decision being appealed from.

(4) The Saskatchewan Municipal Board shall give written notice of its decision to the fire commissioner, the appellant and any other person that the Saskatchewan Municipal Board considers may be interested in the

decision.

(5) An appeal taken under this Section does not operate as a stay of the decision

appealed from unless the Board, on an application by the appellant, decides

otherwise.

Appeal to Court of Appeal

15. Notwithstanding The Municipal Board Act, with leave of a judge of the Court of Appeal, any person who is aggrieved by a decision of the Saskatchewan Municipal Board made under Section 14 may appeal to the Court of Appeal against the decision of the Saskatchewan Municipal Board within:

(a) 30 days after the date the decision was made; or

(b) any further period not exceeding 30 days that a judge of the Court of

Appeal may allow on an application that is made within 30 days after the date the decision was made.

Immediate Hazards

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

investigation or inspection under this Bylaw, the Fire Chief is of the opinion that a condition exists creating a serious danger to life or property, the Fire Chief may:

(a) use any measures that the Fire Chief considers appropriate to remove or lessen the condition;

(b) evacuate and close the building, structure, premise or yard where the

condition exists or any area surrounding such location for any period

that the Fire Chief considers appropriate; and

(c) order the owner, operator or occupant to immediately do anything necessary to remove or lessen the condition. For greater certainty, the Fire Chief may order the owner, operator or occupant to demolish a building or structure, to remove any debris and waste material and to fill in any open basement or excavation remaining on the site of the building or structure after its demolition.

(2) If closed under Clause (1)(b), the Fire Chief shall, if possible, placard the building, structure, premise, yard or area as a serious danger to life or property.

(3) No person shall enter, attempt to enter or tamper with a building, structure, premise, yard or area that has been closed under Clause (1)(b) without the prior approval of the Fire Chief.

(4) No person shall take down, cover up, mutilate, deface or alter a placard posted under Subsection (2).

(5) The costs and expenses incurred under this Section are a debt due to the Town and may be recovered from the owner of the building, structure, premise, yard or area in or on which the work was carried out.

(6) If the costs and expenses mentioned in Subsection (5) are not paid at the end of the year in which the work was carried out, the Town may add the amount of the costs and expenses to the owner's property taxes.

Part V - Prevention and Suppression of Fires

Smoke Alarms

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

National Fire Code.

(2) Smoke alarms shall **be installed in accordance with the manufacturer's** instructions.

(3) Smoke alarms shall be maintained in an operable condition at all times. Without limiting the generality of the foregoing, smoke alarms shall be maintained in accordance with the following requirements:

- (a) smoke alarms shall be securely fastened to the wall or ceiling;
- (b) smoke alarms shall be free of any physical damage, paint application or excessive grease and dirt;
- (c) the ventilation holes on smoke alarms shall be clean and free of any obstructions;
- (d) smoke alarms shall have a continuous source of power, either batteries or electricity; and
- (e) the batteries in battery operated smoke alarms shall be replaced immediately when the low battery warning beep sounds.

(4) Smoke alarms shall be inspected:

- (a) in the case of alarms installed by permanent connection to an electrical circuit, at least once every 12 months;
- (b) in the case of tamper-proof alarms with 10 year batteries, at least once every 12 months; or
- (c) in the case of any other battery operated alarms, at least once every 3 months.

(5) Notwithstanding Subsection (4), if a tenancy is terminated, all smoke alarms in a dwelling unit shall be inspected before the dwelling unit is re-occupied.

(6) Inspections under this Section shall be carried out by the owner or the **owner's** authorized agent.

- (7) Inspections under this Section shall be done while the person doing the inspection is actually present in the premises.
- (8) Inspections under this Section shall, at a minimum, determine:
- (a) whether the smoke alarm is receiving power;
 - (b) whether the smoke alarm is working properly; and
 - (c) whether the smoke alarm has been properly maintained in accordance with the requirements of Subsection (3).
- (9) A record shall be kept of all inspections required by Subsection (4), and such records shall be retained for examination by the Department in conformance with Article 1.1.1.2 of The National Fire Code.
- (10) A record required by Subsection (9) shall contain the following information:
- (a) the address of the premises being inspected;
 - (b) the date of the inspection;
 - (c) the name of the person doing the inspection;
 - (d) the type of smoke alarm in the premises;
 - (e) the deficiencies, if any, in the condition, maintenance and operation of the smoke alarm;
 - (f) the corrective measures, if any, taken to correct the deficiencies;
- and
- (g) the signature of the occupant of the premises, or a notation to the effect that a sticker issued by the Department evidencing the inspection has been affixed inside the cover of the smoke alarm.
- (11) No person shall:
- (a) tamper with or disconnect a smoke alarm;
 - (b) remove a smoke alarm;

- (c) remove batteries from a smoke alarm;
 - (d) place anything over a smoke alarm so as to render it inoperable;
- or
- (e) affix a sticker to a smoke alarm under Subsection (10)(g) without first conducting a proper inspection in conformance with this Section.

Open-Air Fires

18. (1) Open-air fires shall not be set unless the following measures are taken to limit

their spread:

- (a) fires shall be contained in a non-combustible receptacle constructed of
 - cement, brick or sheet metal with a minimum 18-gauge thickness;
- (b) a receptacle shall be covered with a heavy gauge screen with openings
 - not exceeding 13 millimetres; and
- (c) the size of the fire box of any receptacle shall not exceed 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

immediately.

(7) **The Department may issue a "Permit" to a person to set an open-air fire as**

part of a block party, community event or similar special function or celebration.

In this event, the Department may waive any requirements of this Section with

respect to the permitted open-air fire, but the permittee shall comply with all

other requirements of this Section and any other conditions attached to the Permit by the Department.

Use of Blowlamps

18.1 No person shall use a blowlamp or similar device to burn any material which when burned will generate black smoke or an offensive odour, including insulation from electrical wiring or equipment, asphalt roofing materials, hydrocarbons, plastics, rubber materials, creosoted wood or any similar material, unless such use is permitted under The Environmental Management and Protection Act and is conducted in a manner acceptable to The Saskatchewan Environment and Resource Management Department.

Barbecuing

19. (1) Every person who uses a barbecue or similar device shall:
- (a) use the barbecue in a reasonable and safe manner;
 - (b) keep the barbecue, when lit, a sufficient distance from all combustible material;
 - (c) refrain from leaving the barbecue unattended, when lit;
 - (d) keep the barbecue in a reasonable state of repair; and
 - (e) comply with all federal and provincial regulations governing the use and storage of propane cylinders.
- (2) In addition to requirements of Subsection (1), if any person uses a barbecue or similar device on a balcony, the following provisions apply:
- (a) solid fuel barbecues or similar cooking devices shall not be used;
 - (b) propane cylinders shall not exceed the 20-pound size;
 - (c) propane cylinders shall not be repaired, stored or contained within the building;
 - (d) propane cylinders shall be shut off at the tank valve when not in use;
 - (e) propane cylinders shall be connected and secured to the barbecue;
 - (f) propane cylinders shall be kept in an upright position at all times including when cylinders are in transit, in service or in storage; and
 - (g) if a building has a freight or service elevator, propane cylinders shall be delivered to and from the dwelling units within the building using that elevator. If a building has a passenger elevator only, propane cylinders may be delivered to and from dwelling units within the building

using
 that elevator as long as no passengers other than the person who
 owns
 the tank or maintenance or delivery personnel are on the elevator at
 the
 time of the delivery.

Wood Piles

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

(a) the 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.

Storage of Containers

21. (1) All boxes, crates, barrels and other containers, empty or otherwise, used or

kept in any building or on any lot, shall be:

(a) stacked or piled clear of windows and doors to provide clear ingress and egress to any building; and

(b) kept away from any source of fire.

(2) If, in the opinion of the Fire Chief or a municipal inspector, any accumulation

of boxes, crates, barrels or other containers or packing materials constitutes a

fire hazard, the Fire Chief or a municipal inspector may order the owner or occupant of the building or lot to remove the accumulation immediately.

Outdoor Storage of Rubber Tires

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

(2) If the individual storage area for rubber tires is located on a site which abuts a

residential site, the following size and clearance restrictions apply:

(a) the maximum height of storage cannot exceed 2 metres; and

(b) the minimum clear space between the storage area and any property line which separates the site from the residential site cannot be less than three metres.

Propane Fuelled Vehicles

23. (1) No person shall park a vehicle fuelled with propane in any underground or

enclosed parking facility attached to a major residential, business and personal

services or mercantile occupancy.

(2) Subsection (1) does not apply to a sweeper used to clean any underground or

enclosed parking facility provided the sweeper is stored in accordance with

the following conditions:

(2) Zamboni used for ice maintenance.

- (a) The sweeper and zamboni shall be located in a room that is separated from the remainder of the building by a gas-tight fire separation having a fire resistance rating of at least two hours;
- (b) The room in which the sweeper and zamboni are stored shall be located on an exterior wall of the building;
- (c) The room in which the sweeper and zamboni are stored shall be provided with ventilation separate from the remainder of the building; and
- (d) The sweeper and zamboni shall not be fuelled anywhere in the underground or enclosed parking facility.

(3) No person shall park any recreation vehicle including a motorhome, travel

trailer, van motorhome, fifth wheel, tent trailer, truck camper or similar vehicle that has any propane tank attached to it for any use, in any underground or enclosed parking facility attached to a major residential, business and personal services or mercantile occupancy.

(4) The owner of every underground or enclosed parking facility shall post signs

to indicate the parking prohibition of vehicles, fuelled or using propane in any manner, in conspicuous locations near the principal entrances to the parking facility.

(5) Signs required by this Section shall have lettering not less than 100mm high

with a 15mm stroke.

Occupant Load

24. (1) In all assembly occupancies, the occupant load shall be posted in conspicuous

locations near the principal entrances to the room or floor area.

(2) The Department or building inspector shall determine the occupant

load for any room or floor area and shall issue an occupant load limit sign for that room or floor area. The owner or occupant of the premises shall ensure that the sign is posted in accordance with Subsection (1).

(3) The occupant load of a room or floor area shall be determined in accordance

with The National Fire Code.

(4) The number of occupants permitted to enter a room shall not exceed the

maximum occupant load calculated in accordance with this Section.

(5) If the Fire Chief or a municipal inspector reasonably believes that the number

of occupants in a room may exceed the maximum occupant load, the Fire Chief or municipal inspector may temporarily close the room or building in order to determine the number of occupants in the room.

(6) If the number of occupants in a room exceeds the maximum occupant load,

the room shall not be re-opened to the public until the number of occupants is

reduced to a number less than the maximum occupant load.

Property Identification And Business License

25. (1) The civic address of any building or structure shall be prominently displayed on the front of the building or structure so as to be clearly visible from the street.

(2) Every business must have a valid Business License clearly displayed or produced upon request.

Inspection, Testing and Maintenance of Portable Fire Extinguishers

26. (1) In accordance with Article 6.2.4.1 of The National Fire Code, all portable fire

extinguishers shall be inspected, tested and maintained in conformance with

NFPA 10, "Portable Fire Extinguishers".

(2) Inspection, testing and maintenance of portable fire extinguishers shall be

performed by properly trained and qualified persons.

(3) Any person who intends to inspect, test or maintain portable fire extinguishers

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

Inspection and Maintenance of Commercial Cooking Equipment

27. (1) In accordance with sentence 2.6.1.9(2) of The National Fire Code, the inspection and maintenance of commercial cooking equipment exhaust

and

fire protection systems shall be in conformance with NFPA 96, "Ventilation Control and Fire Protection of Commercial Cooking Equipment".

(2) Inspection and maintenance of commercial cooking equipment exhaust and

fire protection systems shall be performed by properly trained and qualified persons.

(3) Any person who intends to inspect or maintain commercial cooking equipment exhaust and fire protection systems shall submit on request proof of proper training to the Department before carrying out any inspections or maintenance.

Inspection and Maintenance of Sprinkler and Standpipe Systems

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

(2) Any person who intends to inspect or maintain sprinkler and standpipe systems shall submit on request proof to the Department that the person holds a **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

29. (1) In accordance with article 6.3.1.2 of The National Fire Code, the inspection,

testing and maintenance of fire alarm systems shall be in conformance with

CAN/ULC-S536-M, “Inspection and Testing of Fire Alarm Systems”.

(2) Inspection, testing and maintenance of fire alarm systems shall be performed

by properly trained and qualified persons.

(3) (a) is, or the person’s employer is, a member in good standing of the

Canadian Fire Alarm Association or the National Fire Protection Association; and,

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

(i) a certificate from a recognized alarm manufacturer that the person is a factory trained installer and 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 wishes to test, inspect or maintain 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

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

Vacant Buildings

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

(2) All exterior windows and doors, whether broken or intact, on the first storey

of a vacant building shall be boarded up to prevent unauthorized entry.

(3) All broken exterior windows on any storey above the first storey of a vacant

building shall be boarded up to prevent unauthorized entry.

(4) The boards used to secure a vacant building shall be plywood, OSB (oriented

strand board), particleboard or waferboard with a minimum thickness of 7/16

inch.

(5) Wherever possible, the boards shall be one solid piece and shall be secured to

the window or doorframe or brick molding using 2 inch gyproc screws placed

approximately 10 inches apart.

(6) The boards shall be cut so as to fit tightly against the door or window frames

to prevent a person from prying off the boards.

(7) In addition to the windows and doors, any other openings in the exterior of a

vacant building shall be secured to prevent unauthorized entry or an infestation of pigeons or rodents.

Prevention of Fire Spread

31. The Department may pull down or demolish any buildings or other erections when, in the opinion of the Fire Chief or the senior officer in command of a fire or any other emergency, such actions are considered necessary to prevent the spread of fire.

Commandeering of Equipment

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

endangered by a fire, the Fire Chief or the incident commander who shall be in command of a fire or any other emergency may commandeer or use any privately owned equipment for the purpose of fire fighting.

(2) The Department shall pay compensation to any person from whom private

property is commandeered or used pursuant to Subsection (1).

(3) The amount of compensation to be paid to a person by the Department pursuant to Subsection (2) is to be determined by the Department. In the event a person does not agree with the amount of compensation offered by the Department, the person may appeal the amount of the compensation and the provisions of Sections 13, 14 and 15 shall apply.

Obtaining Assistance in Fire Fighting

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

endangered by a fire, the Fire Chief or the senior 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 Town for the
 purposes
 of this Bylaw or any other Act or law.

Duties of Persons Assigned to Fight Fires

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

senior 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.

Part VI - Hazardous Substances

Underground Storage Tanks

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

Testing, Repair and Removal of Storage Tanks

36. If, in the opinion of the Fire Chief or a municipal inspector, there is a reasonable suspicion that flammable or combustible liquids or vapours are escaping from an underground or above-ground storage tank or piping which may create a hazardous condition, the fire chief or municipal inspector may order the owner, operator or occupant of the premises where the storage tank is located to:

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

Discharge of Hazardous Substance Into Sewer System

37. (1) No person shall discharge or permit to be discharged any flammable liquid,
 combustible liquid, dangerous good, hazardous substance or waste
 dangerous

good, whether by itself or in combination with any other liquid or solid, into any sanitary sewer, storm sewer, sewer connection, catch basin, street, alley or ditch.

(2) Notwithstanding Section 11, the Fire Chief or a municipal inspector may use any measures that the Fire Chief or municipal inspector considers appropriate to prevent a further discharge of a substance mentioned in Subsection (1), and may suspend the operation of any activity or business suspected of being the source of the discharge.

Part VII - Fireworks

Sale of Fireworks

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

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

Fireworks Displays

39. (1) A public fireworks display shall only be held in public locations approved and designated by the Department.

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

(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 s

shall only be issued to persons holding a valid Fireworks Supervisor - Level I or Level II card issued by Natural Resources Canada. Applicants with Fireworks Supervisor accreditation from other jurisdictions shall not receive a permit unless the Department is satisfied that the applicant is properly trained and qualified in the use of high hazard fireworks.

(5) The applicant for a permit for a public fireworks display using high hazard

fireworks shall procure and provide to the Department at least 7 days prior to the scheduled date of the display, a Certificate of Insurance which shall name the Town **as insured under the applicant's insurance policy**. The Insurance Certificate shall indicate that the Applicant has at least \$1,000,000.00 of public liability insurance.

(6) A public fireworks display using high hazard fireworks shall only be held if

the display is conducted under the direct supervision of a fireworks supervisor.

(7) In accordance with Article 5.1.1.2 of The National Fire Code, a public fireworks display using high hazard fireworks shall be conducted in conformance

with the current "Fireworks Display Manual" prepared by Natural Resources Canada.

(8) At the conclusion of the public fireworks display, all unused fireworks and debris shall be immediately removed and disposed of by the person holding the permit to conduct the display.

(9) No permit is required for a private fireworks display.

Setting Off Fireworks

40. (1) No person shall set off any fireworks in a manner that would create a danger or nuisance to another person or property.

(2) a) No person shall set off any fireworks on a street or public area except as part of a public fireworks display as permitted by this Bylaw.

b) A permit for a private fireworks display using low hazard fireworks out at a designated park area within Town limits may be issued by the Department, providing the applicant has the minimum insurance and liability coverage as outlined in Section 39, subsection 5 of this bylaw.

(3) No person shall set off any fireworks on a school site without the prior written

consent of the Board of Education that owns the site, and without first obtaining a public fireworks display permit from the Department. 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.

Indoor Fireworks

41. (1) The handling, storage and use of indoor fireworks (pyrotechnics) shall be in

conformance with the Explosives Act and its Regulations, and The National Fire Code.

(2) No person shall hold an indoor pyrotechnics display without first obtaining a

permit from the Department.

(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 Town as insured under the applicant's insurance policy. The Insurance Certificate shall indicate that the applicant has at least \$1,000,000.00 of public liability insurance.

(5) The person holding the permit shall be responsible to ensure that the display is conducted in conformance with provisions of the current Pyrotechnic Special Effects Manual prepared by Natural Resources Canada.

Part VIII - Offences and Penalties

Owner's Responsibility

43. Unless otherwise specified, the owner or the owner's authorized agent shall be responsible for carrying out the provisions of this Bylaw.

Notice of Violation Offences

44. (1) Every person commits an offence who:

- (a) blocks an exit or access to an exit in any building;
- (b) fails to maintain a fire exit door or fire exit hardware on a fire exit door in any building in operating condition;
- (c) fails to maintain portable fire extinguishers in any building in conformance with The National Fire Code;

(d) fails to maintain a commercial cooking equipment exhaust and fire

protection system including duct work, an automatic sprinkler system or a

fire alarm system in conformance with The National Fire Code;

(e) permits combustible materials to accumulate in or around any building in quantities or locations that will constitute an undue fire hazard;

(f) contravenes the provisions of Section 17 regarding smoke alarms;

(g) fails to store flammable and combustible liquids or compressed gases in any building, structure or open space in conformance with The National FireCode;

(h) blocks or wedges open a closure in a fire separation in any building;

(i) contravenes the provisions of Section 18 regarding the setting of open-air fires; or

(j) contravenes the provisions of Section 18.1 regarding the improper use of blowlamps.

(k) contravenes the provisions of Section 40, regarding the setting off of fireworks.

(l) contravenes the provisions of Section 38 (2), regarding the sale of low hazard fireworks to anyone under the age of 18 years old.

(2) When a contravention of Subsection (1) occurs, the person responsible for the

contravention is guilty of an offence and liable on summary conviction to a fine:

(a) for the first offence, of \$50.00

(b) for a second offence, of \$200;

(c) for a third or subsequent offence, of not less than \$200 and not more than \$2,000 in the case of an individual or \$5,000 in the case

of a corporation.

(3) Except as provided in Subsection (4), the following procedure shall apply to

offences committed under this Section:

(a) the Fire Chief, a municipal inspector of the Department may issue a notice of bylaw violation to any person committing a first or second offence under Subsection (1). The notice shall require the person to pay to the Town the amount specified in clause (2)(a) or (b);

(b) the fine may be paid:

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

(ii) by mail addressed to the Town Of Martensville, Box 970, Martensville, Saskatchewan, S0K 2T0. If paying by cheque, please have it made out to Town 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 \$25.00 for a first offence and \$150.00 for a second offence if

paid within 10 calendar days of the date of the notice of bylaw

violation.

The date of payment shall be determined as follows:

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

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

Upon payment, the person contravening the Bylaw shall not be

liable to prosecution for that offence.

(e) If payment is not received within 20 calendar days of the notice of bylaw violation, a summons may/will be issued.

(4) The provisions of Subsection (3) shall not apply in the case of a third or subsequent offence.

General Penalty

45. (1) No person shall:

(a) fail to comply with an order made under this Bylaw;

(b) obstruct or hinder the Fire Chief or any municipal inspector acting under the authority of this Bylaw; or

(c) fail to comply with any other provision of this Bylaw.

(2) Except where a penalty is specifically provided for in this Bylaw, every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:

(a) in the case of an individual, to a fine of not more than \$2,000 and, in the case of a continuing offence, to a further fine of not more than \$2,000

for each day during which the offence continues; and

(b) in the case of a corporation, to a fine of not more than \$5,000 and, in the case of a continuing offence, to a further fine of not more than \$5,000

for each day during which the offence continues.

(3) A conviction for an offence for failing to comply with an order does not relieve the person convicted from complying with the order and the convicting

judge or justice of the peace may, in addition to any fine imposed, order the

person to do any act or work, within a specified time, to comply with the order

with respect to which the person was convicted.

(4) The Court may, in default of payment of a fine imposed under this

Bylaw,

order imprisonment of an individual for a term not exceeding one year.

REVOKING OF PERMITS WHEN DEEMED NECESSARY

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

PART IX - MISCELLANEOUS

BYLAW NO. 1/79 REPEALED

47. Bylaw No. 1/79 is hereby repealed.

COMING INTO FORCE

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

Read a first time this 3rd day of October, 2006.

Read a second time this 3rd day of October, 2006.

Read a third and final time this 17th day of October, 2006.

Mayor

SEAL

Town Manager

Schedule "A"

Fees for Service

1. Inspection Services

- (1) Third party requests for business premises required for a Provincial \$ 50.00/first hour, \$25.00/additional hour
- (2) File search \$30.00
- (3) Request for on-site inspection \$50.00/first hour, \$25.00/additional hour
- (4) Out-of-Town rescue calls \$250.00/hour per unit
- (5) A flat rate of \$250.00 per hour to be computed from the time the fire fighting vehicle leaves the hall to the time it returns to the hall.

- (6) A minimum of three hours (\$750.00) shall be charged for each rural fire call where the fire fighters and equipment are actually engaged in fighting a fire.
- (7) A rate of \$250.00 shall be charged for each rural false alarm. A false alarm is considered a fire call where personnel and equipment are deployed but were not required to engage in firefighting.
- (8) A rate of pay when called for back up by another fire department shall be \$250.00 per hour.
- (9) The above noted rates shall apply regardless of the number of fire fighters and equipment deployed to the scene of a fire.
- (10) In addition to the fees herein provided, the town 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 town 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 town insurance policy, except where such loss is caused by the negligence of the town fire fighters.

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