

TOWN OF KINISTINO
BYLAW NO 03/23
A BYLAW TO PROVIDE FOR FIRE AND RESCUE SERVICES WITHIN THE TOWN OF
KINISTINO

The Council of the Town of Kinistino, in the Province of Saskatchewan, hereby, in open meeting, enacts as follows:

PART I – SHORT TITLE

1. This Bylaw may be cited as the Town of Kinistino Fire Bylaw.

PART II – PURPOSE

2. The purpose of this Bylaw is:
 - (a) To establish the Kinistino Fire Department;
 - (b) To adopt a fire prevention code which establishes a satisfactory standard for fire prevention, firefighting and life safety in buildings;
 - (c) To provide for the prevention and suppression of fires;
 - (d) To regulate the sale and setting off of fireworks;

PART III – DEFINITIONS

3. In this Bylaw:
 - (a) “Town” means the Town of Kinistino;
 - (b) “CAO” means the Chief Administrative Officer of the Town of Kinistino
 - (c) “Closure” means a closure with the meaning of *The National Fire Code*;
 - (d) “Combustible liquid” means a combustible liquid within the meaning of *The National Fire Code*;
 - (e) “Council” means the Council of the Town of Kinistino;
 - (f) “Dangerous Goods” means dangerous goods with the meaning of *The National Fire Code*;
 - (g) “Department” means the Fire Department of the Town of Kinistino;
 - (h) “Discharge” includes to ignite, fire, or set off and the words “discharging” and “discharged” have a similar meaning;
 - (i) “Dwelling unit” means a dwelling unit within the meaning of *The National Fire Code*;
 - (j) “Fire separation” means a fire separation within the meaning of *The National Fire Code*;
 - (k) “Fireworks” means fireworks as defined in the *Explosives Regulations, 2013*;
 - (1) “fireworks display permit” means a permit issued pursuant to Subsection 55;
 - (2) “sky lantern” also known as *Flying Lantern, Kongming Lantern or Chinese Lantern*, means a small hot air balloon made of paper, with an opening at the bottom where a small fire is suspended.
 - (l) “Flammable liquid” means a flammable liquid with the meaning of *The National Fire Code*;
 - (m) “Hazardous substance” means a hazardous substance within the meaning of *The Hazardous Substances and Waste Dangerous Goods Regulations, c. E-10.2, Reg. 3*;
 - (n) “Municipal inspector” means a municipal inspector with the meaning of *The Fire Safety Act* and a designated officer within the meaning of *The Municipalities Act*;
 - (o) “*National Fire Code*” means the Code declared to be in force pursuant to Subsection 3(1) of *The Saskatchewan Fire Code Regulations*;
 - (p) “NFPA” means the National Fire Protection Association;

- (q) “Private fireworks display” means the discharge of low hazard fireworks for private recreation and entertainment;
- (r) “Public fireworks display” means the discharge of high or low hazard fireworks for public recreation and entertainment;
- (s) “Receptacle” shall mean a receptacle for containing a recreational fire, including fire pits, chimneys, fireplaces or stoves;
- (t) “Recreational fire” shall mean an outdoor fire burning wood and suitable for cooking food, complying with the standards set out in this Bylaw;
- (u) “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 IV – FIRE DEPARTMENT

4. The Fire Department is established and is responsible for:
 - (a) Fire protection, including:
 - (i) Fire suppression;
 - (ii) Fire prevention and inspections;
 - (iii) Fire investigations;
 - (iv) Educational programs; and
 - (v) Emergency mass notification.
 - (b) Rescue service, including:
 - (i) Basic rope rescue;
 - (ii) Vehicle extraction;
 - (iii) Structural collapse support operations;
 - (iv) Confined space entry;
 - (v) Trench rescue support operations;
 - (vi) Rapid intervention rescue.
 - (c) Dangerous goods support operations.
 - (d) Advanced First Aid Level.

5. Council will adopt and maintain a Fire Department Policy Manual and Fire Department Operational Manual for use by the Department. Council will appoint a Fire Chief on an annual basis. The Fire Chief is the Manager of the Fire Department.

6. The Fire Chief shall administer and enforce this Bylaw within the Town and shall perform any other duties and may exercise any other powers that may be delegated by the CAO. The Fire Chief shall have the authority to further delegate any matter delegated under this Bylaw.

7. The Fire Chief shall have the authority to prohibit any or all open fires when atmospheric conditions or local circumstances, in his/her opinion, make such fires hazardous. The Fire Chief shall advise the CAO prior to issuing a fire ban within the corporate boundaries of the Town of Kinistino. The CAO shall then inform Council.

8. The Fire Chief is responsible for the maintenance and discipline within the Department and may recommend Policies and Procedures necessary to carry out the daily administration and operations of the Department.

9. The Town may enter into an agreement with any other municipality, municipal government, First Nations band, person or other properly constituted authority, organization or agency for

the furnishing or receiving of fire fighting or fire prevention services or emergency services on any terms that may be agreed upon, including the setting and payment of charges.

PART V – NATIONAL FIRE CODE

10. Except as modified by this Bylaw, it is declared that *The National Fire Code* is in force in the Town of Kinstino.

PART VI – INSPECTIONS, COMPLIANCE WITH ORDERS AND ENFORCEMENT PROCEDURES

Inspections

11. Inspection of property by the Town to determine compliance with this Bylaw is hereby authorized.
12. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.
13. 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.
14. 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 of the purpose of the entry.

Order to Remedy Contravention/Registration of Order/Appeal of Order

15. 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.
16. Orders given under this Bylaw shall comply with Section 264 of *The Municipalities Act*.
17. Order given under this Bylaw shall be served in accordance with Section 390 of *The Municipalities Act*.
18. If any order is issued pursuant to Section 15, the Town may, in accordance with Section 364 of *The Municipalities 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.
19. A person may appeal an order made pursuant to Section 15 in accordance with Section 365 of *The Municipalities Act*.
20. Any person who considers himself aggrieved by any order made by the municipal inspector under the provisions of this Bylaw may appeal such order in writing to the CAO within fifteen (15) days of being served the order.

Town Remedying Contraventions and Other Authorities Granted

21. The Town may, in accordance with Section 366 of *The Municipalities Act*, take whatever actions or measures are necessary to remedy a contravention of this Bylaw.

22. The Town may, in accordance with Section 368 of *The Municipalities 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.
23. The Town may, in accordance with Section 369 of *The Municipalities Act*, add any unpaid expenses and costs incurred by the Town in remedying a contravention of this Bylaw to the taxes on the property on which the work was done.
24. In the event that it becomes an emergency to remedy a contravention of this Bylaw, the Town may take whatever actions or measures are necessary to eliminate the emergency in accordance with the provisions of Section 367 of *The Municipalities Act*.
25. Notwithstanding any other provision of this Bylaw, where in the course of an investigation or inspection under this Bylaw, the municipal inspector 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 municipal inspector 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;
 - (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.
26. If closed under Clause 25.(b), the Fire Chief shall, if possible, placard the building, structure, premise, yard or area as a serious danger to life or property.
27. No person shall enter, attempt to enter or tamper with a building, structure, premise, yard or area that has been closed under Clause 25.(b) without prior approval of the Fire Chief.
28. No person shall take down, cover up, mutilate, deface or alter a placard posted under Clause 26.
29. 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.
30. If the costs and expenses mentioned in Section 29 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 VII – PREVENTION AND SUPPRESSION OF FIRES

Open-Air Fires

31. No person may install a receptacle as defined in this Bylaw unless that person has obtained a permit from the Town. No person shall start, or permit to be started or continued, an outdoor fire that is not contained within a receptacle as defined in this Bylaw.

32. Permits for an outdoor fire as part of a block party, community event or similar special function or celebration shall be in the form set out by the Town and may be issued under the following conditions:
- (a) The permit application is signed by an authorized person of the group or organization;
 - (b) The applicant has paid the fee of Ten (\$10.00) Dollars;
 - (c) The receptacle has been approved by the Fire Chief.

Permits for private recreational fire receptacles shall be in the form set out by the Town and may be issued under the following conditions:

- (a) The permit application is signed by the owner of the property;
 - (b) The applicant has paid the fee of Ten (\$10.00) Dollars;
 - (c) The receptacle conforms to the requirements of this Bylaw; and
 - (d) The Fire Chief or designate has inspected the receptacle and deemed it satisfactory.
33. The permit shall be considered void if the receptacle is moved to a new location on the property.
34. Permits for recreational fire receptacles shall expire five (5) years from the date of issue. This provision shall also apply to all permits issued under previous bylaws. The owner will be required to reapply and pay for a new permit.
35. All receptacles must meet the following requirements:
- (a) The receptacle shall be sturdily constructed of non-combustible materials, which may include concrete, brick, stone, clay, terra-cotta, steel and iron;
 - (b) The following materials are not acceptable:
 - (i) Hollow concrete blocks;
 - (ii) Sheet metal of less than 18 gauge (1.27 mm) thick;
 - (iii) Any metal with low melting point; and
 - (iv) Any material which can release harmful fumes, vapours or particulate.
 - (c) The receptacle shall not exceed 760mm (30 inches) in width or diameter, measured on the inside of the fire box, and shall not exceed 0.91 cubic metres (9.8 cubic feet) in volume;
 - (d) The receptacle must be covered with a heavy gauge metal screen with openings not exceeding 10 mm.
36. The receptacle shall be located on the property no less than 3.1 metres (10 feet) from any property line, fence, combustible deck, roof projection, building, coniferous tree or other combustible material.
37. Permitted materials which may be burned in a recreational fire receptacle are dry, seasoned, untreated wood and charcoal. Burning any of the following is prohibited: wood that has been painted or treated with preservatives, green wood, leaves, synthetic materials, household garbage, garden refuse, or any material which, when burned, will generate black smoke or an offensive odour or cause a hazard or nuisance.
38. Materials shall not be burned in such quantities as to produce excessive flame height. Determination of excessive flame height shall be at the discretion of the Fire Chief and may take into account such things as receptacle location and surrounding yard features.
39. Open-air fires must be reasonably supervised so as to prevent their spread.

40. Open-air fires are not to be set in windy conditions conducive to creating a running fire or a nuisance to another person.
41. Hours of use are not restricted, provided that no nuisance is caused to any other person. All activity between the hours of 11:00 pm and 7:00 am is subject to the provisions of the Noise Bylaw.
42. This Bylaw does not apply to any cooking appliance designed and used to burn charcoal, natural gas or propane.
43. Recreational fire permits will be revoked immediately if the CAO, Fire Chief or their designate is convinced that any of the following have occurred:
 - (a) Unsafe use;
 - (b) Burning of garbage or other unapproved fuel;
 - (c) Creating a nuisance; or
 - (d) Any use contrary to the provisions of this Bylaw.

Barbecuing

44. 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 materials;
 - (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.

Prevention of Fire Spread

45. 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 and Obtaining Assistance in Fire Fighting

46. Where an extreme fire hazard exists or the safety of persons or property is endangered by a fire, the Fire Chief or the senior officer in command of a fire or any other emergency may commandeer or use any privately owned equipment for the purpose of firefighting.
47. The Department shall pay compensation to any person from whom private property is commandeered or used pursuant to Section 46.
48. The amount of compensation to be paid to a person by the Department pursuant to Section 46 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 Section 19 shall apply.
49. Where an extreme fire hazard exists or the safety of persons or property is endangered by a fire, the Fire Chief or the senior officer in command of a fire or other emergency may obtain the voluntary assistance of any adult for the purpose of firefighting.

50. The Department shall pay compensation to any person who assists in firefighting pursuant to Section 49.
51. The amount of compensation to be paid to a person by the Department pursuant to Section 49 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 compensation and the provisions of Section 19 shall apply.
52. No person who assists in fire fighting pursuant to Section 49 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.
53. Every person who assists in firefighting pursuant to Section 49 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 46;
 - (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 officer 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 VIII – FIREWORKS

Discharge of Fireworks

54. The handling and storage of fireworks shall be in conformance with the *Explosives Act* and its *Regulations* and *The National Fire Code*.
55. No person shall set off, detonate, ignite, or cause to be exploded any fireworks in the municipality without first obtaining a fireworks permit.
56. Any person who wishes to set off fireworks in the municipality must obtain a fireworks permit from the CAO by paying the Twenty (\$20.00) Dollar fee and completing an application form containing the following information:
 - (a) The reason for the fireworks;
 - (b) The location of where the fireworks will be set off;
 - (c) The day and hour when the fireworks will be set off;
 - (d) The period of time during which the fireworks will be set off; and
 - (e) A minimum of three (3) working days is required to apply for the permit.
57. The CAO may issue fireworks permit on any terms and conditions that the CAO considers necessary to ensure that the fireworks will be set off safely.
58. No person under eighteen (18) years of age shall discharge any fireworks except under the direct supervision of a parent, guardian or other responsible adult.
59. Fireworks may only be set off on private property or other places approved by the Fire Chief or CAO.

60. The CAO shall notify the Fire Chief of the property where the fireworks will be set off when a fireworks permit is issued.
61. The property owner is responsible to ensure that any person using the property to set off fireworks complies with all municipal bylaws, does not interfere with the use and enjoyment of neighboring property owners, and does not endanger the safety, health, or welfare of the people in the municipality.
62. The CAO or Fire Chief may refuse to issue or may revoke a fireworks permit on the basis of weather, season, the existence of a fire ban, or any other similar reason.
63. No person shall discharge any sky lantern at any time.
64. A permit for an indoor fireworks display shall only be issued to persons holding a valid Pyro technician or Special Effects Pyro technician card issued by Natural Resources Canada.

PART IX – OFFENCES AND PENALTIES

65. 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 provisions of this Bylaw.
66. Every person who contravenes any provision of this Bylaw, or fails to comply with an Order to Remedy, is guilty of an offence and liable on summary conviction to a fine:
 - (a) For the first offence, of \$250;
 - (b) For a second offence, of \$500;
 - (c) For a third or subsequent offence, of not less than \$750 and not more than \$10,000 in the case of an individual or \$25,000 in the case of a corporation.
67. Voluntary payment of the fine may be paid prior to the date when the person contravening the Bylaw is required to appear in court to answer a charge as follows:
 - (a) For the first offence, of \$125;
 - (b) For a second offence, of \$250;
 - (c) For a third or subsequent offence, of not less than \$750 and not more than \$10,000 in the case of an individual or \$25,000 in the case of a corporation.
68. The fine may be paid:
 - (a) In person, during regular office hours, at the Town Office;
 - (b) By deposit, at the depository located outside the front entrance to the Town Office;
 - (c) By mail, addressed to Town of Kinistino, Box 10, Kinistino SK S0J 1H0
69. Upon payment of the fine, the person contravening the Bylaw shall not be liable to prosecution for that offence.

PART X – REPEAL PREVIOUS BYLAWS

70. Bylaws 5/98, 03/04, 06/03, 07/05 and 08/05 are hereby repealed.

PART XI – COMING INTO FORCE AND EFFECT

71. This Bylaw shall come into force and take effect upon adoption by Council.

Read a third time and adopted this 15th day of November, 2023





Mayor



CAO

Certified to be a true copy of Bylaw No. 03/23 adopted by resolution of Council on the 15th day of November, 2023.





CAO