

CITY OF YORKTON BYLAW NO. 1389

Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available from the Office of the City Clerk and must be consulted for purposes of interpretation and application of the law.

CITY OF YORKTON

BYLAW NO. 1389

**A BYLAW to enforce the proper cleaning of chimneys and regulating the inspection thereof
and licensing of chimney sweeps.**

The Municipal Council of the City of Yorkton in council assembled, enacts as follows:

1. The Chief of the Fire Department of the City of Yorkton shall be the Chimney Inspector for the City of Yorkton.
2. (a) It shall be the duty of the said Chimney Inspector, in addition to any other duties devolving on him by Law to examine all chimneys within the limits of the City of Yorkton, which he has reason to believe are defective or have not been properly cleaned and he may for that purpose, at all reasonable hours, enter in a quiet and peaceful manner any house, shop or other building and if upon such examination he finds that any chimney is defective or requires cleaning he shall notify the occupant or owner of such house, shop or other building to have such chimney cleaned or repaired within ten days from the giving of such notice and any person who does not, within such ten days cause such chimney to be properly repaired or cleaned shall be guilty of a breach of this Bylaw.
 - (b) In addition to any other penalty for such breach of this Bylaw such owner or occupant shall be liable to have such chimney cleaned or repaired by the authorization of the Chimney Inspector at the expense of such owner or occupant and the City of Yorkton may recover such expense with costs by action or in like manner as Municipal taxes.
3. (a) CHIMNEY SWEEP No person shall carry on the trade or occupation of Chimney Sweep in the City of Yorkton until he shall obtain a license therefor and every person so licensed shall be subject to the provisions of this Bylaw. The Chimney Inspector on being satisfied that the application is in proper form shall cause the necessary inquiries to be made and if satisfied that the applicant is a suitable person and upon payment of the license fee of Fifteen Dollars (\$15.00) per

annum, shall recommend the issue of the said license; if the Chimney Inspector is not satisfied he shall report thereof with his recommendation to the Council for its consideration and decision.

Provided that the definition of Chimney Sweep shall include any duly qualified plumber carrying on business in the City of Yorkton.

(b) All licenses to Chimney Sweeps shall expire on the 31st of December next following the issue of the said license.

4. (a) Every occupant of a building or premises shall cause chimney, smoke pipe and flue in such building or premises to be properly cleaned of all ashes, soot and other combustible material and shall procure a certificate as hereinafter provided. Provided however, that no person shall be convicted for a contravention of this subsection who holds a certificate showing that such chimney, smoke pipe or flue has been properly cleaned within one year immediately preceding the laying of an information against such person for a contravention of this subsection.

(b) Every occupant of a building or premises shall notwithstanding the provisions of subsection (a) hereof cause every chimney, smoke pipe and flue to be cleaned at such other time or times as the Chimney Inspector may order, and shall in such case obtain a certificate as hereinafter provided.

5. No person shall, unless he or she receives a permit from the Chimney Inspector so to do, clean any chimney, smoke pipe or flue by burning out said chimney, smoke pipe or flue by fire.

6. The fact that any chimney, smoke pipe or flue in any building or premises catches fire or becomes on fire, unless the occupant or owner produces a certificate as hereinbefore provided, be received as evidence in all courts as conclusive proof that the occupant of the said building or premises has made a breach of section 4 of this Bylaw.

7. Any Chimney Sweep upon discovering a defective chimney shall at once report the same to the Chimney Inspector and to the occupant or owner of the premises and failure to do so by such chimney sweep shall constitute a breach of this Bylaw.

8. (a) Every Chimney sweep shall, immediately after having cleaned a chimney or chimneys in any building or premises, give to the occupant or owner thereof a certificate that the chimney or chimneys of such building have been cleaned on the date thereof.

(b) Such certificate shall be issued in triplicate of which one copy shall be given the owner or occupant, one copy shall be filed with the Chimney Inspector and one copy retained by the Chimney Sweep.

(c) The forms for such certificate shall be furnished to the Chimney Sweep by the Chimney Inspector.

(d) Such certificate when issued shall protect the holder thereof from a prosecution for failure to comply with subsection (a) of Section 4 for a period of one year immediately following the date of cleaning as set forth in the said certificate, provided however, that in case the Chimney Inspector shall be order require an occupant to clean a chimney as provided for in subsection (b) of Section 4, then the holding of such certificate by the occupant shall not protect the holder of such certificate from prosecution for failure to comply with subsection (a) of Section 4 until such time as the occupant shall have complied with the order of the Chimney Inspector and shall have obtained a further certificate covering the said cleaning as so ordered by the Chimney Inspector.

9. Every occupant of a building or premises shall forthwith after cleaning or causing to be cleaned by a person other than a licensed chimney sweep, any chimney, smoke pipe or flue, notify the Chimney Inspector of such fact, whereupon the Inspector shall, within a reasonable time, inspect such chimney, smoke pipe or flue and, if he, the said Inspector is satisfied that the said chimney, smoke or flue has been properly cleaned, shall issue to such occupant, free of charge, a certificate, which certificate shall have the same force and effect as the certificate provided for in subsection (a) of Section 8 of this Bylaw. Provided however, that it shall not be obligatory for the Inspector to

inspect or to issue a certificate on any chimney, smoke pipe or flue which has been cleaned by any person other than a licensed chimney sweep unless the said cleaning shall have taken place between the 1st day of April and the 31st day of October of the calendar year in which the said cleaning was done.

10. PENALTY

Any person who violates any of the provisions of this Bylaw shall be guilty of an offence and liable, upon summary conviction to a penalty of not less than One Dollar (\$1.00) or more than Fifty Dollars (\$50.00) for every offence in addition to costs and if the conviction is for non-payment of a license fee, payable hereunder, the convicting Justice may adjudge payment thereof in addition to the penalty.

11. Bylaw 16-1933 is hereby repealed and any section of any Bylaw heretofore passed which is in conflict or inconsistent with this Bylaw is hereby repealed or made subject to the provisions hereof.

Read a first time this 15th day of December A.D., 1958.

Read a second time this 26th day of January A.D., 1959.

Read a third time and passed unanimously this 26th day of January A.D., 1959.

Mayor

City Clerk