

BYLAW NO. 2 - 2013

A BYLAW OF THE TOWN OF CABRI IN THE PROVINCE OF SASKATCHEWAN BEING A BYLAW RESPECTING FIRE PREVENTION

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

1. This bylaw shall be referred to as the “**Fire Bylaw**”.

2. DEFINITIONS

In this bylaw:

- a) “Act” means *The Fire Prevention Act, 1992* and the National Fire Code;
- b) “Authority having jurisdiction” referred to throughout the National Fire Code of Canada and throughout this bylaw, means the Chief of the Cabri Fire Department and shall include any other person or persons authorized to act on his/her behalf.
- c) “Council” shall mean the elected governing council of the Town of Cabri;
- d) “Fire Chief” means the Fire Chief of the Town of Cabri Fire Department appointed by resolution of Council and in his/her absence the Deputy Fire Chief or such other person who may be appointed to carry out the provisions of this bylaw.
- e) “Permit” for display of fireworks means the written authority of the Fire Chief issued pursuant to this bylaw.
- f) “Person” means and includes a natural person, the owner, occupant or lessee of a building, property and a corporation and the heirs, executors, administrators or other legal representatives of a person.
- g) Any words used in this Bylaw not defined in this section shall be interpreted under the provisions of Section 1.2 of *The National Fire Code* and/or Section 2 of *The Fire Prevention Act, 1992* and/or the *National Building Code*.
- h) If any section, subsection, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by any court of competent jurisdiction that portion shall be deemed a separate, distinct and independent provision and the holding of the court shall not affect the validity of the remaining portion of the Bylaw.

3. APPOINTMENT OF FIRE CHIEF

The Fire Chief is hereby appointed as the local assistant to the Fire Commissioner.

4. PERSONS PRESENT AT A FIRE OR OTHER EMERGENCY

- a. 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.
- b. 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.

5. OBSTRUCTING A FIRE HYDRANT

- a. No person shall, by means of a hedge, shrub or tree, fence, wall or other structure, hinder, prevent or obstruct access by the Emergency Services to any fire hydrant located on a street or public place.

6. BURNING PROHIBITED

No person shall be permitted to burn household garbage, dead leaves or any other waste materials within the Town of Cabri boundaries.

7. NOTICE OF VIOLATION OFFENCES

- (1) Every person commits an offence who:
 - (a) blocks an exit or access to an exit in any building;
 - (b) fails to maintain a fire exit door or fire exit hardware on a fire exit door in any building in operating condition;
 - (c) fails to maintain portable fire extinguishers in any building in conformance with *The National Fire Code*;
 - (d) fails to maintain a commercial cooking equipment exhaust and fire protection system including duct work, an automatic sprinkler system or a fire alarm system in conformance with *The National Fire Code*;
 - (e) permits combustible materials to accumulate in or around any building in quantities or locations that will constitute an undue fire hazard;
 - (f) fails to store flammable and combustible liquids or compressed gases in any building, structure or open space in conformance with *The National Fire Code*;
 - (g) blocks or wedges open a closure in a fire separation in any building;

- (2) When a contravention of Subsection (1) occurs, the person responsible for the contravention 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 \$500 and not more than \$10,000 in the case of an individual or \$25,000 in the case of a corporation.

- (3) Except as provided in Subsection (4), the following procedure shall apply to offences committed under this Section:
 - (a) the Fire Chief, a municipal inspector or any member of the Department may issue a notice of bylaw violation to any person committing a first or second offence under Subsection (1). The notice shall require the person to pay to the City the amount specified in clause (2)(a) or (b);
 - (b) the fine may be paid:
 - (i) in person, during regular office hours, to the cashier located at the Town Office, Cabri, Saskatchewan,
 - (ii) by mail addressed to the Town of Cabri, Box 200, Cabri, Saskatchewan, S0N 0J0;
 - (c) if payment of the fine as provided in clause (2)(a) or (b) is made prior to the date when the person contravening the Bylaw is required to appear in court to answer a charge, the person shall not be liable to prosecution for that offence;
 - (d) the amount of the fine under clause (2)(a) shall be discounted to the sum of \$200 for a first offence if paid within 14 calendar days of the date of the notice of bylaw violation. The date of payment shall be determined as follows:
 - (i) for payment in person, the date of payment shall be the date payment is received by the Town;
 - (ii) for payment by mail, the date of payment shall be the post marked date on the remittance. Upon payment, the person contravening the Bylaw shall not be liable to prosecution for that offence.

(4) The provisions of Subsection (3) shall not apply in the case of a third or subsequent offence.

8. GENERAL PENALTY

(1) 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 provision of this Bylaw.

(2) Except where a penalty is specifically provided for in this Bylaw, every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:

- (a) in the case of an individual, to a fine of not more than \$10,000 and, in the case of a continuing offence, to a further fine of not more than \$2,500 for each day during which the offence continues; and
- (b) in the case of a corporation, to a fine of not more than \$25,000 and, in the case of a continuing offence, to a further fine of not more than \$2,500 for each day during which the offence continues.

(3) A conviction for an offence for failing to comply with an order does not relieve the person convicted from complying with the order and the convicting judge or justice of the peace may, in addition to any fine imposed, order the person to do any act or work, within a specified time, to comply with the order with respect to which the person was convicted.

(4) The Court may, in default of payment of a fine imposed under this Bylaw, order imprisonment of an individual for a term not exceeding one year.

9. COST OF ORDERS APPLIED TO TAXES

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 Town of Cabri, and the Town of Cabri 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.

10. FEES FOR SERVICE

The Town of Cabri is authorized to charge applicable fees for various services, tests and emergency responses performed or undertaken by the Cabri Fire Department or another company or municipality engaged to perform or undertake such services or tests. These fees shall be established by resolution of Council.

11. IMMUNITY FROM LIABILITY

This Bylaw or the Code shall not be construed to hold the Town of Cabri or its employees responsible for any damage to persons or property by reasons of:

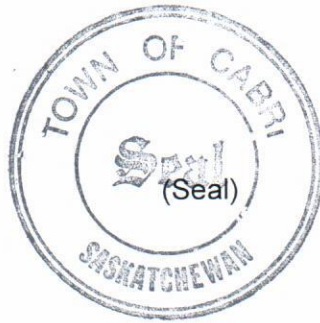
- i. Inspections authorized by this Bylaw or the Code;
- ii. Failure to carry out an inspection;
- iii. The permit issued as herein provided for;
- iv. The approval or disapproval of any equipment authorized herein.

12. REPEAL OF BYLAW

Bylaw No. 12-93 and any amendments thereto are hereby repealed.

13. COMING INTO FORCE

This bylaw shall come into force and effect on the day that it is approved by the Council of the Town of Cabri.





MAYOR



CHIEF ADMINISTRATIVE OFFICER

INTRODUCED AND READ a first time this 11th day of March, 2013.

READ a second time this 11th day of March, 2013.

READ a third time and finally passed this 11th day of March, 2013.