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**A BY-LAW OF THE MUNICIPAL CORPORATION OF THE TOWN OF HAY RIVER IN THE NORTHWEST TERRITORIES FOR THE PREVENTION AND SUPPRESSION OF FIRES WITHIN THE MUNICIPALITY AND TO REGULATE THE DUTIES AND RESPONSIBILITIES OF THE FIRE DEPARTMENT.**

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PURSUANT to the *Cities, Towns and Villages Act*, SNWT 2003, c 22, and the *Fire Prevention Act*, RSNWT 1988, c F-6;

**WHEREAS** the Council of the Municipal Corporation of the Town of Hay River in the Northwest Territories wishes to provide for the safety, health and welfare of people and the protection of property;

**AND WHEREAS** the Council of the Municipal Corporation of the Town of Hay River in the Northwest Territories deems it necessary to prevent and suppress fires and to regulate the duties and responsibilities of the fire department;

**NOW THEREFORE** the Council of the Municipal Corporation of the Town of Hay River in the Northwest Territories in session duly assembled enacts as follows:

**1. SHORT TITLE**

This By-law may be cited as the "Fire Prevention By-law".

**2. INTERPRETATION**

In this by-law:

- a. "**Chief**" means the Fire Chief of the Department or designate or if, in the event there is no such designate, such person as Council shall designate by resolution.
- b. "**Combustible Material**" means materials made of or surfaced with wood, compressed paper, plant fibres, plastics or other materials that will ignite and burn.
- c. "**Council**" means the Council of the Municipal Corporation of the Town of Hay River.
- d. "**Department**" means the Hay River Fire Department.
- e. "**False Alarm**" means:

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- i. an alarm that is turned in automatically by an alarm system and the alarm was caused by a failure of equipment due to poor maintenance such as dirty detectors, dust in venting, etc.; or
  - ii. an alarm turned in by people, including by pulling pull stations intentionally, accidentally or mischievously, or the testing of alarm systems, and not contacting dispatch of fire department;but does not include alarms caused by low town water pressure on sprinkler systems.
- f. **“Fire Marshal”** means the Fire Marshal appointed by the Commissioner under the *Fire Prevention Act*.
- g. **“Fire Protection”** includes all aspects of the fire prevention, fire alarms, fire suppression, rescue, first aid and salvage.
- h. **“Fire Protection System”** includes all piped water lines, hydrants, pump-houses, and any sprinkler systems in public buildings under the control and maintenance of the Town.
- i. **“Function”** shall mean an emergency ambulance response, fire/rescue response, false alarm, training session, maintenance session, duty crew, fire prevention session and meeting.
- j. **“Non-Combustible”** shall mean a material which, in the form in which it is used and under the conditions anticipated, will not aid combustion or add appreciable heat to an ambient fire.
- k. **“Noxious Material”** means material that is physically harmful or destructive to living beings.
- l. **“Permit”** means the written authority of the Chief, issued pursuant to this by-law.
- m. **“Senior Administrative Officer”** means the person appointed by Council as the Administrator of the Town.
- n. **“Smoke”** means the air borne solid and liquid particulates and gases evolved when a material undergoes pyrolysis in combustion.

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- o. **“Smoke Barrier”** shall mean a continuous membrane, either vertical or horizontal, such as a wall, floor, or ceiling assembly that is designed and constructed to restrict the movement of smoke.
- p. **“Town”** means the Municipal Corporation of the Town of Hay River.
- q. **“Town Limits”** means the geographical boundaries of the Town of Hay River as determined from time to time.

**3. DEPARTMENT MEMBERSHIP AND AUTHORITY**

- a. The Department shall comprise of the Chief and any persons who are appointed by the Chief to serve under the terms of this By-Law.
- b. Any person appointed to the Department must be nineteen (19) years of age or older and may be required to undergo a physical examination.
- c. The Chief shall:
  - i. be appointed by resolution of Council;
  - ii. be a full time paid employee of the Town; and
  - iii. report to Council through the Senior Administrative Officer.
- d. All persons appointed to the Department are authorized to act on behalf of the Chief when so ordered by him or her.

**4. DUTIES AND POWERS OF THE CHIEF**

- a. The Chief shall:
  - i. appoint two (2) Deputy Chiefs, four (4) Captains and other officers; and
  - ii. assign their respective duties as deemed necessary.
- b. The Chief may revoke any appointments for just cause.
- c. The organization and direction of the Department shall be under the sole authority of the Chief.

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- d. All members of the Department shall obey the commands and the standing orders issued by the Chief.
- e. The Chief shall report to the Senior Administrative Officer:
  - i. all disciplinary measures within twenty-four (24) hours of the action being taken;
  - ii. regularly on the activities of the Department and the condition and readiness of all fire protection equipment;
  - iii. when he or she will be absent from his or her duties and shall state who will be in charge of the Department during his or her absence;
  - iv. any injuries sustained by a member of the Department while on duty;
  - v. on any hazard to life or property, including fire hazards which come to their knowledge; and
  - vi. any infractions of this by-law.
- f. No later than October 1<sup>st</sup> of each year, the Chief shall provide the Senior Administrative Officer with:
  - i. a physical stock inventory count of all equipment;
  - ii. an estimate of all maintenance and capital expenditures which will be required during the year for fire protection; and
  - iii. the Chief's recommendations for any improvements in the Fire Protection System;
- g. The Chief shall:
  - i. be responsible for the enforcement of the provisions of this by-law;
  - ii. be responsible for the efficiency and morale of the Department;
  - iii. assume all responsibility for all facts released by him in any context to persons not connected with the Department;
  - iv. not furnish information relative to the business affairs of the Department to any person not directly involved with the Department;
  - v. implement a program of instruction and training for Department members in all aspects of fire protection and emergency medical response;
  - vi. implement an education campaign in fire prevention for school children, adults, and seniors;
  - vii. be responsible for tests of municipal alarm systems on a regular basis;

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- viii. arrange for the inspection of all public buildings and all places requiring special surveillance, together with any fire extinguishers, sprinkler systems and alarm systems therein, on a regular basis;
  - ix. be notified of all applications for Building and Occupancy permits prior to the permit being issued;
  - x. use the latest published edition of the National Fire Code and the National Building Code, amendments thereto and any regulations made there under, and all other codes and standards referred to under the Fire Prevention Ordinance; and
  - xi. respond and assist at such emergencies as may be deemed necessary by the Chief in accordance with the approved service levels listed in Schedule "B", attached hereto and forming part of this by-law.
- h. The Chief may take disciplinary action, including the suspension or dismissal of any member of the Department for:
- i. Being absent, without good or proper reason, from three (3) consecutive fire and ambulance meetings; or
  - ii. Any other action which may be deemed by the Chief as being detrimental to the morale or to the general operation of the Department.
- i. The Chief may furnish facts relative to any fire to persons not connected with the Department.
- j. The Chief, or senior Department member in charge, may, in an emergency, order any physically fit person to assist at the scene of the fire in the extinguishment of a fire, including the pulling down or raising of any building, structures, or other things in the vicinity of a fire for the purpose of preventing the spreading of such fire.
- k. Fire apparatus may not be taken outside the Town Limits except for the suppression of a fire which is in progress that has been consented to by the Chief or his delegate.

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**5. OBLIGATIONS OF THE TOWN**

- a. The Town shall obtain fire protection equipment and supplies and such buildings and other facilities as are required for safely housing said equipment and supplies.
- b. The Town shall provide for such liability, life and accident insurance, as shall be agreed upon in consultation with the Chief, to insure Department members or any other persons lawfully assisting the Department.
- c. The Town shall pay:
  - i. the cost of physical examinations for all members of the Department when required;
  - ii. an indemnity and/or compensation for expenses incurred at a rate or rates to be established by the Department and the Town from time to time, to all members of the Department;
  - iii. the Deputy Chief \$400.00 as a monthly salary;
  - iv. the Captain \$350.00 as a monthly salary; and
  - v. \$25.00 to all members of the Department per function, paid quarterly basis.
- d. The Works Superintendent for the Town shall:
  - i. advise the Chief when any portion of the fire protection system under his jurisdiction is inoperable or under repair;
  - ii. be responsible for all maintenance and repair of the fire system;
  - iii. physically and clearly identify immediately any unserviceable or interrupted areas in the fire protection system, and the Chief or his delegates shall be so advised; and
  - iv. advise the Chief prior to closure of any street or portion thereof.

**6. FIRE PERMITS**

- a. No person shall light a fire outdoors within the Town Limits without permission from the Chief by way of a fire permit.
- b. The Town shall provide forms on which an application for permission, known as a fire permit, may specify the container or other means by which he intends to

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control the fire. When completed and signed by the Chief, such applications shall be mailed to or picked up by the applicant.

- c. The Town and the Department reserve the right to cancel or reject any fire permit application.
- d. The fire permit application form is attached to this by-law as Schedule "A", forming part of this by-law.
- e. Any person who has been issued a fire permit under this by-law and who allows the burning to get out of control shall be considered in violation of the terms of the by-law and may be prosecuted.
- f. Any burning shall be supervised by the permit holder, or his or her delegate who is over the age of nineteen (19) years old, and another individual over the age of nineteen (19) of age to ensure that the burning does not get out of control.
- g. Burning may only occur from 10:00 am until 7:00 pm or as directed by the Chief, during favourable wind and metrological conditions (winds less than ten (10) km/hour).
- h. The burning shall be, at least one hundred (100) feet away from any fuel or propane tanks.
- i. The Chief or his designate may issue a fire permit for burning wood for campfires in open air, provided that such burning shall be carried out in areas designated by the fire permit.
- j. The Town may issue fire permits to burn buildings, with the approval of Council, and under the supervision of the Fire Department.
- k. Fire permits shall be obtained for burning brush.

**7. BURNING**

- a. No burning of materials or products other than dry, combustible material is permitted.
- b. No burning of tires is permitted.

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- c. No burning of materials or products that release large quantities of smoke is allowed.
- d. If burning causes a smoke hazard or complaints from the surrounding residents are received, the permit holder shall stop the burning if instructed to do so by the Chief or Department member. If unable to extinguish the fire, the Department will be contacted to put out the fire and permit holder will assume all costs in doing so.
- e. Waste oil shall be burnt in an incinerator, waste oil furnace, or pit under supervision or approval of the Chief.
- f. The operation of a domestic or backyard incinerator or any structure or device serving as a domestic incinerator is expressly prohibited.
- g. If a building is burnt, shingles, rags, asbestos and other non-combustible or noxious materials must be removed before burning, and the site shall be cleaned up, including removal of char, ash, and all hazards, within seventy two (72) hours of the burning.

**8. BACKYARD FIRE PITS**

Installation of Fire Pits.

- a. Fire pits and outdoor fireplaces shall meet the following requirements:
  - i. a minimum clearance of ten (10) feet shall be maintained from any building, property lines, overhead wires, trees or any combustible material;
  - ii. a minimum clearance of three (3) feet from gas lines;
  - iii. fire pit and outdoor fireplace installations shall have enclosed sides at a depth of no greater than eighteen (18) inches and a width of no greater than thirty-nine (39) inches;
  - iv. the non-permeable perimeter of an installed fire pit or outdoor fireplace shall be surrounded by thirty-nine (39) inches of non-combustible material (i.e. crush gravel, rock, or concrete); and



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- v. All fire pits and outdoor fireplaces shall have a spark arrester mesh screen of expanded metal to contain sparks, to be placed over the fire.
- b. Extraordinary requests related to fire pits that are not compliant with section 7(b) may be approved by the Chief or his designate subject to such terms or conditions as the Chief or his designate considers appropriate.
- c. Fuel for Fire Pits and Outdoor Fireplaces:
  - i. is to be composed only of barbecue briquettes or dry firewood;
  - ii. must be clean burning;
  - iii. may not extend beyond the confines of the fire perimeter either vertically or horizontally; and
  - iv. may not include vegetation, household scrap paper, building and other materials or yard waste.
- d. A fire permit under section 6 is not required if a fire pit or outdoor fireplace:
  - i. has been approved by the Chief or his designate as meeting the specifications set out in section 7(a) of this by-law; and
  - ii. is burning barbecue briquettes or dry firewood.
- e. Fires in a fire pit or outdoor fireplaces must be supervised at all times by a competent person over the age of nineteen (19) years old until all fire and smoke have been extinguished.

**9. VIOLATIONS**

- a. Except as authorized under this By-Law, no person who is not a member of the Department shall:
  - i. enter into any premises where fire protection apparatus or supplies are housed, or
  - ii. touch or use any fire equipment or supplies.
- b. Except in the event of a fire alarm, no fire protection apparatus or supplies shall be removed from the Fire Hall without the knowledge and permission of the Chief.
- c. Except as authorized under Section 4(i) of this By-Law, no person other than a member of the Department, Royal Canadian Mounted Police, Senior

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Administrative Officer, Utilities Personnel, or emergency service personnel, may go nearer than one hundred (100) metres, to a fire in progress, fire apparatus, or the scene of a practice drill.

d. No person shall:

- i. in any way hinder the progress of a member of the Department en route to a fire or his lawful action at the scene of a fire;
- ii. obstruct, or otherwise interfere with, access roads, streets or other approaches to any fire, fire hydrant, cistern or any connections provided to a fire main, pipe, standpipe, sprinkler system or any body of water designated for firefighting purposes;
- iii. obstruct, hinder, or delay any emergency equipment;
- iv. obstruct a member of the Department from carrying out the duties imposed by this by-law;
- v. fail to give right of way to the emergency equipment on a highway;
- vi. drive any vehicle over any equipment or fire hose without the permission of the Chief;
- vii. represent themselves as a member or wear or display any Department badge, cap, button, insignia, or other paraphernalia for the purpose of making such representation unless they are a member of the Department;
- viii. store or use a flammable liquid or substance within the confines of a building under conditions which might cause a fire; or
- ix. knowingly turn in or cause to be turned in a false alarm.

e. Other than under the direct supervision of the Chief or their delegate, the use of fireworks within Town Limits is prohibited.

f. No person shall:

- i. refuse to provide information or assistance as required; or
- ii. knowingly state anything false in information delivered or furnished to the Chief or any member of the Department.

**10. ORDER TO REMEDY**

- a. The Chief may order any person who contravenes this by-law, by way of an Order to Remedy, to take such measures as are specified in the order to forthwith remedy the contravention.

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- b. The Chief or 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 specified time limits.
- c. Every person who fails to comply with an Order to Remedy issued pursuant to this by-law commits an offence.
- d. An Order to Remedy issued pursuant to this by-law shall contain at least the following information:
  - i. the name and address of the person upon whom the Order is served;
  - ii. the day on which the offence is alleged to have been committed;
  - iii. the address of the premises under consideration;
  - iv. reasonable particulars of alleged breach of the by-law;
  - v. a requirement that the person served shall remedy the non-compliance; and
  - vi. a time frame during which the non-compliance must be remedied.
- e. Every person against whom an Order to Remedy is made pursuant to Section 9(d) of this bylaw, may, within seven (7) days from the date on which the copy of the order is delivered, either in person or by registered mail, appeal the order to:
  - i. the Fire Marshal if the fire hazard is described in the *Fire Prevention Act*. This appeal shall be dealt with in accordance with the appeal provisions of the *Fire Prevention Act*; or
  - ii. to Council if the fire hazard is not described in the *Fire Prevention Act*.
- f. The operation of an order referred to in section 9(d) is suspended until a copy of the Fire Marshal's decision has been served on the appealing person.
- g. If an order is given by the Chief for the abatement of a hazard under this by-law or under the *Fire Prevention Act* and it is not obeyed within the specified time, or if the owner or manager of the property cannot be found or reached, the Chief shall report full details to the Senior Administrative Officer and to the Fire Marshal. On hearing from the Fire Marshal, and, unless otherwise advised by him, the Senior Administrative Officer or Chief may lay an information against the offender or may cause the hazard to be abated at the public's expense. In the latter case, the expense shall then be charged against the owner of the land or property on

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or in which the hazard existed, in the form of a charge which shall be due and payable immediately and shall be collectable in like manner with any other taxes levied in the same year.

**11. ENFORCEMENT**

- a. The owner, occupant or lessee of a building or property or part thereof shall, upon request, give the Chief or any member of the Department who is carrying out an inspection pursuant to the by-law or the *Fire Prevention Act* such assistance as may be reasonably required in carrying out the inspection.
- b. Without limiting the right of entry of the Chief or a member of the Department during an emergency, the 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 the building or premises to conduct an inspection to determine compliance with the provisions of this by-law or the *Fire Prevention Act*.
- c. Every person who violates a provisions of this by-law commits an offence and is liable on summary conviction to:
  - i. A fine in the maximum amount of one thousand dollars (\$1,000.00); or
  - ii. A voluntary fine pursuant to the provisions of section 8 of the *Summary Conviction Procedures Act*, RSNWT 1988, c S-15, as amended from time to time, issued in respect to an offence in the amount specified in Schedule "C", attached hereto and forming part of this by-law.
- d. Where an offence is committed 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.
- e. Every person guilty of an offence under this by-law can be prosecuted and shall, in addition, to any penalty imposed by the Court, pay to the Town the full costs incurred to respond to any fire or other emergency resulting from the breach of the bylaw.
- f. This by-law shall come into full force and effect upon third and final reading thereof.

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**7. REPEAL**

- a. By-law No. 2228/FC/10 is hereby repealed.

Read a first time this 28 day of November . 20 17 .


Read a second time this 28 day of November . 20 17 .

Read a third time and finally passed this 19 day of December . 20 17 .

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Senior Administrative Officer

**CERTIFIED** that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act*, the *Fire Prevention Act*, and the by-laws of the Town on this 19 day of December . 20 17 .

  
\_\_\_\_\_  
Senior Administrative Officer

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**SCHEDULE "A"**

**Fire Permit**

Authority is hereby given to:

Name: \_\_\_\_\_

Civic Address: \_\_\_\_\_

Lot No.: \_\_\_\_\_ Plan: \_\_\_\_\_ Block No.: \_\_\_\_\_

For the purpose of burning: \_\_\_\_\_

Burning shall be done in compliance with the Fire Prevention By-law currently in force and any amendments and regulations made under and subject to the **FOLLOWING CONDITIONS:**

1. The permit holder shall be liable for all damage caused by him, his or her servants or agents, while acting under this permit.
2. There must be a clearance of at least 10 feet to any combustible material or buildings on all sides of the fire and that the permit holder shall ensure that suitable water protection such as coupled up hoses that will reach the area where the burning is to be done, is available.
3. At least two persons over the age of nineteen years must be in attendance to monitor the fire.
4. Burning shall be performed between the hours of 10:00 am and 7:00 pm.
5. Burning shall not be conducted on a day when the wind exceeds 10 kilometers per hour.
6. The site shall be cleaned up and all hazards removed within seventy-two (72) hours of the burning.
7. Only brush (small trees and branches), leaves, grass, clean unpainted & untreated wood, household cardboard & paper may be burned.
8. The permit holder must contact the following and advise of the Permit No. and Location of Burning, prior to commencing:

**ENVIRONMENT & NATURAL RESOURCES                      875-5555**  
**HAY RIVER FIRE DEPARTMENT                                874-2222**

This Burning and Fire Permit is subject to cancellation at any time by any member of the Hay River Fire Department, RCMP or an Environmental Protection Officer/Renewable Resource Officer, if he/she so feels that the conditions are not safe for burning.

DATE ISSUED: \_\_\_\_\_ EXPIRY DATE: \_\_\_\_\_

PERMIT HOLDER'S PHONE NO.: \_\_\_\_\_ PERMIT NO.: \_\_\_\_\_

SIGNATURE OF PERMIT HOLDER: \_\_\_\_\_

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Fire Chief or Designate

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**SCHEDULE "B"  
Approved Service**

**Town of Hay River Fire Department  
Emergency Response Service Delivery**

Based on the GNWT Community Fire Protection Matrix the Hay River Fire Department will operate under L4 – Professional, NFPA 1001 Level of Service which will include services indicated below:

Emergency Response Services	Approved to Deliver	
	Yes	No
1. Basic firefighting – no expected rescue component	X	
2. Structural firefighting including rescue	X	
3. Vehicle firefighting	X	
4. Grass, brush, forestry firefighting	X	
5. Marine firefighting	X	
6. Mutual Aid	X	
7. Basic medical services	X	
8. Level III Advanced Emergency Responder medical services	X	
9. Awareness level hazardous materials	X	
10. Operations level hazardous materials	X	
11. Vehicle accidents	X	
12. Vehicle extrication	X	
13. Transportation incidents involving vehicles, trains, aircraft and watercraft	X	
14. Water and ice – shore based	X	
15. Water and ice – water entry	X	
16. Public Hazards – Downed hydro lines, Carbon monoxide, gas leaks	X	



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17. Police assistance	X	
18. Public utilities assistance	X	
19. Community emergency plan participation	X	
20. High angle rescue	X	
21. Confined space rescue	X	

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**SCHEDULE "C"  
Voluntary Fines**

Ticket Description

Section 6	Failure to obtain a fire permit	\$200.00
Section 6.f	Fail to keep competent person in attendance, or sufficient appliances and equipment on site	\$200.00
Section 7.l	Burning prohibited material – non-combustible material	\$200.00
Section 7.m	Burning prohibited material – tires	\$200.00
Section 7.n	Burning prohibited material – large quantity of smoke	\$200.00
Section 7.o	Burning prohibited material – waste oil	\$200.00
Section 7.p	Failure to clean up a burn site	\$200.00
Section 8.c	Operating an incinerator	\$100.00
Section 9.b	Removing equipment from Fire Hall	\$100.00
Section 9.c	Being within the prescribed distance from fire, emergency or drill without authorization	\$200.00
Section 9.d	Obstruct, hinder or delay a member	\$500.00
Section 9.d.ii	Obstruct or interfere with roads, streets or approaches	\$500.00
Section 9.d.ii	Fail to comply with hydrant regulations	\$300.00
Section 9.d.iv	Obstruct a member carrying out duties of this by-law	\$500.00
Section 9.d.iii	Obstruct/hinder/delay fire apparatus/vehicle/equipment	\$500.00
Section 9.d.vi	Drive over equipment or fire hose	\$500.00
Section 9.d.vii	False representation as a fire department member	\$50.00
Section 9.d.viii	Improper Storage of flammable liquids	\$200.00
Section 9.e	Use of fireworks without supervision	\$200.00
Section 10.c	Failure to comply with Order to Remedy	\$500.00
Section 9.f	Fail to provide information or assistance	\$100.00