

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;

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.

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.

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.

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