

BYLAW NO 8-1993

A BYLAW of the R.M. of Swift Current No. 137, in the Province of Saskatchewan, for the Prevention and Control of Fire and other Emergencies.

NOW THEREFORE, THE COUNCIL OF THE R.M. OF SWIFT CURRENT No. 137, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "The R.M. of Swift Current No. 137 Fire Protection Bylaw".

2. Interpretation

In this Bylaw the expression:

(a) "authority having jurisdiction" referred to throughout the National Fire Code of Canada, 1990 and throughout this bylaw, means the Chief of the R.M. of Swift Current Fire Department and shall include any other person or persons authorized to act on his behalf including the municipal inspector.

(b) "Fire Chief" includes the Fire Chief appointed by the R.M. as head of the Fire Department, and in his absence includes the Deputy Fire Chief.

(c) "Fireworks" shall mean and include any combustible or explosive composition or any substance or combination of substances or article—prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and any fireworks containing any explosive or flammable compound, including sparklers, or any tablets, caps or other device containing any explosive or flammable substances, except that the term "fireworks" shall not include paper caps containing not in excess of an average of 16.2 milligrams of explosive content per cap or devices for use of such caps, the sale and use of which shall be permitted at all times.

(d) "municipal inspector" means an officer who is employed full-time by a municipality and authorized by the Fire Chief to act as municipal inspector for the purposes of this bylaw.

(e) "permit" means the written authority issued by the authority having jurisdiction pursuant to the provisions of this Bylaw.

3. Administration

The Chief of the R.M. of Swift Current Fire Department and such other person or persons coming within the definition of the authority having jurisdiction shall be responsible for administering this Bylaw.

4. Local Assistant

The Chief of the R.M. of Swift Current Fire Department shall be the Local Assistant to the Fire Commissioner for the Province of Saskatchewan, pursuant to the provisions of the Fire Prevention Act, 1992, and any amendments thereto.

5. Inspection of Premises

The authority having jurisdiction may, at any reasonable time and either on the complaint of an interested person or, where he considers it necessary, on his own initiative, inspect and enter into or on any building or premises within his jurisdiction, subject to due notice being given.

6. Orders

(1) If the authority having jurisdiction finds that any provision of this Bylaw has been contravened or has not been complied with or has been complied with improperly or only in part or that conditions exist in or upon a building or property to which this Bylaw applies which, in his opinion, constitute a fire hazard or otherwise constitutes a hazard to life or property or both, he may make such order to ensure full and proper compliance with this Bylaw and in particular, but without limiting the generality of the foregoing, he may

(a) make to the owner, occupier or lessee or the building or property such recommendations as he deems necessary to correct the contravention or to ensure compliance with this Bylaw

(b) make such orders as he deems necessary with respect to any of the matters referred to in the National Fire Code of Canada, 1990 or the Fire Prevention Act, 1992 including any amendments.

(2) An order made by the authority having jurisdiction shall be in writing and shall be served by:

(a) personal service on whom it is directed; or

(b) by forwarding to such person or persons by registered mail a true copy of the said order, and such service shall be deemed to have been served 10 days after the day on which it is mailed; or

(c) by posting a copy of it in a conspicuous place on the building or property if the person to whom it is directed cannot be found or is not known.

(3) The Council by resolution may direct that a property be boarded up and secured and be kept in a safe condition to guard against fire or other dangerous risk or accident and if the work directed to be done is not done by the owner within a specified period or time as shall be set out in the resolution, the work shall be done by the R.M. and the cost thereof added to the taxes on the property on which the work was done.

7. Appeals

Where a person is aggrieved by a decision or order made pursuant to this Bylaw, his rights to appeal, and the procedure thereon, shall be in accordance with Sections 25 to 27 of the Fire Prevention Act, 1992.

8. Storage of Explosives

All dynamite, blasting powder and similar explosive material shall be stored in receptacles complying with the Regulations passed by the Governor-General in Council under The Explosives Act (Canada) and shall be stored in compliance with such regulations provided that no such material shall be stored within 4.6 metres of any stairway or elevator, or placed in such a position as to render egress from a building hazardous in case of fire.

9. Fire Works

(1) Manufacture, Sale and Discharge of Fireworks

(a) The Manufacture of fireworks is prohibited within the Municipality.

(b) Except as hereinafter provided it shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks within the R.M. of Swift Current No. 137 provided that the authority having jurisdiction shall have power to adopt reasonable rules and regulations for the granting of Permits for supervised public displays of fireworks by the Municipality, Fair Associations, amusement parks and other organizations or groups of individuals. Every such display, after proper inspection, shall be handled by a competent operator approved by the Council of the R.M. of Swift Current No. 137 or their designated representative, and shall not be hazardous to property or endanger any person.

(c) Application for Permits shall be made in writing at least forty-five (45) days in advance of the date of the display. Once an application has received approval, sale, possession, use of distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(2) Insurance

The Permittee shall furnish documented evidence of liability insurance in sufficient amount to indemnify the R.M. of Swift Current No. 137 for all costs resulting from damage which may be caused to either a person or persons or to property by reason of the permitted display.

(3) Disposal of Unfired Fireworks

Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a manner approved by the authority having jurisdiction.

(4) Seizure

(a) The Authority having jurisdiction is hereby granted the authority to seize, take, remove or cause to be removed at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored, or held in violation of this article.

(b) When any person is convicted of any offence for having in possession, selling, offering for sale, storing, using or holding any unauthorized fireworks, the presiding judge, in addition to any penalty that may be imposed shall order that the unauthorized fireworks seized by the authority having jurisdiction be destroyed or otherwise disposed.

(5) Exceptions

Nothing in this article shall be construed to prohibit any agent, wholesaler, dealer or jobber to sell at wholesale such fireworks as are not herein prohibited; or any use of fireworks by railroads or other transportation agencies for signal purposes or illumination or the sale or use of blank cartridges for a show or theatre or for signal or ceremonial purposes in athletics or sports or for use by military organizations.

10. Transportation and Distribution of Flammable and Combustible Liquids

- (1) All tank vehicles used for transporting flammable and/or combustible liquids in the R.M. and /or distributing or delivering same to garages, service stations or other retail outlets within the R.M. shall be equipped with a "tight fill" device which shall prevent any leakage or spillage when the cargo tanks are unloaded into storage tanks.

11. Dispensing Flammable and Combustible Liquids

The operator of a service station, self-serve service station, bulk station or other retail/wholesale outlet where flammable or combustible liquids are dispensed, shall cause to be displayed in a conspicuous place the national Fire Code Safety Requirements as contained in Schedule "A" and the Warning Notice contained in Schedule "B", attached hereto and forming part of this bylaw.

12. Contractor

Any contractor and/or his employee(s) while performing any work where a blow torch or any open flame is required shall carry and keep within easy reach an approved hand operated fire extinguisher to extinguish fires which may ensue as a result of a work being performed.

13. Persons Present at Fire or Other Emergency

- (1) No person shall drive any vehicle over any hose while in use or about to be used at any fire or other emergency or which has been used or laid to be used at a fire, fire practice, or any other emergency.
- (2) No person shall in any way impede or hinder any fire personnel, or other person who shall be assisting at the extinguishing of any fire, or assisting at an emergency, or who may be engaged in other duties connected therewith.
- (3) No person shall obstruct, hinder or delay any fire department vehicle while the same is proceeding to a fire, or to another emergency, and every person travelling, riding or driving on any road or place along which any fire department vehicle is proceeding to a fire, or other emergency, shall yield the right-of-way to the same and shall not in any manner obstruct, hinder or delay the same.

14. Special Authorities of Fire Chief

- (1) The Fire Chief, or his designate, has authority to manage and control any and all emergency situations.

- (2) The Fire Chief, or his designate, may call upon all or any person to assist in the suppression of a fire, or in the stabilization of an emergency situation, and all persons called upon shall obey the commands of the Fire Chief or his designate.
- (3) The Fire Chief, or his designate, may prescribe the limits within which no person, horse or vehicle shall be permitted and shall have power to close any street or lane to the public for the duration of the fire, or emergency, and related operation.
- (4) The Fire Chief may order the pulling down or demolition of buildings or other erections when deemed necessary to prevent the spread of fire; provided that the consent of the Reeve or Deputy Reeve, and one Councillor shall first be obtained and provided further that explosives shall not be used for demolition purposes.

15. Compensation for Demolition

Where action is taken as provided by subsection (4) of Section 15 hereof, compensation shall be provided by the Council for loss or damage sustained by reason of the said pulling down or demolition.

16. Penalties


- (1) A person who violates any provisions of this Bylaw shall be guilty of an offence and liable on summary conviction to a fine of not less than \$50.00 nor more than \$500.00, or in default of payment, to imprisonment for a term not exceeding thirty (30) days.
- (2) A person who fails within the period specified in an order under section (7), subsection (1), to comply with the order is guilty of an offence and is liable on summary conviction to a fine of \$50.00 for each day during which the breach continues or in default of payment to imprisonment for not less than thirty (30) days.

(3) Notwithstanding subsection (1), a person who violates any provisions of section 4.11 of the National Fire Code of Canada, 1990 or any consolidation or revisions thereof, and/or section 11 of this Bylaw shall be guilty of an offence and liable on summary conviction to a fine of not less than \$250.00 nor more than \$500.00 or in default of payment, to imprisonment for a term not exceeding thirty (30) days.

17. THIS BYLAW shall come into force and have effect from and after the date of the final passing thereof.

18. Bylaw No. 8-1992 is hereby repealed.

(SEAL)


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REEVE


ADMINISTRATOR

INTRODUCED AND READ a first time this ...13... day of *September, 1993*

READ a second time this ...13... day of *September, 1993*

READ a third time and finally passed upon the unanimous consent of Council Members present this ...13... day of *September, 1993*.

CERTIFIED A TRUE COPY OF A BYLAW PASSED
THIS ...13... DAY OF *September*, 1993.

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ADMINISTRATOR