

TOWN OF WATSON LAKE
BYLAW 018-12

A bylaw to provide for the prevention of fires, the prevention of the spread of fire, and for the preservation of life and property within the Town of Watson Lake.

WHEREAS section 265 of the Municipal Act provides that Council may pass bylaws for municipal purposes respecting the safety, health, and welfare of the people and the protection of persons and property, including fire protection, fireworks, other explosives, firearms, weapons or devices, ambulance services, emergency services and other emergencies; and

WHEREAS section 266 of the Municipal Act provides that, without restricting section 265, Council may in a bylaw:

- a) regulate, control or prohibit;
- b) provide for a system of licenses, inspections, permits, or approvals; and
- c) provide for an appeal, the body that is to decide the appeal and related matters; and

WHEREAS Section 6 of the Fire Prevention Act provides that the Chief or Acting Chief of the fire brigade of a municipality in which a fire brigade has been established is, by virtue of their office, a local assistant to the Fire Marshal and is subject to the directions of the Fire Marshal in carrying out the provisions of this Act within the boundaries of the municipality;

WHEREAS the Town of Watson Lake meets the definition of a Fire Brigade; and

WHEREAS the Town of Watson Lake deems it desirable to establish and operate a Fire Department to provide for the prevention and extinguishment of fires and for the preservation of life and property in emergency situations;

NOW THEREFORE the Council of the Town of Watson Lake, duly assembled, ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as the “**Fire Protection and Life Safety Bylaw**”.

DEFINITIONS

2. In this Bylaw:

- 1) “ADULT” means a competent person who is at least 18 years of age.
- 2) “APPROVAL” means the written approval of the Fire Chief.
- 3) “BUILDING” means a structure that is used or intended to be used for the support, enclosure and/or the shelter of persons, animals or property, except those prescribed by regulation as exempted from the *Building Code*.
- 4) “BUILDING CODE” means the National Building Code of Canada as amended from time to time.
- 5) “CAO” means the Chief Administrative Officer.
- 6) “COUNCIL” means the duly elected Council of the Town of Watson Lake.
- 7) “DANGEROUS GOODS” means any material or substance as defined by the
(1) *Transportation of Dangerous Goods Act*.
- 8) “DEBRIS” means disturbed or undisturbed vegetative matter targeted for management of disposal by open burning.
- 9) “EQUIPMENT” means any tools, contrivances, or materials use by the Fire Department at any incident or other emergency.
- 10) “EMERGENCY EQUIPMENT” means any vehicle, fire fighting apparatus, tools and equipment providing a service to the Fire Department.

- 11) "EXPLOSIVES" means any substance defined as explosive within the meaning of
 - (1) *The Explosives Act*.
- 12) "FALSE ALARM" means the activation of a Fire Alarm System resulting in the direct or indirect notification of the Fire Department to attend at a real property where the Fire Department finds no evidence or indication of any fire condition, unlawful activity, or unauthorized entry.
- 13) "FIRE ALARM SYSTEM" means a device or devices installed on real property and intended to warn of a fire condition by activating an audible alarm signal or alerting a monitoring facility but does not include a fire alarm system on real property that is intended to alert only the occupants of the dwelling unit in which it is installed.
- 14) "FIRE DEPARTMENT" means the Fire Department of the Town of Watson Lake, including all officers, employees and volunteers engaged in the Fire Department.
- 15) "FIRE CHIEF" means the person appointed by the CAO as head of the Fire Department or any other person authorized to act on behalf of the Fire Chief.
- 16) "FIRE CODE" means the National Fire Code of Canada as amended from time to time.
- 17) "FIRE PREVENTION ACT" means the current edition of the *Fire Prevention Act*
 - a) of the Yukon Territory or any successor legislation.
- 18) "FIRE PROTECTION" means all aspects of fire safety including but not limited to fire prevention, fire fighting or suppression, pre-fire or pre-emergency planning, fire investigation, public education and information, and other staff development.
- 19) "HIGHEST RANKING MEMBER" means the highest-ranking member of the Watson Lake Fire Department at the scene of an Incident.
- 20) "HIGHWAY" means a "Highway" as defined by the *Motor Vehicles Act* of Yukon Territory.
- 21) "INCIDENT" means any set of circumstances where it can be reasonably expected that there is a danger to the physical well being of persons, or damage to the property or the environment, and includes but is not limited to the following:
 - a) fire;
 - b) circumstances where fire or explosion can be expected to be imminent;
 - c) circumstances where dangerous or hazardous goods can reasonably be expected to present a danger to persons, property, or the environment; and
 - d) automobile accidents.
- 22) "MEMBER" means any person who is duly appointed as a member of the Fire Department.
- 23) "OCCUPANCY" means the use or intended use of a Building or part thereof for the shelter or support of persons, animals or property.
- 24) "OCCUPANT" means any person or persons in possession of the building, structure, or property under consideration including family member, renter, lease holder, customer and user.
- 25) "OPEN BURNING" means the burning of any material outside of a building, including without limiting the generality of the foregoing, wood, cardboard, brush or garden waste where the flame is not wholly contained and is, thereby, open to the air.
- 26) "OWNER" means any person, firm, or corporation controlling the property under consideration.
- 27) "PERSON" shall include any firm, partnership, corporation or agent.
- 28) "RESCUE" means any situation where a person or persons are saved by quick and forceful action from immediate or threatened danger such as death or injury.

- 29) "RESIDENTIAL OCCUPANCY" means the occupancy or use of a building or part thereof by persons for whom sleeping accommodation is provided but who are not harboured or detained to receive medical care or treatment or are not involuntarily detained.
- 30) "SMOKE ALARM" means a battery or electrically powered combined smoke alarm and audible alarm device that:
- a) is designed to sound an alarm upon detection of products of combustions;
 - b) is equipped with an indicator which provides a readily visible or audible indication that the device is in operating condition; and
 - c) has been approved by the Underwriter's Laboratories of Canada and, where electrically powered, also by the Canadian Standards Association.
- 31) "STRUCTURE" means any construction, or any production or piece of work artificially built up or parts joined together in same definite matter; that which is built or constructed, an edifice or building of any kind whether fixed to, supported by or sunk into land or water including, combinations of materials to form a construction for *Occupancy*, use or ornamentation whether installed on, above, or below the surface of a parcel of land, but specifically excludes landscaping, fences and retaining structures.
- 32) "TOWN" means the Town of Watson Lake.

ADMINISTRATION OF BY-LAW

3. The Fire Chief or their designate shall administer the provisions of this bylaw.
- 1) The priorities of the Fire department are to establish the standards for fire prevention; fire fighting and life safety in buildings; the prevention, containment and fighting of fires originating outside buildings which may present a hazard to all or any part of the Town by:
- a) seeking compliance with this bylaw; and/or
 - b) penalty utilization to achieve compliance with this bylaw.

ADOPTION OF THE NATIONAL FIRE CODE

4. It is hereby recognized that the current edition of the *National Fire Code of Canada*, issued by the Associate Committee on the National Fire Code, National Research Council of Canada, Ottawa, (N.R.C.C. No. 30621), is in force in the Town of Watson Lake.
- 1) Any person who contravenes, violates or fails to comply with a provision of the *National Fire Code of Canada* commits an offence under this Bylaw.

CONFIRMATION OF FIRE DEPARTMENT

5. The Fire Department as established is hereby confirmed.

CONFIRMATION OF FIRE CHIEF

6. The position of Fire Chief as established is hereby confirmed.

RESPONSIBILITIES AND DUTIES OF FIRE CHIEF

7. The Fire Chief shall have complete operational responsibility and authority over the Fire Department, subject to the administrative direction and control of the CAO.
- 1) The Fire Chief is responsible for the efficient management of all members, apparatus, equipment, responses to incidents, and the provision of fire prevention and protection services, including but not limited to:
- a) fire suppression;
 - b) motor vehicle accident extrication and fire suppression;
 - c) hazardous materials and dangerous goods incidents;
 - d) pre-fire and pre-emergency planning;

- e) fire prevention activities;
 - f) fire safety education; and
 - g) rescue incidents excluding water or high angle rescue.
- 2) The Fire Chief shall establish rules, regulations and policies necessary for the proper organization, administration and operation of the Fire Department including but not limited to:
 - i. the use, care and protection of Fire Department property;
 - ii. the conduct and discipline on Members of the Fire Department;
 - iii. the safe and efficient operation of the Fire Department; and
 - iv. the duties and responsibilities of Members of the Fire Department.
 - 3) The Fire Chief shall take responsibility for all fire protection matters and other Incidents including the enforcement of applicable sections of the Fire Services Act and its regulations, and the *Fire Code* and shall assume the responsibilities of the local assistant to the Fire Marshal.
 - 4) The Fire Chief may appoint or designate other officers of the Fire Department to act as Fire Chief on his/her behalf and may, in writing, authorize Officers to exercise the powers of a local assistant to the Fire Marshal.
 - 5) The Fire Chief, or in the absence of the Fire Chief, the highest ranking member present, shall have control, direction and management of all emergency equipment and personnel assigned to an incident.
 - 6) The Fire Chief is empowered to cause any building, structure or thing to be pulled down, demolished or otherwise removed if deemed necessary to prevent the spread of fire to other buildings, structures or things.
 - 7) The Fire Chief is empowered to enter any premises or property where an incident has occurred and to authorize any member, apparatus or equipment of the Fire Department to enter, as deemed necessary, in order to control, combat or deal with the incident.
 - 8) The Fire Chief is empowered to enter, pass through or over buildings or property in the vicinity of an incident and to authorize members of the Fire Department and the apparatus and equipment of the Fire Department to enter or pass through or over any building or property where it is necessary to gain access to the incident or to protect any person or property.
 - 9) The Fire Chief is empowered to establish the boundaries of a hazardous area, and having done so, may:
 - a) order the evacuation of persons from this area; and
 - b) prevent unauthorized persons from entering this area.
 - 10) No person shall enter the hazardous area unless authorized by the Fire Chief.
 - 11) The Fire Chief is empowered to direct peace officers to enforce the restrictions on persons entering within a hazardous area, or to remove persons from within a hazardous area.

APPOINTMENT AND ACCOUNTABILITY OF OFFICERS AND MEMBERS

8. All members of the Fire Department shall be appointed by the Fire Chief.
 - 1) Officers shall be appointed by the Fire Chief, as vacancies occur or as needs dictate, from firefighters meeting the qualifying standards.
 - 2) Members are accountable to the Fire Chief for the actions and affairs of the members under their command.
 - 3) All officers are accountable for ensuring members adhere to any and all applicable Fire Department policies, procedures, rules and regulations.

RANK STRUCTURE OF FIRE DEPARTMENT

9. The rank structure of the Fire Department, in descending order shall be as follows:
 - a. Fire Chief;
 - b. Deputy Fire Chief;
 - c. Senior Captain;
 - d. Captain;
 - e. Firefighter;
 - f. Student Firefighter

JURISDICTION OF FIRE DEPARTMENT

10. The limits of the jurisdiction of the Fire Chief and members of the Fire Department will extend to the area and boundaries of the Town, and neither the Fire Chief or members shall supply fire fighting services or respond to an incident nor shall any part of the fire apparatus or equipment be used outside the boundaries of the Town without the consent of the other local government or express authority of a written agreement between the Town and the other local government providing for the supply of fire fighting services, or other incident response outside the Town boundaries.

CONTROL, DIRECTION AND MANAGEMENT

11. The Fire Chief or Officer in Command at an incident, shall have control, direction and management of all Fire Department apparatus, equipment, and members assigned to an incident and, where an Officer in Command is in charge, they shall continue to act in that capacity until relieved by a more senior Officer.

AUTHORIZATION TO ENTER PROPERTY

12. The Fire Chief and members are authorized to enter onto property and inspect premises, with or without apparatus and equipment, for conditions that may cause a fire, increase the danger of a fire or increase the danger to persons or property from fire.
 - 1) The Fire Chief and members are authorized to enter onto property and into buildings or structures to inspect and determine whether all regulations, prohibitions and requirements are being met in relation to any matter contained in this Bylaw, the Fire Prevention Act and the Fire Code.
 - 2) The Fire Chief and members are authorized to enter onto property and into buildings or structures, including those adjacent to an incident, with or without apparatus and equipment, to take measures to prevent and suppress fires or deal with another form of incident.

REGULATIONS AT INCIDENT

13. No person shall drive any vehicle over any emergency equipment without the permission of the Officer in Command.
 - 1) The Officer in Command is authorized to require a person to assist in the fighting of any fire or in the preserving of any property threatened by fire, or to assist in the salvaging and safeguarding of property threatened by fire.
 - 2) The Fire Chief is authorized to order the evacuation of and building or area where there is an emergency arising from a fire hazard, risk of explosion or a panic. In such a case no person, other than the Fire Chief, the Officer in Command, a member of the Fire Department, or other person authorized by the Fire Chief or Officer in Command shall remain in or shall enter those buildings or areas.
 - 3) The Fire Chief or Officer in Command at any incident is authorized to prevent and suppress a fire by causing to be pulled down or demolished a building or structure when they consider it necessary to prevent or suppress any fire.

- 4) If requested by an Officer, a property owner or occupier shall secure a premise that has been damaged by fire, in a manner approved by the Officer which will include but not be limited to one or more of the following:
 - a) boarding up the building or structure;
 - b) fencing; or
 - c) supplying twenty-four (24) hour security services by a licensed security company.
- 5) If the property owner or occupier cannot be located or fails to undertake the securing of any premises damaged by fire, the Town will carry out the work of securing the premises and the costs will be billed to the property owner and, if unpaid by December 31st in the year that the property owner or occupier failed to take the required action, will be added to and form part of the property taxes in relation to the premises.
- 6) The Fire Chief or Officer in Command at any incident is hereby empowered to commandeer privately owned equipment, which they consider necessary to deal with such incident.
- 7) No person shall fail to comply with the direction of the Officer in Command, or any member of the fire department made in accordance with this Bylaw at an incident.
- 8) No person shall interfere with or impede the use of equipment by the Fire Chief or a member at an incident.

PREVENTION OF FIRE HAZARDS

14. No person, being an owner or occupier of any premises shall:
 - a) maintain the premises in such a state of disrepair that a fire starting in them might spread rapidly to endanger life or other property;
 - b) use or occupy the premises in such a manner that fire would endanger life or property or increase the danger of fire;
 - c) keep combustible or explosive material on the premises, except as permitted by this Bylaw or other enactment, or allow other flammable conditions to exist in the premises so as to endanger life or property; or
 - d) allow a fire hazard to exist on the premises.
- 1) No person, being an owner or occupier of any premises shall:
 - a) in such a manner that fire would endanger life or property or increase the danger of fire;
 - b) keep combustible or explosive material on the premises, except as permitted by this Bylaw or other enactment, or allow other flammable conditions to exist in the premises so as to endanger life or property; or
 - c) allow a fire hazard to exist on the premises.
- 2) Where an Officer determines that one or more conditions as indicated in Section 14.01 (a), (b), (c) or (d) exists, the Officer may issue to an owner or occupier of a premises a Fire Department Order in the form attached as Schedule "D" to and forming part of this Bylaw, requiring the owner or occupier of the Premises to do one or more of the following:
 - a) repair the building or structure on the premises;
 - b) remove or destroy the building or structure on the premises;
 - c) remove combustibles or explosive material from the premises or remedy a flammable condition; or
 - d) remove or take any precautions required against the fire hazard present at the premises.
- 3) An Officer may specify a date by which the owner or occupier of the premises must comply with the Fire Department order.
- 4) Should the owner or occupier of the premises having received a Fire Department order in accordance with section 14.02 fail to comply with the terms of the order, the Town may carry out the work associated with the terms of the order and the costs of doing so will be billed to the owner or occupier of the premises, and if unpaid by December 31st in the year in which the owner or occupier failed to take the required action under the

order, will be added to and form part of the property taxes on the property owner's premises.

- a. If a Fire Department order is issued under section 14.02, the owner or occupier of a premises may appeal to the Fire Chief in writing within seven (7) days after receipt of the order and the Fire Chief will promptly investigate the appeal and, in writing, either affirm, modify or revoke the Fire Department order issued under section 14.02.
 - b) If directed by the Fire Chief or Officer, a property owner shall secure a vacant building, structure or property which contains a fire hazard or has been used or occupied so as to create a fire hazard, in a manner approved by the Fire Chief or Officer, which shall include, but not be limited to one or more of the following:
 - 1) boarding up the building or structure;
 - 2) fencing; or
 - 3) supplying twenty-four (24) hour security services by a licensed security company.
- 5) Should the property owner fail to undertake the securing of any building, structure or property as required in accordance with section 14.04, the Town will carry out the work and the costs of doing so will be billed to the property owner and, if unpaid by December 31st in the year in which the property owner failed to take the required action, will be added to and form part of the property taxes on the property owner's property.

DISCARD OF BURNING OBJECTS PROHIBITED

15. No Person shall discard lighted matches or other burning substances in combustible or flammable materials or in close proximity thereto.

ACCUMULATION OF ASHES

16. All ashes, when deposited within a building, shall be placed in a covered non-combustible container and shall not be placed on a combustible floor, and when placed exterior to the building, shall be placed at a distance of at least three metres from any wooden or other combustible material or stored in a non-combustible container until properly and safely disposed.

STORAGE OF EXPLOSIVES

17. No explosives shall be stored within the Town without a permit issued by the Fire Chief.
- 1) The Fire Chief may issue a permit for the temporary storage of explosives that are required for use at construction sites. Such explosives must be stored in the manner prescribed by the *Explosives Act* and be consumed during the working day. Explosives not used during the working day must be removed from the Town by six o'clock p.m. that day.

FIRE HYDRANTS

18. Fire hydrants shall not be removed or otherwise made unserviceable without the authorization of the Fire Chief.
- 1) The Fire Department shall be notified immediately when any fire hydrant is determined to be in a condition that would render it unusable for fire fighting purposes.
 - 2) Except during an incident, fire hydrants shall only be operated by Town employees or those authorized by the Manager of Public Works and the Fire Chief.
 - 3) No person shall in any way obstruct access to any fire hydrant. No vehicle, building, fence, tree, shrub or any other thing shall be placed within two metres of any hydrant or placed in such a manner that would obscure the view of a fire hydrant from approaching Fire Department vehicles.

- a) All wrenches, couplings, fittings, hoses, and similar devices intended for use with or attachment to a fire hydrant must be approved by the Fire Chief prior to such use or attachment to any hydrant.

OPEN BURNING

19. The Fire Chief may issue to any person a Burning Permit to authorize the ignition and maintenance of a fire at such time and place as the Fire Chief may decide to be compatible with safety.
 - 1) Burning permits issued by the Fire Chief shall be valid for a maximum of six months.
 - 2) No open burning of any kind is allowed from April 1st to September 30th except for cooking fires. Unless a valid burning permit is issued by the Fire Chief.
 - 3) No person shall start any fire in the open air within the limits of the Town for any purpose whatsoever, unless such burning is in compliance with the provisions of this bylaw.
 - 4) Any person who starts a fire in compliance with the provisions of this bylaw shall keep a competent adult person in charge of the fire at all times while it is burning or smoldering and shall provide that person with sufficient appliances and equipment in order to prevent the fire from burning out of control, causing damage or becoming dangerous.
 - 5) Every person who starts an outdoor fire, whether pursuant to a permit or not, and fails to completely extinguish such fire, shall be liable for all costs and expenses incurred by the Town in controlling and extinguishing such fire.
 - 6) No person may burn oil, tar, rubber, plastic, vinyl, fertilizers, chemicals, tires, creosote, wiring insulation, petroleum products, household garbage or any material which produces or may produce toxic or heavy smoke.
 - 7) When, in the opinion of the Fire Chief, atmospheric conditions or local circumstances may make lighting or maintaining an outdoor fire a hazard or a nuisance, the Fire Chief may revoke or suspend any permit.
 - 8) Outdoor cooking devices using propane, charcoal or clean wood may be used for preparation of food without obtaining a permit.
 - 9) Open fires for the preparation of food, using clean wood or charcoal, are permitted in non-combustible containers no larger than one metre square with flames no higher than 0.5 metres. Such containers must be at least 3 metres from any building or structure. Such fires shall be attended by an adult at all times. Such fires shall not be ignited until written authorization has been obtained from the owner.

REQUIREMENTS FOR SMOKE ALARMS

20. The owner of every building used for residential occupancy shall install and maintain in proper working order, at least one smoke alarm in each dwelling unit and in each sleeping room not contained in a dwelling unit.

INSTALLATION OF SMOKE ALARMS

21. Every smoke alarm shall be installed on or near the ceiling in accordance with the manufacturer's installation instructions, and shall be located on each floor level of the dwelling unit as follows:
 - a) near the stairs connecting floor levels;
 - b) on floor levels containing sleeping areas, between each sleeping area and the remainder of the dwelling; or
 - c) in the hallway, where the sleeping area is served by a hallway belonging to the dwelling unit.
- 1) Smoke alarms shall be audible within the sleeping areas when intervening doors are closed.

- 2) Smoke alarms installed by permanent connections to an electrical circuit shall have **NO** disconnect switch between the over-current circuit device and the smoke alarm.
- 3) Where more than one smoke alarm is required in a dwelling unit and electrically operated smoke alarms are installed, the smoke alarms shall be wired so that the activation of one alarm will cause all alarms within the dwelling unit to sound.

BYLAW ENFORCEMENT

22. The Fire Chief shall be responsible for the enforcement of the provisions of this bylaw.
 - 1) Without limiting the right of entry of a member during an Incident, the Fire Chief may inspect any building or premises, and for such purpose may at all reasonable hours, and upon producing proper identification, enter into and upon any building or premises for the purpose of enforcing the provisions of this bylaw.
 - 2) The Fire Chief may order any person who contravenes this bylaw to take such measures as are specified in the order to forthwith remedy the non-compliance with this bylaw.

ORDER TO REMEDY A HAZARDOUS CONDITION

23. The Fire Chief or their designate may issue an Order to Remedy to the owner or occupant of any property on which a fire hazard is found, and the owner shall comply with the order within the time limits specified in the order.
 - 1) Every person who fails to comply with an order issued pursuant to this bylaw commits an offence.

INFORMATION IN AN ORDER

24. An order issued pursuant to this bylaw shall contain at least the following information:
 - a) the name and address of the person upon whom the Order is served;
 - b) the day on which the offence is alleged to have been committed;
 - c) the address of the premises under consideration;
 - d) reasonable particulars of this bylaw with respect to which the non-compliance is alleged;
 - e) a requirement that the Person served shall remedy the non-compliance; and
 - f) a prescribed time frame during which the non-compliance must be remedied.

RIGHT TO APPEAL

25. Every person against whom an order is made pursuant to this bylaw, pertaining to a fire hazard as described by the Fire Prevention Act, may within seven days from the date on which the copy of the order is delivered, either in person or by registered mail, appeal the order to the Fire Marshal. The appeal shall be dealt with in accordance with the appeal provisions of the Fire Prevention Act.
 - 1) All appeals that do not pertain to a fire hazard as described in the Fire Prevention Act may be appealed to Council.

PENALTIES SECTION

26. Every person commits an offence who:
 - i. fails to provide information or assistance as required by this bylaw;
 - ii. knowingly states anything false in information delivered or furnished to the Fire Chief or any member of the Fire Department; or
 - iii. obstructs or interferes with an inspection under the bylaw.
- 1) Every person who violates a provision of this bylaw commits an offense and is liable on summary conviction to:
 - a. a fine of up to one thousand dollars (\$1,000.00) or imprisonment for up to six (6) months, or both; or

- b. a voluntary fine pursuant to the provisions of section 20 of the Summary Convictions Act, issued in respect to an offence in the amount specified in Schedule "C" attached hereto and forming part of this bylaw.
- 2) Where a person upon whom an order has been served fails to comply with the order and has not within the prescribed time appealed from the order, or has appealed from the order and a decision has been rendered against him, Council may take the necessary action to perform the work required by the order, and the City shall recover the expenses thereof with costs, in a like manner as Town taxes.
- 3) Where an offence is committed or continued on more than one (1) day, it shall be deemed to be a separate offence for each day on which the offence is committed or continued.

FEES FOR SERVICE

- 27. The Town is authorized to charge the applicable fees for the various services, permits, false alarm responses and emergency responses as per the Fees and Charges Bylaw.

BYLAW REPEAL

- 28. Bylaw #95-18, Fire Bylaw is hereby repealed and replaced with this bylaw.

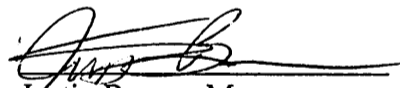
ENACTMENT

- 29. This bylaw shall come into full force and effect on the final passing thereof.

Read a first time 15th day of May, 2018.

Read a Second time this 5th day of June, 2018

Read a third time and finally passed this 9 day of June .2018.


Justin Brown, Mayor


Terri Close, Municipal Clerk