

CITY OF YORKTON BYLAW NO. 15/2010

**A BYLAW OF THE CITY OF YORKTON IN THE
PROVINCE OF SASKATCHEWAN PROVIDING
FOR THE PREVENTION AND EXTINGUISHMENT
OF FIRES AND FOR THE PRESERVATION OF LIFE
AND PROPERTY FROM DESTRUCTION BY FIRE**

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**CITY OF YORKTON
SASKATCHEWAN**

BYLAW NO. 15/2010

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PROVIDING FOR THE PREVENTION AND EXTINGUISHMENT OF FIRES AND FOR
THE PRESERVATION OF LIFE AND PROPERTY FROM DESTRUCTION BY FIRE**

WHEREAS, Part II 8(1) of *The Cities Act*, makes provision for the passing of a bylaw to provide for the prevention and extinguishment of fires;

NOW THEREFORE, the Council of the City of Yorkton in Council assembled enacts as follows:

1. This bylaw shall be known and may be cited as the City of Yorkton Fire Prevention Bylaw.
2. DEFINITIONS

For the purposes of this Bylaw, the expressions:

- (a) "Authority Having Jurisdiction" means the Fire Chief of the Fire Department of the City of Yorkton and any person authorized by the Fire Chief under *The Fire Prevention Act* or any succession to that act as a Fire Inspector;
- (b) "City" means the City of Yorkton;
- (b)-1 "Converted Dwelling" means a single family dwelling that is converted to accommodate multiple families or renters and also refers to a single family dwelling that is being rented as a whole home and no longer occupied by the owner;
- (c) "Council" means the Council of the City of Yorkton;
- (c)-1 "Encampment" means any group of two or more temporary structures or tents in a 100m area;
- (d) "Enforcing Authority" means the Fire Chief of the Fire Department of the City of Yorkton and any person authorized by the Fire Chief under *The Fire Prevention Act* to act as a Fire Inspector;
- (e) "Fire Inspector" means a person who is employed by the City and authorized by the Fire Chief under *The Fire Prevention Act* or any succession to that act to act as a Fire Inspector;
- (f) "National Fire Code" means the *National Fire Code of Canada*, ~~2015~~2005 also referred to as NRCC. No. 47667 adopted pursuant to Section 3;

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- (g) "Fire Official" means the Fire Chief of the City of Yorkton Fire Department appointed by the Council of the City of Yorkton or such other person designated by the Fire Chief to carry out the provisions of this bylaw;
- (h) "Life Safety Systems" means the systems installed in buildings to protect people and buildings from fires. This includes, but not limited to, sprinkler systems, fire alarms, etc.
- (i) "Rental Housing Unit" means a building or part of a building with residential dwelling units used or intended to be used as rented residential premises, ~~with two or more units~~, but shall not include:
- (i) Apartment buildings, meaning a building or existing non-residential building that is divided with fire separation horizontally and/or vertically into residential dwelling units but does not include a converted dwelling;
 - (ii) A dwelling where the principal owner resides with immediate family members occupying the other unit or units;
 - (iii) A motel, hotel or inn;
 - (iv) Any personal care home, assisted living facility or other similar care facilities;
- (j) "Supplemental Heat" means a temporary heat source provided, other than the buildings primary heating system or source.
- (k) "Temporary Shelter" means a shelter or temporary structure made of any material that is designed to provide cover for a short time and is capable of being dismantled and moved; and further, is not permanent or permitted through the City of Yorkton Building Services Division;
- (l) "Tent" means a portable shelter made of fabric, supported by one or more poles and stretched by ropes or cords fixed to the ground.

3. ADOPTION OF THE NATIONAL FIRE CODE OF CANADA

It is hereby declared that the *National Fire Code of Canada* ~~2015~~~~2005~~; issued by the Canadian Commission on Building and Fire Codes National Research Council of Canada, Ottawa, (N.R.C.C. No. 30621), as amended from time to time or any subsequent National Fire Code of Canada which may be enacted is hereby adopted.

4. NOTIFYING THE FIRE DEPARTMENT

Whenever an unwanted fire occurs in any building or on any premises of any kind, the owner, occupant or any person in control of such building or premises, upon discovery of an unwanted fire, even though it has been apparently extinguished, shall immediately cause the existence of such fire, circumstances of same, and location thereof be given to the Fire Department. This requirement shall not be construed to forbid the owner, manager or other person in control of the building or premises from using all diligence necessary to extinguish such fire prior to the arrival of the Fire Department.

5. REPORTING HAZARDOUS CONDITIONS

Any person, upon discovering evidence of spontaneous heating or other abnormal heating of any merchandise, commodity, cargo, shipment or other material of any kind in any building, appliance, apparatus, tank or open stack or pile or any person, upon discovering or being apprised of an uncontrollable hazardous gas leak or hazardous spill, shall immediately notify the Fire Department.

6. AUTHORITY TO COMBAT FIRES AND REGULATE EMERGENCIES

- (a) The Fire Chief shall have authority to pull down or demolish buildings or other erections when considered necessary to prevent the spread of fire and providing compensation for loss or damage sustained by reason of the pulling down or demolishing in any amount equal to the amount of insurance to which the owner would have been entitled had the building been burned.
- (b) The Fire Official conducting operations in connection with the extinguishment and control of any fire, explosion or other emergency shall have full power and authority to direct all operations of fire extinguishment or control and to take the necessary precautions to save life, protect property, and operations, including the investigation of the cause and origin of such emergency.
- (c) The Fire Official may control or prohibit the approach to the scene of such emergency, by any vehicle or thing and all persons.
- (d) No person except a person authorized by the Fire Official in charge of any emergency scene shall remove, unlock, destroy, or tamper with or otherwise molest in any manner any locked gate, door, barricade, chain, enclosure, sign, tag, or seal that has been lawfully installed by the Fire Department or by its order or under its control.

7. INSTALLATION OF STORAGE TANKS

- (a) Any person installing or causing the installation of an underground or above ground storage tank designed or intended for the storage of flammable or combustible liquids, or modifying or causing the modification of such tank already installed, shall notify, in writing, the Fire Chief of the Fire Department of the City of Yorkton before proceeding with the installation.
- (b) The notice required in subsection (7)(a) shall include:
 - (i) the location and address of the place intended or used for the installation of the container;
 - (ii) a description in writing or by drawing, or both, of the work proposed to be carried out;
 - (iii) the name of the person or company proposed to carry out the installation or modification; and
 - (iv) the name of the person or company responsible for the container.

8. ROOFING KETTLES

This section shall apply to portable equipment, either with or without wheels, used for heating tar, pitch asphalt, or other such similar substances for application on roofs, streets, floors, pipes or other objects. The following are minimum requirements:

- (a) Lids that can be gravity operated shall be provided on all roofing kettles.
- (b) Fuel containers, burners and related appurtenances of roofing kettles in which liquefied petroleum gas is used for heating shall comply with all requirements of N.F.P.A. 58, "Standard for the Storage and Handling of Liquefied Petroleum Gas".
- (c) Open flame in a roofing kettle while in transit is prohibited.
- (d) There shall be at least one 40:BC rated portable fire extinguisher within a 9.14m horizontal travel distance of every roofing kettle at all times while the same is in operation.
- (e) All improved streets shall be protected from burning by use of sand or other noncombustible materials under roofing kettles.

9. OPEN-AIR FIRES

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

- (a) Fires must be contained in a non-combustible receptacle constructed of cement, brick or sheet metal with a minimum 18-gauge thickness.
- (b) Any Receptacle constructed of brick, or cement must be constructed so as not to allow embers to pass between bricks or mortar.
- (c) Any receptacle constructed of sheet metal must be free from signs of decay.
- (d) Grass and vegetation must be kept free from over growth minimum 48" (1220mm) from receptacle in all directions.
- (e) A receptacle may not be placed within 118" (3000mm) of any combustible construction, including but not limited to decks, garages, fences, or residential homes (regardless of the outside finish), unless a greater clearance is required by the manufacturer of the appliance, in such case the greater clearance will be observed.
- (f) A receptacle placed on a combustible surface will have non-combustible protection beneath the receptacle extending no less than 18" (46mm) beyond the receptacle.
- (g) In the case of certified appliances, the manufacturer's specifications will be followed. If the manufacturer does not list these clearances, see 9.1(e) of this document.
- (h) Fuel as defined in Section 9.2.2 of this document shall be kept a minimum 72" (1830mm) from receptacle.

- (i) A receptacle must be covered with a heavy gauge metal screen with openings not exceeding 13 millimeters; and
- (j) the size of the fire box of any receptacle shall not exceed .61 cubic meters (21.54 cubic ft).
- (k) Care should be exercised not to have smoke entering soffits or open windows, as this could create unsafe levels of carbon monoxide in living spaces.

9.2.1 The fuel for open-air fires may consist only of charcoal or cut, seasoned wood.

9.2.2 The burning of the following material is prohibited:

- (i) rubbish;
- (ii) garden & lawn refuse;
- (iii) manure;
- (iv) livestock or animal carcasses;
- (v) any material classified as a dangerous good by the *National Fire Code as adopted in section 3* of this document; and any material which when burned will generate black smoke or an offensive odor including insulation from electrical coring or equipment, asphalt roofing materials, hydrocarbons, plastics, rubber materials, creosoted wood, treated wood or any similar material.
- (vi) Open-air fires must be supervised so as to prevent their spread.
- (vii) Open-air fires must not be set in windy conditions conducive to creating a running fire or a nuisance to another person.
- (viii) 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.

9.3 The Fire Chief or discretionary designate assigned by them, may at any time revoke or limit the ability to burn open air fires within the City of Yorkton for reasons of public safety, weather conditions or past non-compliance with this Bylaw.

9.4 An outdoor burning permit is required for each calendar year, and shall be obtained from the Yorkton Fire protective Services. **Burn permit must be purchased or letter of approval provided by property owner.**

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~~9.3 — Everyone who commits an offence under this section is guilty of a summary offence and liable to a fine of \$300.00.~~

10. LEAKING FLAMMABLE LIQUID TANKS OR PIPING

Whenever flammable liquids or vapors are suspected to emanate from underground or above-ground tanks or piping and in the opinion of the Fire Chief could create a hazardous condition, he may order the owner, tenant, occupant or agent responsible to drill test holes, to test 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 hazardous conditions.

11. HAZARDOUS, FLAMMABLE OR CHEMICAL DISCHARGES

No person, industry, 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 either by itself or in combination with any other liquid or solid. An Enforcing Authority 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.

12. INSPECTION, TESTING AND MAINTENANCE OF PORTABLE FIRE EXTINGUISHERS

- (a) In accordance with Article 6.2.4.1 of *The National Fire Code as adopted in Section 3*, all portable fire extinguishers shall be inspected, tested and maintained in conformance with NFPA 10, “Portable Fire Extinguishers”.
- (b) Inspection, testing and maintenance of portable fire extinguishers shall be performed by properly trained and qualified persons.
- (c) Any person who intends to inspect, test or maintain portable fire extinguishers shall submit proof of proper training to the Department before carrying out any inspections, testing or maintenance.
- (d) Upon proof of proper training, the Department shall issue to the person a permit to inspect, test and maintain portable fire extinguishers in the City, which permit shall be valid for the term specified on the permit.
- (e) No person shall inspect, test or maintain portable fire extinguishers without a valid permit from the Department.
- (f) In addition to the permit under subsection (12)(d), the City shall issue to the person an identification number. Any label affixed to an extinguisher after a hydrostatic pressure test or any tag attached to an extinguisher after maintenance or recharge shall, in addition to the information required by Articles of *The National Fire Code as adopted in Section 3*, contain the identification number of the person who performed the test or maintenance on the extinguisher.

13. INSPECTION AND MAINTENANCE OF COMMERCIAL COOKING EQUIPMENT

- (a) In accordance with sentence 2.6.1.9(2) of *The National Fire Code as adopted in Section 3*, the inspection and maintenance of commercial cooking equipment exhaust and fire protection systems shall be in conformance with NFPA 96, “Ventilation Control and Fire Protection of Commercial Cooking Equipment”.
- (b) Inspection and maintenance of commercial cooking equipment exhaust and fire protection systems shall be performed by properly trained and qualified persons.
- (c) Any person who intends to inspect or maintain commercial cooking equipment exhaust and fire protection systems shall submit proof of proper training to the Department before carrying out any inspections or maintenance.

- (d) Upon proof of proper training, the Department shall issue to the person a permit to inspect and maintain commercial cooking equipment exhaust and fire protection systems in the City, which permit shall be valid for the term specified on the permit.
- (e) No person shall inspect or maintain commercial cooking equipment exhaust and fire protection systems without a valid permit from the Department.
- (f) In addition to the permit under subsection (13)(d), the City shall issue to the person an identification number. Any label or tag affixed to a commercial cooking equipment exhaust and fire protection system after inspection or maintenance shall, in addition to the information required by *The National Fire Code as adopted in Section 3*, contain the identification number of the person who performed the inspection or maintenance of the system.

14. INSPECTION AND MAINTENANCE OF SPRINKLER AND STANDPIPE SYSTEMS

- (a) Inspection and maintenance of sprinkler and standpipe systems shall be performed by properly trained and qualified persons.
- (b) Any person who intends to inspect or maintain sprinkler and standpipe systems shall submit proof to the Department that the person holds a journeyperson's certificate in the sprinkler systems installer trade or that the person is a fourth year apprentice in the sprinkler systems installer trade.
- (c) Upon proof of the matters referred to in subsection (14)(b), the Department shall issue to the person a permit to inspect and maintain sprinkler and standpipe systems in the City, which permit shall be valid for the term specified on the permit.
- (d) No person shall inspect or maintain sprinkler and standpipe systems without a valid permit from the Department.
- (e) In addition to the permit under subsection (14)(c), the Department shall issue to the person an identification number. Any label or tag affixed to a sprinkler or standpipe system shall, in addition to the information required by *The National Fire Code as adopted in Section 3*, contain the identification number of the person who performed the inspection or maintenance on the sprinkler or standpipe system.

15. RENTAL HOUSING LICENCES AND INSPECTIONS

- (a) No person shall own or operate rental housing units without obtaining a Rental Housing Licence from Fire Protective Services.
- (b) No person shall provide false or misleading information to the City or Fire Official at any time, including when applying for a Rental Housing Licence or renewing the Rental Housing Licence.
- (c) A Rental Housing Licence is valid for a duration of four years, with its expiration on December 31st of the fourth year.
- (d) An inspection must be arranged with Fire Protective Services to inspect the premises. A minimum of two weeks' notice must be provided to arrange an inspection.

- (e) No person shall fail to comply with an Order to remedy deficiencies identified through a rental housing inspection.
- (f) Licence fees are non-refundable and licences are not transferrable.
- (g) A Fire Official may refuse to issue a licence or revoke a licence if it is determined that deficiencies need to be remedied.

16. LIFE SAFETY SYSTEMS OUT OF SERVICE

- (a) No person who owns or operates a property shall fail to notify Fire Protective Services when life safety systems are out of service, where life safety systems are installed. This does not include periods where testing or maintenance are done by a qualified technician.
- (b) Every property owner or operator shall obtain a permit from Fire Protective Services for the period that life safety systems are out of service.

17. SUPPLEMENTAL HEAT

- (a) No person who owns or operates a rental property shall fail to notify Fire Protective Services when supplemental heat is being used in a building.
- (b) Every property owner or operator shall obtain a permit from Fire Protective Services for the period that the supplemental heat is being used.

~~18.~~ 18. INSPECTION, TESTING AND MAINTENANCE OF FIRE ALARM SYSTEMS

- (a) In accordance with article 6.3.1.2 of *The National Fire Code as adopted in Section 3*, the inspection, testing and maintenance of fire alarm systems shall be in conformance with CAN/ULC-S536-M, "Inspection and Testing of Fire Alarm Systems".
- (b) Inspection, testing and maintenance of fire alarm systems shall be performed by properly trained and qualified persons.
- (c) No person shall inspect, test or maintain a fire alarm system without first obtaining a valid permit issued by the Department.
- (d) Any person who wishes to obtain a permit to inspect, test or maintain fire alarm systems shall submit proof satisfactory to the Department that the person:
 - (i) is, or the person's employer is, a member in good standing of the Canadian Fire Alarm Association or the National Fire Protection Association; and,
 - (ii) has at least one of the following qualifications:
 - (i) a certificate from a recognized alarm manufacturer that the person is a factory trained installer and serviceperson; or
 - (ii) a certificate that the person has successfully completed the Canadian Fire Alarm Association "Fire Alarm Technology" program, and has worked as an apprentice to a person who holds a permit under this section for a period of not less than one year; or

- (iii) a certificate that the person has successfully completed the journeyman electrician trade's upgrading course entitled "Fire Alarm and Protection Systems".
- (g) For purposes of this section "Addressable Fire Alarm System" means a fire alarm system that consists of initiating devices and central appliances and that is capable of individually identifying and controlling discrete components and functions of the system.
 - (i) Only authorized factory trained personnel may service addressable fire alarm systems.
 - (ii) Any person who wishes to obtain a permit to test, inspect or maintain addressable fire alarm systems shall submit proof satisfactory to the Department that the person:
 - a. is, or the person's employer is, member in good standing of the Canadian Fire Alarm Association or the National Fire Protection Association; and
 - b. possesses appropriate factory training in servicing addressable fire alarm systems.
- (h) Upon proof of the matters referred to in subsections (~~4518~~)(d) and (~~4518~~)(g)(ii), the Department shall issue to the person the appropriate permit to inspect, test and maintain fire alarm systems in the City, which permit shall be valid for the period specified on the permit.
- (i) The Department may, at its discretion, cancel, revoke or suspend the permit of any person who in the opinion of the Department has contravened any of the provisions of this bylaw.
- (j) In addition to the permit under subsections (~~4518~~)(d) and (~~4518~~)(g)(ii), the Department shall issue to the person an identification number. Any label or tag affixed to a fire alarm system shall, in addition to the information required by *The National Fire Code as adopted in Section 3*, contain the identification number of the person who performed the inspection, test or maintenance on the fire alarm system.

~~4619~~. CORRECTION OF IMMEDIATE HAZARDS

- (a) Whenever the Enforcing Authority finds in a church, school, rink, apartment block, hotel, motel, restaurant, night club, bingo parlor or other building used by the public as a resort or place of public amusement, 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, 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 doors can be readily opened from the interior.
- (b) Whenever a Fire Official finds combustible or explosive material, flammable liquids or hazardous chemicals being used, stored or kept in such a manner as to constitute a threat to persons or property, he may, verbally or in writing, order the owner, tenant occupant or agent responsible to remove the combustible or flammable liquid, or explosive material or hazardous chemical immediately from the building or premises.

- (c) Whenever a Fire Official finds a building, structure or premises or part of a building, structure or premises which is unoccupied and which, in his opinion, is not being kept in a safe condition to guard against fire or the risk of fire or other dangerous risk or accident, he may order the owner, tenant, occupant or agent responsible to remedy the dangerous condition and to secure the building, structure or premises or part of the building, structure or premises in such a manner as to prevent any unauthorized entry of the building, structure or premises or part of a building, structure or premises by any person while it is unoccupied.
- (d) In the event of an immediate hazard if the owner, tenant, occupant or agent responsible refuses and/or neglects to comply with the order of a Fire Official to remedy the hazardous condition or if the owner, tenant, occupant or agent responsible for the building cannot be located, a Fire Official may take such action as is appropriate, without notice and at the expense of the owner, tenant, occupant or agent responsible for the building.
- (e) Without limiting the generality of the foregoing, when measures must be taken to avoid an imminent danger of fire or risk of accident, a Fire Official may cause the evacuation of any building or area, and he may order that the building remain evacuated until the hazard is removed, and may call upon the Police and the Fire Prevention authorities to assist him in this regard.

20. UNSAFE OUTDOOR LIVING

- (1) No person may erect an encampment, temporary shelter or tent on City owned or public property:
 - (a) On or within 100 meters of a school or daycare centre;
 - (b) On or within 100 meters of a playground, pool, or spray park;
 - (c) On or within 100 meters of an occupied residential or commercial property;
 - (d) On or within five meters of any street, sidewalk, boulevard, or pathway;
 - (e) On or within 50 meters of any sports field as designated by the Recreation and Community Services Department;
 - (f) Within any fenced-in off-leash dog park;
 - (g) On any cemetery, including its roads or lanes within the cemetery;
 - (h) On or within any entrance, exit or doorway to a building or structure, and including, without limiting the generality of the foregoing, an area adjacent to such entrances or exits required in the event of a fire or emergency;
 - (i) Against, under, or be attached or tied to any building or permanent structure.
- (2)
 - (a) No more than five tents or temporary shelters are permitted to be in a 100 square meter area.
 - (b) No tent or temporary shelter may be within four meters of an entrance or exit of another tent or temporary shelter.
- (3) Notwithstanding Subsections 20(1) and 20(2), at the discretion of a Fire Official or Community Safety Officer, the following fire safety or life safety conditions may cause an encampment, temporary shelter or tent to be deemed unsafe outdoor living:

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- (a) Combustible nature of materials used;
 - (b) Open fires;
 - (c) Proximity of structures/shelters to each other and to other combustible structures;
 - (d) Improvised heating sources being used including candles, fires, and propane heat in close proximity/within the entrance of the shelter;
 - (e) Heaters not used for intended design;
 - (f) Accumulation of material and debris that could impede the egress of residents from their shelter/structure and promote the spread of fire to another shelter in the event of an emergency.
- (4) If an encampment, temporary shelter or tent is deemed unsafe outdoor living, a Fire Official may order the encampment, temporary shelter or tent to be removed or the unsafe conditions to be remedied.
- (5) Notwithstanding Section 20(3) and 20(4), where there is no shelter accommodations available in the City, a houseless person may, without permission from the City, take up temporary shelter, tent or encampment on City owned property provided the person removes the temporary shelter, tent or encampment during the daytime and abides by other provisions of this Bylaw.

1821. FEES FOR SERVICE

The Yorkton Fire Department is authorized to charge the applicable fees for the various services, tests and emergency responses as listed in Schedule "A" attached to and forming part of this bylaw.

1822. OFFENCES AND PENALTIES

- (1) No person shall:
- (a) tamper with fire exit doors, portable or fixed extinguishing systems, automatic sprinkler systems, manual or automatic fire alarms or any other fire safeguards installed in a building or premises; or
 - (b) without reasonable cause, make or cause to be made a false alarm of fire or other dangerous risk.
- (2) Everyone commits an offence who:
- (a) blocks an exit or access to an exit in any building;
 - (b) neglects to maintain in operating condition a fire exit door or fire exit hardware on a fire exit door in any building;
 - (c) neglects to maintain portable fire extinguishers in any building in conformance with the *National Fire Code of Canada as adopted in section 3*;
 - (d) neglects to maintain an automatic sprinkler system, special extinguishing

system or fire alarm system in any building so required in conformance with the *National Fire Code of Canada as adopted in section 3*;

- (e) permits combustible waste materials to accumulate in or around any building in quantities or locations that will constitute an undue fire hazard;
- (f) stores flammable liquid or compressed liquids in any building structure or open space except in the manner provided in the *National Fire Code of Canada as adopted in section 3*;
- (g) blocks or wedges open a door, shutter, wired glass or glass block in a fire separation in any building;
- (h) contravenes the provisions of Section 9 of this bylaw regarding the setting of open-air fires;
- (i) drives any vehicle over any hose while in use or about to be used at any fire or which has been laid to be used at a fire or a fire practice;
- (j) hinders or obstructs any Firefighter, or other person who shall be assisting at the extinguishment of any fire or emergency, or who may be engaged in other duties connected therewith or disobey any lawful command of the Fire Official in charge of the emergency, or any part thereof, or the order of a Police Officer assisting the Fire Department;
- (k) obstructs, hinders or delays any fire apparatus while the same is proceeding to a fire or other emergency;
- (l) fails to yield the right of way, while travelling, riding, or driving on any street or place along which any fire apparatus is proceeding to a fire or other emergency;
- (m) dispenses or allows to be dispensed, a flammable or combustible liquid into the fuel tank of a motor vehicle while its engine is running;
- (n) fails to maintain a clear and unobstructed exit or means of egress as required by the National Fire Code;
- (o) ~~— fails to maintain a fire exit door or fire exit hardware as required by the National Fire Code;~~
- (p) fails to ensure exterior passageways and exterior exit stairs serving occupied buildings are maintained clear of ice and snow accumulations as required by the National Fire Code;
- (q) obscures or obstructs a fire Department connection as required by the National Fire Code;
- (r) fails to post an occupant load sign as required by the National Fire Code;

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- (s) fails to maintain a clearance of 45 cm (18 inches) between sprinkler heads and products as required by the National Fire Code;
 - (t) ~~contravenes any of the provisions relating to open air fires Fire Pits and Outdoor Fireplaces as required by this Bylaw;~~
 - (u) operates a rental housing unit without obtaining a Rental Housing Licence from Fire Protective Services;
 - (v) provides false or misleading information to the City or Fire Official at any time, including when applying for a Rental Housing Licence or renewing the Rental Housing Licence;
 - (w) fails to comply with an Order to remedy deficiencies identified through a rental housing inspection;
 - (x) fails to notify Fire Protective Services of life safety systems out of service;
 - (y) fails to notify Fire Protective Services of supplemental heat used.
- (3) Everyone who commits an offence under this section is guilty of a summary offence and liable to a fine of \$300.00.
- (4) The following procedure shall apply for offences committed under this section:
- (a) a Fire Official or any member of the Fire Department may issue a Notice of Bylaw Violation to every person committing an offence under this section of the bylaw. This notice shall require the person to pay ~~to the City Treasurer of Yorkton~~ the amount named in Section ~~18.322(3)~~;
 - (b) ~~a Community Safety Officer or Bylaw Enforcement Officer may issue a Notice of Violation to every person committing an offence under subsection 20(2)(h) of the bylaw. The notice shall require the person to pay the amount listed in Section 22(3).~~
 - (c) the fine may be paid:
 - (i) in person, during regular working hours, to the cashier located at City Hall, Yorkton, Saskatchewan;
 - (ii) by deposit at the depository located at the main entrance to City Hall, Yorkton, Saskatchewan; or
 - (iii) by mail, post marked within the prescribed 14 day period, to ~~the office of the City Treasurer, City of Yorkton~~ City Hall, Box 400, Yorkton, Saskatchewan, S3N 2W3.
 - (d) if payment of the fine as provided in this section is made prior to the date when the person contravening the bylaw is required to appear in court to answer the charge, the person shall not be liable for prosecution of that offence.

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~~19~~23. Every person who contravenes any provision of this Bylaw for which no other penalty is specifically provided is guilty of an offence and liable on summary conviction to a fine of not more than:

- (a) \$2000.00 in the case of an individual;
- (b) \$5000.00 in the case of a corporation;

or, in default of payment by an individual, by imprisonment for a term of not more than ninety (90) days.

- (c) No person who is convicted of an offence for non-compliance with an order of a Fire Inspector is relieved from compliance with the order, and the convicting Provincial Magistrate or Justice of the Peace shall, in addition to any fine, order that person to do, within a specified period of time, any act or work necessary to remedy the non-compliance.
- (d) Any person who fails to comply with the order of a Judge made pursuant to subsection (c) is liable to a further fine of not more than \$200.00 for each day during which he fails to comply.

~~20~~24. 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 Enforcing Authority, the matter or thing may be done by the City of Yorkton at the expense of the person in default, and the City of Yorkton may recover the expenses of doing so with costs by adding the expenses to, and thereby form part of the taxes on the land on which or with respect to which the work is done.

~~21~~25. ENFORCEMENT PROCEEDING

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(1) The Fire Official or Fire Inspector shall enforce the provisions of this Bylaw, exercising all the powers and duties conferred on them by *The Fire Prevention Act*, or any successor to that Act.

(2) A Community Safety Officer shall only enforce Section 9, Section 20 and Section 22 of this Bylaw.

~~22~~26. APPEAL FROM DECISION OF THE ENFORCING AUTHORITY

Where a Fire Inspector exercises the authority conferred under the National Fire Code or this bylaw to allow or deny any action, use or thing, any person aggrieved by the decision may appeal to the Fire Commissioner of the Province of Saskatchewan as set out in Schedule "B" attached to and forming part of this bylaw.

~~23~~27. SEVERABILITY

If any section, subsection, sentence, 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 portions of the bylaw.

2428. REPEAL OF BYLAW

Bylaw No. 41/96 passed on the 21st day of October, 1996 providing for the prevention and extinguishment of fires and for the preservation of life and property from destruction by fire and all amendments thereto are hereby repealed.

2529. EFFECTIVE DATE OF BYLAW

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

MAYOR

CITY CLERK

Introduced and read a first time this 31st day of May, A.D., 2010.

Read a second time this 31st day of May, A.D., 2010.

Read a third time and adopted this 14th day of June, A.D., 2010.

SCHEDULE "A"

Fees ~~for Service~~

1. Inspection Services

- | | | |
|-----|--|--|
| (1) | Third party requests for business premises required for a Provincial or Federal grant or license | \$50.00 \$125.00/hour |
| (2) | File Search | \$50.00 |
| (3) | Requested site inspection (other than rental housing licence inspection) | \$50.00 /hour \$125.00/hour |
| (4) | Underground tank Removal or Installation Inspection | \$50.00 /hour \$125.00/hour |
| (5) | Rental Housing Inspection | |
| | a. Rental Housing License | \$No Charge (N/C) |
| | b. 1 st Deficiencies Follow up Inspection | \$50.00 |
| | c. Subsequent follow up inspections for non-compliance | \$100.00/inspection |

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2. Hydrant Flow Test

~~\$100.00~~ \$325.00/Hydrant

3. Emergency Response Charges

- | | | |
|-----|-----------------------------------|---|
| (1) | Dangerous Goods Response | |
| | (a) Rail Carrier | \$500.00 \$1,200.00/hour |
| | (b) Highway Carriers | |
| | (i) Out of City Response | \$500.00 \$1,200.00 per unit plus clean-up plus staffing costs plus disposables |
| | (ii) In City Non Resident Carrier | \$450.00 \$1,200.00 per unit plus clean-up plus staffing costs plus disposables |
| (2) | Fire Suppression | |
| | (a) Apparatus | \$1,000.00/hour per unit |
| | (b) Consumables | |
| | (i) Fire Hose | \$250.00/50' length |
| | (ii) Foam | \$350.00/20 litres used |
| | (iii) Tools | at replacement cost |
| (3) | Investigation | |
| | (a) Scene Security | \$75.00/hour per member |
| | (b) Materials | at cost |

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4. Rescue Response

- | | | |
|-----|-----------------------------|----------|
| (1) | Highway Rescue/Jaws of Life | SGI Rate |
| (2) | Out of City Rescue/Standby | SGI Rate |

4. Motor Vehicle Accident

- | | | |
|-----|--------------|--------------------|
| (3) | Non-Resident | Per SGI Fixed Rate |
| (4) | Resident | Per SGI Fixed Rate |

5. Permit Fees (Non-Refundable) \$20.00

- | | | |
|-----|---|-----------------------------|
| (1) | Open Air Burn Permit | \$20.00 annually |
| (2) | Rental Housing Licence | \$100.00/bedroom |
| | Rental Housing License | \$No Charge (N/C) |
| | (i) Rental Housing License provided with inspection | |
| (3) | Life Safety Systems Out of Service | No charge |
| (4) | Supplemental Heat | No charge |

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SCHEDULE "B"

APPEAL PROCEDURE

1. APPEALS

- (1) A person who is aggrieved by an order made by the Fire Official or Fire Inspector may, within 20 days of being served with an order, appeal the order to the Fire Commissioner of the Province of Saskatchewan.
- (2) An appeal pursuant to this section shall be made by filing a written notice of appeal setting out the reasons for the appeal on the Fire Commissioner and serving a copy of the appeal on the Fire Official or Inspector.
- (3) The Fire Commissioner shall consider the appeal and may confirm, modify or revoke the order appealed from or substitute his or her own order for the order being appealed from.
- (4) The Fire Commissioner shall cause a copy of his decision to be served on:
 - (a) the appellant;
 - (b) the Fire Official or Inspector; and
 - (c) any other persons whom the Fire Commissioner considers may be interested in the decision.
- (5) An appeal taken pursuant to this section does not operate as a stay of the decision appealed from unless the Fire Commissioner, on an application by the appellant, decides otherwise.