

BYLAW NO. 2004-1666

A BYLAW OF THE CITY OF ESTEVAN IN THE PROVINCE OF SASKATCHEWAN TO PROVIDE FOR THE PREVENTION OF FIRES, THE PREVENTION OF SPREAD OF FIRE, AND FOR THE PRESERVATION OF LIFE.

WHEREAS the Council of the City of Estevan has deemed it expedient to enact a Bylaw for the Purpose of prescribing regulations governing the City of Estevan in the Province of Saskatchewan,

NOW, THEREFORE, the Council of the City of Estevan in open meeting assembled enacts as follows:

1. TITLE

This Bylaw may be cited as the “Fire Prevention Bylaw for the City of Estevan”.

2. INTERPRETATION

It is the purpose of this bylaw to establish the standards for: fire prevention, fire fighting and life safety in buildings; the prevention, containment and fighting of fires originating outside of buildings which may present a hazard to all or any part of the City; and the operation of emergency fire services.

3. DEFINITIONS

- a) Unless otherwise provided or unless the context otherwise requires, words and expressions in this bylaw have the same meaning as the same words and expressions in *The Fire Prevention Act 1992*, or regulations made pursuant thereof
- b) All references to “he” and its derivatives shall include “she” and its derivatives unless the content thereof requires otherwise.
- c) In this Bylaw:
 - i) “Act” means *The Fire Prevention Act, 1992* being Chapter F-15.001 of the statutes of Saskatchewan.
 - ii) “Approval” means the written approval of the Fire Chief.
 - iii) “Approved” means in compliance with *the National Fire Code*, and federal or provincial laws.
- d) “Authority have jurisdiction” referred to throughout the National Fire Code of Canada and throughout this Bylaw, means the Fire Chief and shall include any other person or persons authorized to act on his behalf.

- e) “Balcony” means a platform with a rail or balustrade on the outside of a building with access from an upper story door or window.
- f) “City” shall mean the City of Estevan.
- g) “Code” shall mean the National Fire Code of Canada.
- h) “Deputy Fire Chief” means the Deputy Fire Chief” of the City of Estevan Fire/Rescue Services appointed by the Council of the City of Estevan and authority acting in the absence of the Fire Chief.
- i) “Fire Chief” means the Chief of the City of Estevan Fire/Rescue Services appointed by the Council of the City of Estevan or his designate.
- j) “Fire Chief Designate” means the person designated by the Fire Chief or Deputy Fire Chief who is authorized to act on his behalf of Estevan Fire/Rescue Services in the absence of the Fire Chief or Deputy Fire Chief.
- k) “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.
- l) “Members of the Fire Service” shall mean Fire Chief, Deputy Fire Chief and volunteer firefighters of the Estevan Fire/Rescue Services.
- m) “Person” shall include corporations.
- n) “Permit” means issued pursuant to this Bylaw.
- o) “Estevan Fire Rescue Services” also known as Fire Service means The City of Estevan Fire Department.

4. CONTINUATION OF THE ESTEVAN FIRE/RESCUE SERVICES

- a) The Estevan Fire/Rescue Services for the City of Estevan is hereby continued and shall be referred to herein as the Estevan Fire/Rescue Services. It is to be comprised of Members of the Estevan Fire/Rescue Services.
- b) The Council may authorize an increase or decrease or vary the complement upon consultation with the Fire Chief.

- c) The City of Estevan shall construct, operate and maintain an adequate number of Fire Stations throughout the City. The number, location, size and staffing of these stations shall be determined by City Council based upon consultation with the Fire Chief.
- d) The Fire Chief may create, develop and implement a series of “Rules and Regulations” that will be enacted to ensure effective, professional conduct of the members of the Estevan Fire/Rescue Services.

5. ADMINISTRATION OF BYLAW

The Fire Chief of the Estevan Fire/Rescue Services and such other person or person coming within the definition of the authority having jurisdiction shall be responsible for administering this Bylaw.

6. ADOPTION OF THE NATIONAL FIRE CODE OF CANADA

- a) It is hereby declared that the National Fire Code of Canada, 1995, issued by the Associate Committee on the National Fire Code, National Research Council of Canada, Ottawa, (N.R.C.C. No. 38727), as amended from time to time, or any subsequent National Fire Code of Canada which may be enacted, shall be in force in the City of Estevan.
- b) Wherever there is a conflict between the provisions of the Code, and
 - i) this Bylaw; or
 - ii) any Statutory provisions enacted by the legislature of the Province of Saskatchewan (including regulations promulgated there under);

The most Stringent of this bylaw or Statutory or Code provisions shall apply.

7. CREATION OF THE ESTEVAN FIRE/RESCUE SERVICES

- a) Estevan Fire/Rescue Services are hereby established for the purpose of providing the following Fire/Rescue Services which terms shall included:
 - i) preserving property and extinguishing fires;
 - ii) investigation of fires;
 - iii) investigation of dangerous or hazardous waste release incidents;
 - iv) preserving life and property and protecting life and property from injury or destruction due to fire, unplanned release of dangerous goods or any other emergency (no mitigation);

- v) providing rescue;
- vi) performing salvage operations;
- vii) purchasing and operating apparatus and equipment for the extinguishing of fires or preserving life and property.
- viii) conducting fire inspections;
- ix) Items listed in the Fire Service Emergency Operating Guidelines IBSN 0-9680901-0-9
- x) other duties as assigned from time to time
- xi) to foster fire prevention;
- xii) to inspect any building or premises within the City of Estevan as the circumstances may require and to order the remedy or the removal of conditions that are likely to cause fires in or on that building or premises;
- xiii) to enforce the requirements of this Bylaw, *the National Fire Code* and *The Fire Prevention Act 1992*;
- xiv) to conduct fire prevention educational programs in schools, hospitals, industrial plants, and other similar institutions;
- xv) to report to the Fire Chief regarding investigations or complaints concerning fire hazards;
- xvi) to investigate all fires within the City of Estevan and coverage area so as to determine their origin and cause;
- xvii) to carry out such further duties as may be assigned by the Fire Chief from time to time.

b) Agreement for Estevan Fire/Rescue Service

The City of Estevan, may enter into an agreement with any other municipality, town or First Nation to provide fire/rescue services. Such an agreement requires the approval of City Council.

c) Emergency Response Outside the City

The Estevan Fire/Rescue Service are not obligated, but may respond outside of the boundaries of the City of Estevan in the following circumstances:

- i) Where a current and valid contract for services is in place
- ii) At the request of the R.C.M.P.
- iii) When such a response is approved by the Fire Chief.

d) Special Authorities of the Fire Chief

- i) The Fire Chief in command of a fire or any other emergency 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.
- ii) The Fire Chief in command of a fire or any other emergency may prescribe the limits within which no person or vehicle shall be permitted and shall have the power to close any street or lane to the public for the duration of the fire, or emergency and related operation and he may call upon the Estevan City Police Services to assist in this regard.

e) Fees For Service

- i) The Estevan Fire/Rescue Services is authorized to charge the applicable fees for the various services and emergency responses listed in Schedule "D".
- ii) The fees shall be reviewed and amended from time to time by bylaw.

f) Hydrant System

- i) Fire hydrants shall be designed, installed, and maintained in accordance with the standards and specifications of the City of Estevan Engineering Services and Public Works Services Business Divisions;
- ii) Fire hydrants installed on private property shall be placed at location pre-approved by the City of Estevan;
- iii) No person shall allow, permit or restrict or impede access or view of any fire hydrant;

- iv) No person shall grow vegetation (other than grass), or place any structures within a one (1) meter radius of a fire hydrant.
- v) No person shall paint, discolor, or otherwise alter the appearance of a fire hydrant.

8. FIRE PREVENTION

a) Fire Inspection and Investigation

Shall be conducted under the authority of the Fire Chief.

b) Corrections of Immediate Hazards

Without limiting the generality of the foregoing, when immediate measures must be taken to avoid an imminent danger of fire or risk of accident, the Fire Chief may cause the evacuation of any building or area, and he may order that the building remain evacuated until the hazard is removed or rectified, and he may call upon the Estevan City Police Service to assist him in this regard.

9. BYLAW PROVISIONS

a) Open Fires

- i) Subject to subsection 3), no person shall light, ignite, or start or allow or cause to be lighted, ignited, or started, a fire of any kind whatsoever in the open air without first having obtained a written permit to do so from the Fire Chief in Form (1) shown in Schedule “A” to this Bylaw.
- ii) A person to whom a permit has been issued under subsection 1) shall prevent the fire from getting beyond control or causing damage or becoming dangerous.
- iii) Notwithstanding subsections 1) and 3), no permit shall be required to light, ignite, or start or allow to cause to be lighted, ignited, or started, a barbecue, grill, or similar device used to cook food.
- iv) Nothing contained in this Section shall relieve any person from complying with the provisions of the *Air Pollution Control Act* of the Province of Saskatchewan and the regulations passed pursuant thereto.

b) Outdoor Burning Appliances

The site of the burning and the receptacle must be inspected and a permit (Schedule "E") obtained from the authority have jurisdiction.

c) Firepits

Open cooking fires shall not be set unless the following measures are taken to limit their spread:

- i) be limited to a diameter of seventy-five (75) cm (29.52 in) and be ringed with brick, steel, stone, or concrete;
- ii) the brick, steel, stone, or concrete shall be separated from grass and any other vegetation by a distance of at least forty (40) cm (15.7 in) by means of clean earth, sand, gravel or other non-combustible medium;
- iii) a receptacle must be covered with a heavy gauge metal screen with openings not exceeding 13 millimeters (.5 in); and
- iv) the cooking fire shall be located on private property, a distance of at least three (3) meters (9.8 ft) from any property line, building or other combustible structure.

d) Cheminea And Portable Firepits

- i) Shall not be used on apartment balconies
- ii) Shall not be used indoors
- iii) May be used on a noncombustible surface such as earth, concrete, stone, etc.
- iv) shall be separated from grass and any other vegetation by a distance of at least forty (40) cm (15.7 in) by means of clean earth, sand, gravel or other non-combustible medium.
- v) Shall be located on private property a distance of at least three (3) meters (9.8 ft) from any property line, building or other combustible structure.

e) General Requirements

- i) Material which may be burned shall consist only of charcoal or cut, seasoned wood. The burning of the following material is prohibited.
 - Rubbish;
 - Garden refuse;

- Manure;
- Livestock or animal carcasses;
- Any material classified as a dangerous good and any material which, when burned, will generate black smoke or an offensive odor including insulation from electrical wiring or equipment, asphalt roofing materials, hydrocarbons, plastics, rubber materials, creosote wood or any similar material.

ii) Fires must be reasonable supervised so as to prevent their spread.

iii) Fires must not be set in windy conditions conducive to creating a running fire or a nuisance to another person.

iv) If smoke from a fire causes unreasonable interference with the use and enjoyment of another person's property, the fire must be extinguished immediately.

v) The person who the permit is issued to is responsible for any or all damages as a result of burning.

f) Barbequing

i) Every person who uses any barbecue or similar device shall:

- Use the barbecue in a reasonable and safe manner.
- Keep the barbecue, when lit, a sufficient distance (i.e. 1 meter) from all combustible materials.
- Refrain from leaving the barbecue unattended, when lit.
- Keep the barbecue in a reasonable state of repair.
- Comply with all federal and provincial regulations governing the use and storage of propane cylinders. Propane cylinders must not be repaired, stored, or contained within a building.
- Propane cylinders must be shut off at the tank valve when not in use.
- Propane cylinders must be connected and secured to the barbecue.
- Propane cylinders must be kept in an upright position at all times, including when the cylinders are in transit, in service or in storage.

- ii) When solid fuel appliances are used, provisions for the storage of ashes or hot coals is limited to approved receptacles.

(i.e. Noncombustible containers stored on noncombustible surface)

- iii) In addition to the above requirements, 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 must not exceed the 20 pound size.

g) Incinerators

- i) Except for approved auxiliary-fuelled incinerators, no incinerator shall be constructed or installed within the corporate limits of the City of Estevan.
- ii) Burning barrels or any other similar device for the burning of any household or yard refuse are prohibited.

h) Fireplaces

No person shall erect or construct a fireplace without first having obtained written approval to do so from the Fire Chief in Form (2) shown in Schedule “B” to this Bylaw. An inspection of such fireplace shall be carried out by the Fire/Rescue Services prior to final enclosure of such fireplace.

i) Solid Fuel Appliances

No person shall install a solid fuel appliance without first having obtained a Building Permit from the City of Estevan Building Department and a written approval to do so from the authority having jurisdiction in Form (2) shown in Schedule “B” to this Bylaw. Such solid fuel appliance shall be inspected after installation and prior to any use of such appliance.

j) Chimneys

The owner, occupant, or tenant of every building shall clean, or cause to be cleaned, every chimney, smoke pipe, or flue connected to a fireplace or solid fuel appliance at such intervals as may be necessary to prevent creosote accumulation exceeding three (3) mm in depth.

k) Building Address

Every building, structure or home in the City of Estevan shall display its civic address so as to be visible from the street on the front and rear of the property.

This shall come into force and take effect from the date of final approval of this Bylaw.

l) Smoke Alarms and Fire Alarm Systems

- i) Every fire alarm system shall be maintained, at all times, in operating condition and be tested annually by a qualified person in accordance with the code and the requirements of the authority having jurisdiction.
- ii) When any fire alarm system in any building, premise or structure is out of service for repair, replacement or any other reasons, the owner, occupant, tenant or agent responsible shall provide for twenty-four hour fire watch. This fire watch shall be maintained until the fire alarm system is returned to service.

m) 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.

n) Fireworks

- i) No fireworks shall be discharged from any location within the boundaries of the City of Estevan without first obtaining a written permit to do so from the authority having jurisdiction in Form (3) shown in Schedule "C" of this Bylaw.
- ii) The Fire Chief shall have power to adopt reasonable rules and regulations for the granting of Permits for supervised public displays of fireworks by the City, Fair Associations, amusement parks and other organizations or groups of individuals.
- iii) The Permittee shall furnish documented evidence of liability insurance in sufficient amount to indemnify the City of Estevan 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.

o) Storage Containers

All boxes, crates, petroleum barrels and other containers, empty or otherwise, used or kept in any building or on any lot, shall be:

- i) So stacked or piled to keep them clear of windows or doors to provide for clear ingress and egress to or from any part of the premises or building.
- ii) Kept away from any source of fire. Any accumulation of boxes, crates, petroleum barrels, other containers, packing material or other material, which in the opinion of the authority having jurisdiction constitutes a fire hazard, shall be removed forthwith.

p) Vehicles Filled With Propane

- i) No person shall park a vehicle fuelled with propane in any underground or enclosed parking facility attached to a multi-suite residential, business and personal services or mercantile occupancy.
- ii) The owner of every underground or enclosed parking facility shall post signs to indicate the parking prohibition for vehicles fuelled by propane in conspicuous locations near the principal entrances to the parking facility.
- iii) Signs required by this Section shall have lettering not less than one hundred (100) mm high with fifteen (15) mm stroke.

q) Leaking Flammable Liquid Tanks Or Piping

Whenever flammable liquids or vapors are suspected to emanate from underground or above ground tank or piping and in the opinion of the Fire Chief could create a hazardous condition, the Fire Chief may order the owner, tenant, occupant or agent responsible to drill test holes, to test the tanks and piping, to excavate the tanks and piping and to carry out other procedures necessary in order to expose and replace, repair or correct the hazardous conditions.

r) Hazardous, Flammable or Chemical Discharges

No person, industry, company, or manufacturer shall discharge or permit to be discharged into any sanitary sewer, storm sewer, sewer connection, catch basin, ditch, lane or street any flammable liquid or hazardous chemical whether by itself or in combination with any other liquid or solid. The Fire Chief may make such orders as are deemed necessary in order to eliminate the said discharge, and to temporarily shut down any activity or operation suspected of being the source of the discharge.

s) Occupancy Loads

- i) If the Fire Chief reasonable believes that the number of occupants in a room may exceed the maximum occupant load, the Fire Chief may determine by counting the number of occupants in the room.

ii) The maximum permissible occupant load for any room shall be calculated on the basis of the lessor of

➤ the requirements of the National Fire Code;

iii) The maximum number of occupants permitted to enter a room shall not exceed the maximum occupant load calculated in conformance with Subsection 2.

iv) If the number of occupants in a room exceeds the maximum allowable occupant load, the number of occupants shall be reduced to a number less than or equal to the maximum allowable occupant load.

v) The Fire Chief may take whatever action is deemed necessary to lessen the hazard to safety. This action may include the closing of the building or structure for any period of time deemed appropriate.

t) Persons Present at Fire Or Other Emergency

i) 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.

ii) 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.

10. RECOVERY OF EXPENSES

See cities act section 19 - 22

If the owner, tenant or occupant responsible for the building or premises refuses or neglects to do any matter or thing required to be done by him hereunder by the authority having jurisdiction, the matter or thing may be done by the City of Estevan at the expense of the person in default and the City of Estevan may recover the expenses of doing so with costs by adding the expenses to, and they thereby form part of, the taxes on the land on which or with respect to which the work is done.

11. IMMUNITY FROM LIABILITY

The ability of the City of Estevan, to meet the requirements and specifications set by the National Fire Code, the Fire Prevention Act 1992, in this Bylaw and other legislation is limited due to economic and financial constraints.

Neither this Bylaw nor the National Fire Code shall be construed to hold the City of Estevan or its employees, responsible or liable for any damage to persons or property by reasons of failure to meet their requirements of the aforesaid code/statute and bylaw.

12. PRECEDENCE

The Regulations made for the Prevention of Fire in this Bylaw shall be deemed to take precedent over any and all provisions made for the prevention of fire in every other Bylaw of the City of Estevan.

13. REPEALS

See cities act

Bylaw Nos. 90-1333 and amendments thereto are hereby repealed.

14. COMING INTO FORCE

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

City of Estevan.

John Empey,
Mayor.

Yvette Wright
City Clerk

Introduced and read a first time this 8th day of March, 2004.

Read a second time this 8th day of March, 2004.

Read a third time and adopted this 8th day of March, 2004.

Certified a true copy of the Bylaw as it appears in the Minute Book of the City of Estevan.

Given under my hand and the seal of the City of Estevan this 9th day of March, 2004.

**Yvette Wright,
City Clerk.**

Schedule "A"

Form (1)

THE CITY OF ESTEVAN FIRE/RESCUE SERVICES

PERMIT TO BURN

_____, 20____

Permit is hereby issued to _____ residing at
_____, for _____ days from the date hereof,
to burn the following _____ at the following
location _____ while competent and constant
attendants are left in charge of such fire to keep it under control.

It is an express condition of this permit that the applicant, whose signature appears
hereunder, shall be responsible for any injury or damage to person or property arising
from the use of this permit.

Signature of applicant

Signature of Fire Chief

Comments: _____

Schedule "B"
Form (2)

**THE CITY OF ESTEVAN FIRE/RESCUE SERVICES APPROVAL FIREPLACE/SOLID
FUEL APPLIANCE INSTALLATION**

_____, 20____

APPLIANCE: Fireplace _____ Stove _____ Other _____

TYPE: Masonry _____ Manufactured _____

LISTED? Yes _____ No _____ Agency: _____

MANUFACTURER _____

INSTALLER: NAME _____

ADDRESS _____

PHONE _____

CHIMNEY: Masonry _____ Manufactured _____

LISTED? Yes _____ No _____ Agency: _____

MANUFACTURER _____

MODEL: _____

INSTALLER: NAME _____

ADDRESS _____

PHONE _____

1. This approval is issued to the undersigned conditional upon his compliance with the regulations of the National Fire Code and the National Building Code pertaining to such installations. Inspection shall be required prior to final enclosure of fireplace and/or prior to use of solid fuel appliance.

2. The described installation is subject to issuance of a Building permit by City of Estevan Building Department.

NAME _____

ADDRESS _____

PHONE _____

Fire Chief

Inspector

Date

Comments: _____

Schedule "C"
Form (3)

THE CITY OF ESTEVAN FIRE/RESCUE SERVICES
PERMIT – FIREWORKS

Proof of Liability Insurance Required

_____, 02_____

Permission is hereby granted to _____
representing _____ to conduct a fireworks
display at _____ on
_____, between the hours of _____ (a.m./p.m.) and

It is an express condition of this permit that the applicant, whose signature appears
hereunder, shall be responsible for any injury or damage to person or property arising
from the use of this permit.

Applicant

Fire Chief

COMMENTS: _____

Schedule "D"

FEES FOR SERVICE

1) Inspection Services

- | | |
|--|---|
| a) Third Party requests for business premises required for a Provincial or Federal grant or license. | \$40.00/first hour
\$30.00/additional hour |
| b) File Search | \$30.00 |
| c) Requested site inspection
Over one hour | \$40.00/first hour
\$30.00/additional hour |
| d) Out-of-town inspections
(Travel and Accommodations) | \$40.00/first hour-\$30.00/additional hr
per City Policy |
| e) Underground tank installation or
removal inspection | \$40.00/first hour
\$30.00/additional hour |

