

BYLAW NO. 7 (2008)

A BYLAW OF THE TOWN OF BIENFAIT IN THE PROVINCE OF SASKATCHEWAN RESPECTING FIRE PREVENTION

The Council of the Town of Bienfait in the Province of Saskatchewan enacts as follows:

- 1. This Bylaw may be cited as the Fire Prevention Bylaw for the Town of Bienfait.**
- 2. Adoption of *The National Fire Code of Canada, The Fire Prevention Act, 1992, and The Saskatchewan Fire Code Regulations.***

The documents known as *The National Fire Code of Canada, The Fire Prevention Act, 1992, and The Saskatchewan Fire Code Regulations* together with their revisions, as they are published from time to time, issued by the Associate Committee on the National Fire Code, National Research Council of Canada, Ottawa, are hereby adopted and the same shall be deemed to apply within the Town of Bienfait in the same manner and to the same extent as is set forth in detail in the Bylaw.

3. Definitions

In this Bylaw:

- 1) "Municipality" means the Town of Bienfait;**
- 2) "Approval" or "Approved" means the written approval by the authority having jurisdiction;**
- 3) "Authority having jurisdiction" means the Town of Bienfait Council or Mayor;**
- 4) "Fire Chief" means the Chief of the Town of Bienfait Fire Department appointed by the Council for the Town of Bienfait and in his/her absence the Deputy Fire Chief;**
- 5) "Fire Inspector" means the person having jurisdiction appointed by the Town of Bienfait;**
- 6) "Member" means any person appointed to the Fire Department;**
- 7) "Local Assistant" means the Local Assistant to the Fire Commissioner for the Province of Saskatchewan and may be the Fire Chief pursuant to Bylaw #5 (2000);**
- 8) "Fire Department" means the Fire Department of the Town of Bienfait established by Bylaw # 5(2000);**
- 9) "Council" means the elected governing council of the Town of Bienfait;**

- 10) "Fireworks" means and includes any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible and/or audible effect by combustion, explosion, deflagration or detonation.

4. Administration of the Bylaw

The provision of this Bylaw shall be administered and enforced by the Fire Chief and/or the Fire Inspector, and/or the Council, and shall have all the powers and duties conferred by *The National Fire Code of Canada*, *The Fire Prevention Act, 1992*, and *The Saskatchewan Fire Code Regulations*.

5. Authority to Inspect Buildings and Premises

The Fire Chief or the Fire Inspector may, upon complaint of a person interested, or without complaint or when the Fire Inspector deems it necessary, inspect all buildings and premises within his/her jurisdiction, and for that purpose may at all reasonable hours enter into or upon those buildings or premises.

6. Providing Assistance and Information

The owner, occupier or lessee of a building or property or any other person having knowledge of the building shall, upon request, give to the Fire Chief or the Fire Inspector, who is carrying out an inspection of the building or property, such assistance or information as s/he may require in carrying out the inspection.

7. Open-Air/Outdoor Fires

An open-air (outdoor) fire may be allowed in a resident's back yard if the following requirements are followed:

- 1) A competent person shall be placed in charge of the fire while it is burning or smoldering and that person shall have sufficient equipment in order to prevent the fire from getting beyond control or causing damage or becoming dangerous. The equipment to be used should consist of a garden hose connected to the water supply or a portable fire extinguisher.
- 2) The fire must be contained in a non-combustible receptacle constructed of concrete/cement, brick, clay or sheet metal with a minimum 18-gauge thickness, and with a maximum firebox diameter of seventy-five (75) centimeters (29.52 inches). Fire pits shall not consist of just a pit or hole dug in the ground.
- 3) The receptacle must be covered with a heavy gauge metal screen with openings not exceeding thirteen (13) millimeters (0.5 inches).

- 4) The receptacle must be located on private property, a distance of at least three (3) meters (9.8 feet) from any property line, building, or combustible structures or from trees or combustible vegetation that might be situated on the property.
- 5) The receptacle shall be separated from grass and any other vegetation by a distance of at least forty (40) centimeters (15.7 inches) by means of clean earth, sand, gravel, or other non-combustible mediums.
- 6) The fuel shall be restricted to the use of charcoal briquettes, cut seasoned wood, or manufactured fire logs. The burning of the following or any other materials is prohibited:
 - Rubbish
 - Garden refuse or leaves
 - 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 coring or equipment, asphalt roofing materials, hydrocarbon plastics, rubber materials, creosote wood or any similar material.
- 7) Open-air fires are not to be set in windy conditions conducive to creating a running fire or nuisance to another person.
- 8) If smoke from an open-air fire causes an unreasonable interference with the use and enjoyment of another person's property, the fire must be extinguished immediately.
- 9) The noise bylaw shall be followed.
- 10) The Fire Chief and/or the Council has the authority to disallow any outdoor fire which is deemed dangerous or which does not adhere to the articles as set out in this bylaw.

8. Incinerators

- 1) No incinerator shall be constructed or installed within the corporate limits of the Town of Bienfait.
- 2) Burning barrels or any other similar devices used for the burning of any household or yard refuse is prohibited.
- 3) Exterior sold fuel-burning Hydronic heating systems shall not be allowed in any residential, commercial, or industrial areas within the corporate limits of the Town of Bienfait.

9. General Articles

- 1) Whenever the Fire Inspector finds a church, school, rink, hotel, motel, restaurant or other building used by the public as a place of public assembly that any entrance doors or any emergency exit doors are blocked, barred, bolted, or locked in any manner other than with standard panic hardware or a form of quick acting hardware during the time when the building is being publicly used, s/he may order the owner, tenant or occupant responsible to immediately remove all such blockages, bars, bolts, padlocks, chains, or other devices so that the door can be readily opened from the interior.**
- 2) Lanes, driveways, or roadways leading off the public highway/roadway and considered to be the primary access to properties where emergency services including, but not limited to, Fire, Police, or Ambulance may be required to respond, shall be maintained in an accessible condition for vehicles to drive over, be free of obstructions and overhangs that may impede a vehicle or any other blockage or condition which may be deemed as an unreasonable or avoidable impediment to vehicle access of the property. Locked or otherwise secured gates are exempted unless in such poor repair as to be considered un-openable once security is removed.**
- 3) Hazardous Materials shall not be stored or located adjacent to any land, driveway, or roadway leading off the public highway/roadway and considered to be the primary access to properties where emergency services including Fire, Police, or Ambulance may be required to respond; nor shall any owner/occupant conduct any routing operation such as re-fueling or filling of vehicles or implements which could potentially result in obstruction of primary property access route.**
- 4) No person shall in any way impede or hinder any member of the Fire Department, or any other person who shall be assisting at the extinguishing of any fire, or who may be engaged in other duties connected therewith.**
- 5) No person shall obstruct, hinder, or delay any fire equipment while the same is proceeding to the fire; and every person traveling, riding, or driving on any street or roadway, which any fire apparatus is traveling to a fire, shall yield right of way to the same.**

10. Fireworks

- 1) No fireworks shall be discharged from any location within the boundaries of the Town of Bienfait without first obtaining a written permit to do so from the authority having jurisdiction under this Bylaw.**
- 2) The Fire Inspector or the Fire Chief shall have the power to adopt reasonable rules and regulations for the granting of Permits for supervised public displays of fireworks by the Town and other organizations or groups of individuals.**

- 3) The Permittee shall furnish documented evidence of liability insurance in sufficient amount to indemnify the Town of Bienfait 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.

11. Immunity from Liability

- 1) The ability of the Town of Bienfait to meet the requirements and specifications set by *The National Fire Code of Canada, The Fire Prevention Act, 1992, and The Saskatchewan Fire Code Regulations* in this Bylaw and other legislations is limited due to economic and financial constraints.
- 2) Neither this Bylaw nor *The National Fire Code of Canada, The Fire Prevention Act, 1992* nor *The Saskatchewan Fire Code Regulations* shall be construed to hold the Town of Bienfait 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. Penalties and Fines

The following fines will be applied to any contraventions of this Bylaw:

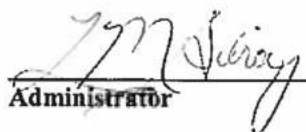
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|----------------------------|--------------------------------------|
| 1) 1 st Offence | \$100.00 |
| 2) 2 nd Offence | \$250.00 |
| 3) 3 rd Offence | \$500.00 and any offences thereafter |

13. Bylaw(s) Repealed

- 1) Bylaw #6 2000 is hereby repealed.



Certified to be a true copy of
Bylaw No. 7 (2008) read a
third time and adopted by
the council of the Town of
Bienfait on the 22nd day of
October, 2008.


Administrator


Mayor


Administrator

Clauses 8(1)(i) and 369(2)(b) *The Municipalities Act*

Appendix "A" to Bylaw No. 7 (2008)

Open-Air/Outdoor Fires

An open-air (outdoor) fire may be allowed in a resident's back yard if the following requirements are followed:

- 1) 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 as shown in Appendix "B".
- 2) 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.
- 3) No permit shall be required to light, ignite, or start or allow to cause to be lighted, ignited, or started, a barbeque, grill, or similar device used to cook food.
- 4) Nothing contained in this Bylaw 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.
- 5) A competent person shall be placed in charge of the fire while it is burning or smouldering and that person shall have sufficient equipment in order to prevent the fire from getting beyond control or causing damage or becoming dangerous. The equipment to be used should consist of a garden hose connected to the water supply or a portable fire extinguisher.
- 6) Cheminea and Portable fire pits shall not be used on apartment balconies and shall not be used indoors.
- 7) The fire must be contained in a non-combustible receptacle constructed of concrete/cement, brick, clay or sheet metal with a minimum 18-gauge thickness, and with a maximum firebox diameter of seventy-five (75) centimetres (29.52 inches). Fire pits shall not consist of just a pit or hole dug in the ground.
- 8) The receptacle must be covered with a heavy gauge metal screen with openings not exceeding thirteen (13) millimetres (0.5 inches).
- 9) The receptacle must be located on private property, a distance of at least three (3) meters (9.8 feet) from any property line, building, or combustible structures or from trees or combustible vegetation that might be situated on the property.
- 10) The receptacle shall be separated from grass and any other vegetation by a distance of at least forty (40) centimetres (15.7 inches) by means of clean earth, sand, gravel, or other non-combustible mediums.
- 11) The fuel shall be restricted to the use of charcoal briquettes, cut seasoned wood, or manufactured fire logs. The burning of the following or any other materials is prohibited:
 - Rubbish
 - Garden refuse or leaves
 - 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 odour including insulation from electrical coring or equipment, asphalt roofing materials, hydrocarbon plastics, rubber materials, creosote wood or any similar material.
- 12) Fires must be reasonable supervised so as to prevent their spread.
- 13) Open-air fires are not to be set in windy conditions conducive to creating a running fire or nuisance to another person.
- 14) If smoke from an open-air fire causes an unreasonable interference with the use and enjoyment of another person's property, the fire must be extinguished immediately.

Appendix "A"

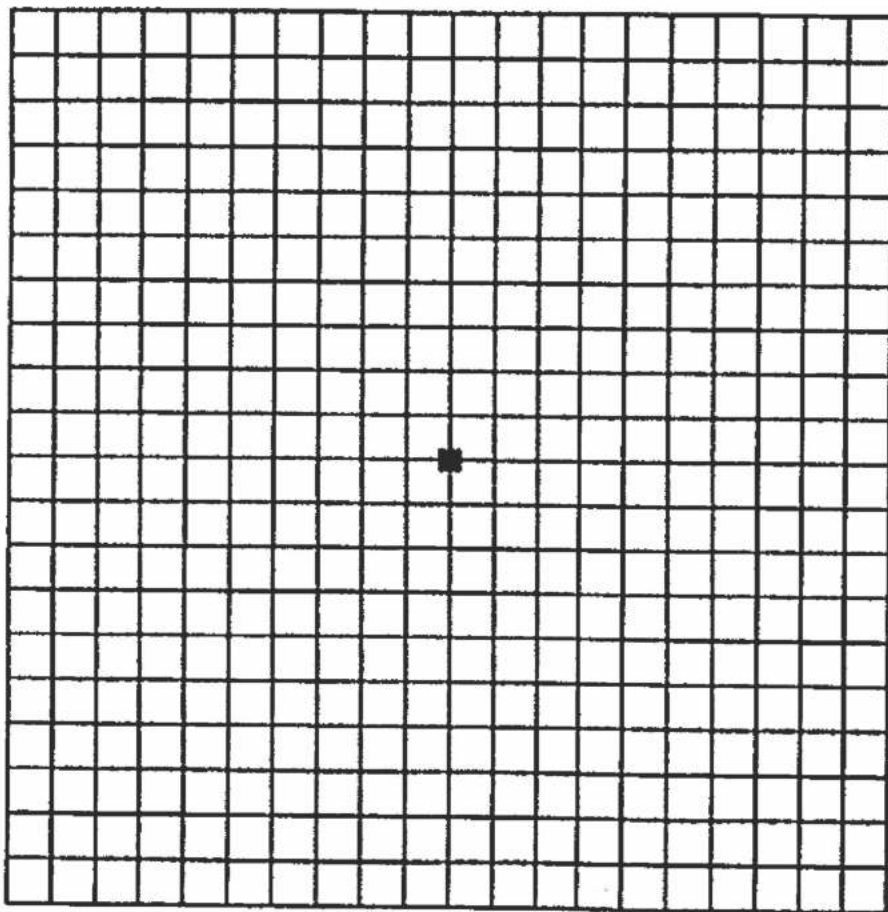
- 15) The person to whom the permit is issued is responsible for any or all damages as a result of burning.**
- 16) The noise bylaw shall be followed.**
- 17) The Fire Chief and/or the Council has the authority to disallow any outdoor fire which is deemed dangerous or which does not adhere to the articles as set out in this bylaw.**

Appendix "B"
TOWN OF BIENFAIT
OUTDOOR FIRE APPLIANCE PERMIT

ADDRESS OF OUTDOOR FIRE APPLIANCE _____

APPLICANT'S NAME (PLEASE PRINT) _____ PHONE # _____

DRAW A SKETCH OF THE AREA OF THE YARD WHERE THE APPLIANCE IS LOCATED (INCLUDE BUILDING, TREES, PLAY STRUCTURE, ETC.)



Town of Bienfait and/or the Bienfait Fire Department assumes no responsibility for any burning or consequence of burning. The owner is responsible for any or all damages as a result of burning. The owner may be required to extinguish the fire at any time if it causes unreasonable interference with the use and enjoyment of other person's property.

APPLICANT'S SIGNATURE: _____

TOWN AUTHORIZATION: _____ DATE: _____