

CITY OF WHITEHORSE

BYLAW 2024-44

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 City of Whitehorse

WHEREAS section 265 of the *Municipal Act*, Chapter 19, R.S.Y.T. 1998 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*, Chapter 67, R.S.Y.T. 1986 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 his office, a local assistant to the Fire Marshal and is subject to the direction of the Fire Marshal in carrying out the provisions of this *Act* within the boundaries of the municipality;

AND WHEREAS the City of Whitehorse Fire Department meets the definition of a Fire Brigade;

AND WHEREAS the City of Whitehorse 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 municipal Council of the City of Whitehorse ENACTS AS FOLLOWS:

Short Title

1. This bylaw may be cited as the “**Emergency Services Bylaw**”.

Definitions

2. In this bylaw:

“ADULT” means a competent Person who is at least 18 years of age.

“APPROVAL” means the written approval of the Fire Chief.

“BUILDING CODE” means the current Building Code as enforced by the City of Whitehorse.

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"BYLAW ENFORCEMENT OFFICER" shall mean individual(s) appointed as a Bylaw Enforcement Officer for the City;

"CITY" means the municipal corporation of the City of Whitehorse.

"CITY MANAGER" means the City Manager or designate of the City of Whitehorse.

"CONSTRUCTION WASTE" means waste material from construction and demolition activities such as; broken concrete, drywall, metal, wood that is painted or contains nails, pieces of glass, bricks, etc.

"COUNCIL" means the duly elected Council of the City of Whitehorse.

"DANGEROUS GOODS" means any material or substance as defined by the *Transportation of Dangerous Goods Act*, as amended from time to time.

"DWELLING UNIT" means a room or suite of rooms operated as a housekeeping unit that is used or intended to be used as a domicile by one or more Persons and that may contain cooking, eating, living, sleeping and sanitary facilities. Means a dwelling unit as defined by the National Building Code of Canada

"EMERGENCY EQUIPMENT" means any vehicle, fire fighting apparatus, tools and equipment providing a service to the Fire Department.

"EXPLOSIVES" means any substances defined as explosives within the meaning of the *Explosives Act*, R.S.C. 1985, c. E-17, as amended from time-to-time.

"FIRE CHIEF" means the Chief Officer of the City of Whitehorse Fire Department or his designate.

"FIRE CODE" means the current fire code as prescribed by the *Yukon Fire Prevention Act*.

"FIRE PREVENTION ACT" means the current edition of the *Fire Prevention Act* of the Yukon Territory.

"FIRE INSPECTOR" means the Fire Chief and every Member of the Fire Department designated as such by the Fire Chief by name or office or otherwise, authorized to act on the behalf of the Fire Chief who shall have the authority under this bylaw to carry out inspections, actions or enforcement as authorized by this bylaw and the Fire Prevention Act.

"FIRE PROTECTION" means all aspects of fire safety including but not limited to fire prevention, firefighting or suppression, pre-fire or pre-emergency planning, fire investigation, fire inspection, public education and information, and other staff development.

"HIGHWAY" means a "highway" as defined by the *Motor Vehicles Act* of the Yukon Territory.

"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

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to the property or the environment, and includes but is not limited to the following:

- (1) Fire;
- (2) Circumstances where fire or explosion can be expected to be imminent;
- (3) Circumstances where dangerous or hazardous goods can reasonably be expected to present a danger to Persons, property, or the environment; and
- (4) Automobile accidents.

“MEMBER” means any Person who is duly appointed as a member of the Fire Department.

“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.

“OWNER” means any Person, firm, or corporation controlling the property under consideration.

“PARKING FACILITY” means any area or structure above or below ground that is designed to facilitate the parking or storage of vehicles and is used by Persons other than the Owner of the property or structure. This includes garages or parkades attached to another structure or free standing.

“PERSON” shall include any firm, partnership, corporation or agent.

“PROPERTY” means an area of land, including the buildings and other structures erected on the property, but does not include a highway, except that “property” shall include privately owned roads, streets and parking lots.

“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.

“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.

“SMOKE ALARM” means a battery or electrically powered combined smoke alarm and audible alarm device that:

- (1) Is designed to sound an alarm upon detection of products of combustion;
- (2) Is equipped with an indicator which provides a readily visible or audible indication that the device is in operating condition; and
- (3) Has been approved by the Underwriter’s Laboratories of Canada and, where electrically powered, also by the Canadian Standards Association.

“VEHICLE” means a vehicle or motor vehicle as described in the Yukon *Motor Vehicles Act*.

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Authority of the Fire Chief

3. The Fire Chief shall have complete operational responsibility and authority over the Fire Department, subject to the administrative direction and control of the City Manager, and the Fire Chief shall carry out all Fire Protection, Incident response and Prevention activities and such other duties as directed from time-to-time, including but not limited to:
 - (1) Fire suppression;
 - (2) Motor vehicle accident extrication and fire suppression;
 - (3) Hazardous materials and Dangerous Goods Incidents;
 - (4) Pre-fire and pre-emergency planning;
 - (5) Fire Inspections and investigations;
 - (6) Fire safety education; and
 - (7) Rescue Incidents.
4. The Fire Chief, shall have control, direction and management of all Emergency Equipment and personnel assigned to an Incident.
5. The Fire Chief is empowered to cause any building, structure or thing to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures or things.
6. 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.
7. The Fire Chief is empowered to enter any property and inspect premises for conditions that may cause a fire, increase the danger of a fire or increase the danger to Persons or property from fire.
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 enter any Property and inspect the premises for conditions that may cause a fire, increase the danger of a fire or increase the danger to Persons or Property from fire.
10. 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.

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11. The Fire Chief is empowered to order the evacuation of persons or establish boundaries or limits and keep Persons from entering the hazardous area.
12. No person shall enter the hazardous area unless authorized by the Fire Chief.
13. 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.
14. The Fire Chief is empowered to order all Adults present at a fire to assist in its suppression, if required. All Persons present at or assisting in the suppression of a fire shall obey the commands of the Fire Chief.
15. No Person at an Incident shall obstruct, hinder or delay a Member or other Person assisting or acting under the direction of the Fire Chief.
16. No Person shall drive any vehicle over any equipment or fire hose without the permission of the Fire Chief.
17. No Person who is not a Member of the Fire Department shall represent themselves as a Member or wear or display any Fire Department badge, cap, button, insignia, or other paraphernalia for the purpose of making such representation.
18. No Person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire Incident, fire hydrant, cistern, or any connections provided to a fire main, pipe, standpipe, sprinkler system or any body of water designated for fire fighting purposes.
19. No Person shall obstruct a Member from carrying out the duties imposed by this bylaw.
20. No Person shall obstruct, hinder, or delay any Emergency Equipment and every Person on a Highway along which Emergency Equipment is proceeding shall yield right-of-way to the Emergency Equipment.
21. The jurisdiction of the Fire Department is limited to the area within the corporate limits of the City of Whitehorse and Emergency Equipment shall not be used beyond the limits of the City of Whitehorse except pursuant to the provisions of an agreement made pursuant to the *Municipal Act*.
22. Any Member acting in good faith in the discharge of the duties required by this bylaw shall not be personally liable for any damage that may accrue to Persons or Property as a result of any act or omission in the discharge of those duties.
23. The City of Whitehorse shall indemnify any Member or former Member who acts or acted in the discharge of duties required by this bylaw, against all costs, charges and expenses, including amounts paid to settle an action or to satisfy a judgment, reasonably incurred by the Member in respect of any civil, criminal or administrative action or proceeding to which the Member is made a party by reason of being or having been a Member, if:
 - (1) The Member acted honestly and in good faith in the discharge of the Member's duties;

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- (2) In the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, the Member had reasonable grounds for believing that his or her conduct was lawful; and
- (3) The City was put on notice of the action and was permitted to assume carriage and control thereof on behalf of the Member.

Discard of Burning Objects Prohibited

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

Flammable Decorative Materials

25. Cotton batting, straw, hay, dry vines, leaves, trees, or other highly flammable materials shall not be used for decorative purposes in show windows or other parts of stores or assembly occupancies unless flame-proofed; provided, however, that nothing in this section shall be held to prohibit the display of saleable goods permitted and offered for sale.

Accumulation of Combustibles

26. No waste paper, straw, shavings, cardboard or other flammable material shall be allowed to accumulate in any building unless placed in a covered metal receptacle or in a protected room designed for the purpose and protected to limit the spread of fire and smoke to other parts of the building. All such material, if not so placed, shall be removed from the building.
27. 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

28. No explosives shall be stored within the City limits without a permit issued by the Fire Chief.
29. 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 City by six o'clock p.m. that day.
30. The Fire Chief shall not allow the storage or temporary storage of more than 1,000 kilograms of explosives.
31. Not more than 2,000 kg of explosives shall be transported within the City, with the exception of transport along the Alaska Highway and the Klondike Highway, or other designated Dangerous Goods Routes, and in such cases the transport vehicles shall not stop within Whitehorse except for fuelling or maintenance. Pick-up and delivery of explosives shall be done in accordance with the Dangerous Goods Bylaw.

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Vehicles Fuelled with Propane

32. No Person shall park a vehicle fuelled with propane in any underground or enclosed Parking Facility other than a garage at a single family dwelling.
33. The Owner of every underground or enclosed Parking Facility shall post signs to indicate the parking prohibition for vehicles fuelled by propane in conspicuous locations near the principal entrances of the facility.
34. Signs required by section 32 of this bylaw shall have lettering not less than 100 mm high with a 15 mm stroke.

Correction of Immediate Hazards

35. Whenever the Fire Chief 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, the Fire Chief may, verbally or in writing, order the Owner, tenant, Occupant or agent responsible to remove the combustible or explosive material, flammable liquid, or hazardous chemical immediately from the building or premises.
36. Whenever the Fire Chief finds a building, structure or premise or part thereof which is unoccupied and which, in the opinion of the Fire Chief, is not being kept in a safe condition to guard against fire or the risk of fire or other dangerous risk or accident, the Fire Chief may order the Owner, tenant, Occupant or agent responsible to remedy the dangerous condition and to secure the building, structure or premise or part thereof in such a manner as to prevent any unauthorized use by any Person while it is unoccupied, in accordance with the City of Whitehorse *Vacant and Unoccupied Building Bylaw*.
37. In the event of an immediate hazard, if the Owner, tenant, Occupant or agent responsible refuses or neglects to comply with the order of the Fire Chief to remedy the hazardous condition, or if the Owner, tenant, Occupant or agent responsible for the building or area cannot be located, the Fire Chief may take such action as is appropriate, without notice and at the expense of the Owner, and the City shall recover the expense thereof with costs, in a like manner as City taxes.
38. Without limiting the generality of the foregoing, when immediate measures must be taken to avoid imminent danger of fire or risk of accident, the Fire Chief may cause the evacuation of any building or area, and he may order that the building or area remain evacuated until the hazard is removed, and the Fire Chief may direct the Police and other municipal officials to assist in this regard.

Commercial Refuse Containers

39. Commercial refuse containers shall be placed more than three metres away from any combustible building or structure.
40. Lids on commercial refuse containers shall be kept closed. All refuse placed in a commercial refuse container shall fit entirely within the container and shall permit the lid to be securely closed.

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41. Commercial refuse containers shall be non-combustible.
42. Notwithstanding sections 39 and 40 of this bylaw, it is permissible to use commercial refuse containers for which lids are not available, or with combustible lids, provided they are placed and maintained a minimum of six metres from all combustibles, including buildings, vehicles, fences, trees, grass and brush which could contribute to the spread of fire.

Fire Department Lock Boxes

43. Upon written request from the Fire Chief, the Owner of an apartment building, office building, warehouse, school, college, or other buildings and properties shall provide keys to such buildings to be secured in a Fire Department Lock Box, located near the principal entrance to the building or property to permit entry by Members for the purpose of dealing with an Incident.
44. The Fire Department Lock Box shall contain the key for the entrance, and may contain separate tagged keys for the annunciator panel, elevators, electrical room, equipment room or other passage doors within the building or structure.
45. The keys to open the lock box will be in the possession of the Fire Department only.
46. The Owner or agent is responsible for the cost of purchase and the secure installation of the lock box. The box shall be installed between 120 cm and 150 cm above the floor or ground and as close to the entrance door as possible.
47. It is the responsibility of the Owner to ensure that the Fire Department is notified when keys are updated in order to ensure that keys stored in the lock box are current. All keys shall be tested in the presence of the Owner prior to placing them in the lock box.

Fire Hydrants

48. Fire hydrants shall not be removed or otherwise made unserviceable without the authorization of the Fire Chief.
49. 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.
50. Fire hydrants shall only be operated by City employees or those authorized by the Manager of Water and Waste Services and the Fire Chief.
51. 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.
52. Water from a fire hydrant shall not be taken for purposes other than fire fighting except as stated in this bylaw.
53. Fire hydrants may be used by employees of the City or by contractors for furnishing water for street sprinkling or flushing, flushing sewers, street repairs or any other

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purpose as requested by the Manager of Water and Waste Services and approved by the Fire Chief.

- (1) Contractors shall apply to the Manager of Water and Waste Services, obtain a portable water meter and pay the metered rate for the water used as prescribed in the Fees and Charges Bylaw.
- (2) Portable water meters shall only remain connected to the fire hydrant during the filling operation. Once filling has been completed, the meter shall be disconnected. In no case shall any meter, hose, fitting, or device be left connected to the fire hydrant when it is not in use and attended by the user.

54. 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.

55. All fire hydrants, excluding hydrants referred to in section 56 of this bylaw, shall be painted in accordance with the requirements of NFPA 291, Recommended Practice for Fire Flow Testing and Marking of Hydrants.

56. Hydrants may be installed for specific purposes other than fire fighting. When required, such hydrants will be installed in addition to those fire hydrants required to meet the City Servicing Standard, and shall not be considered as forming part of the Fire Protection system.

57. The provisions of this bylaw shall apply to all fire hydrants, including privately owned fire hydrants within the City which are considered as forming part of the Fire Protection system as may be determined by the City Servicing Standard, National Building Code, National Fire Code or other applicable standard.

Permit Required

58. Every Person must obtain a permit issued by the Fire Chief to do any of the following:

- (1) Use open flames for display purposes;
- (2) Discharge, fire or set off any consumer fireworks or display fireworks; and
- (3) Start or permit a fire of any kind whatsoever in the open air unless otherwise permitted under this bylaw.

Permit Application

59. Every application for a permit shall be made in the form prescribed by the Fire Chief.

60. Where an application for a permit is made to the Fire Department on the prescribed form, the Fire Chief may issue a permit if:

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- (1) The receptacles, Vehicles, Buildings or other places to be used have been inspected and approved by a Fire Inspector, where the Fire Chief considers such inspection necessary; and/or
- (2) The applicant has paid the applicable fee prescribed in Schedule "B" of this bylaw.

Permit Conditions

61. Every permit required by section 58 shall be subject to the following conditions:

- (1) A permit may not be transferred to another Person;
- (2) The Fire Chief may suspend or revoke a permit if there is a violation of:
 - i. any condition under which the permit was issued; or
 - ii. any requirement of this bylaw or other applicable legislation.
- (3) The permit must be posted in a conspicuous place in or on the premises which are subject to the permit, or carried at all times during the permitted use or activity and produced on request by a Member.

Open Air Burning

62. Except in accordance with permission in sections 63 – hereunder, no Person shall start or permit a fire of any kind whatsoever in the open air within Whitehorse, without first having obtained a permit to do so from the Fire Chief.

63. No permit is required for open air burning for the following:

- (1) For the following outdoor appliances; outdoor fire pit, food smoker, outdoor fireplace, and barbeque, provided:
 - i. the appliance is CSA, ULC, CGA or equivalent safety standard approved, and the appliance is fuelled by natural gas, propane, gel or charcoal briquette only;
 - a) clearance to combustibles – a minimum of 1 metre clearance must be maintained from the nearest structure, Property line, overhead tree or other combustible material for gas fuelled appliances;
 - ii. fire pits are installed to the specifications provided by the Whitehorse Fire Department, with fires being no higher than 0.5 metres. Outdoor appliances such as chimneys must be located on non-combustible material and be equipped with a screen. In all cases, the following are required:

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- a) clean wood or charcoal must be used;
- b) supervision – the operator must keep the fire pit or outdoor appliance under constant supervision when in use;
- c) provisions for Fire Protection – provide an adequate extinguishing agent, such as a fire extinguisher or garden hose; and
- d) such containers must be at least 3 metres from any building, structure or combustible material.

(2) By the Fire Department for the purpose of training Members in structural firefighting methods, fire investigation procedures, public education or for the purpose of elimination of fire hazards.

64. In addition to the conditions established in section 61, every permit issued for open air burning shall be subject to the following requirements and conditions:

- (1) Subject to any conditions that may be imposed pursuant to this bylaw, permits shall be issued only during the period of October 1st to March 31st each year, provided that where the Fire Chief considers it safe to do so. These dates are at the discretion of the Fire Chief and may be amended by the Fire Chief if deemed appropriate. In addition, the Fire Chief may issue a permit for any time during the year under such conditions and restrictions considered necessary;
- (2) No open air burning may be started or permitted on lots less than one acre;
- (3) A minimum of one Adult must be in attendance at all times during burning;
- (4) Adequate and reasonable provisions for fire suppression must be in place prior to starting any open burning, which may include extinguishers, hoses or other means of providing immediate suppression;
- (5) Specifications around pile sizes, number of piles and specific requirements for burn piles will be provided by the Fire Department and must be adhered to as part of the permit Approval. These requirements may be amended from time to time as the Fire Department deems appropriate;
- (6) The Fire Department may elect to inspect a property prior to issuing a burn permit and may withhold, delay or refuse issuing a permit until all conditions are deemed by the Fire Department to be met;
- (7) Compostable yard waste, including grass clippings, leaves, tree needles, garden waste and weeds, shall not be burned;

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- (8) In all instances rubber tires, oil, petroleum products, asphalt products, batteries, refuse, plastic, construction waste, or non-dried organic materials of any kind will not be permitted for starting, fuelling or feeding a fire;
- (9) If, at any time a permit is suspended or cancelled, the fire must be extinguished, a new permit applied for in writing, and the site and operation may be required to be inspected before recommencing burning;
- (10) The operating of a domestic outdoor or backyard incinerator or any structure serving as a domestic incinerator is expressly prohibited;
- (11) When, in the opinion of the Fire Chief, atmospheric conditions or local circumstances may make outdoor burning a hazard or a nuisance, the Fire Chief may temporarily suspend or revoke a permit;
- (12) In addition to any other remedy or offence imposed by this bylaw, a Person who starts a fire without a valid permit pursuant to this section or who are in contravention of this bylaw or the directions of the Fire Department shall be responsible for the costs of providing the additional personnel and equipment that the Fire Chief may deem necessary to extinguish the fire;
- (13) The permit may be revoked or suspended where, in the opinion of the Fire Chief, open air burning under the prevailing weather conditions or other circumstances could reasonably be expected to be hazardous to public safety or to create a nuisance;
- (14) The permit holder shall comply with all other conditions, restrictions and requirements imposed by; and
- (15) The permit holder is responsible for complying with all applicable territorial regulations not governed under this bylaw.

65. Without limiting section 58, the Fire Chief may, issue a permit to allow burning for the purpose of fuel reduction or hazard abatement on private or public property.

Requirement for Smoke Alarms

66. 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

67. 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:

- (1) Near the stairs connecting floor levels;

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- (2) On floor levels containing sleeping areas, between each sleeping area and the remainder of the dwelling; or
- (3) In the hallway, where the sleeping area is served by a hallway belonging to the Dwelling Unit.
 - i. Smoke Alarms shall be audible within the sleeping areas when intervening doors are closed.
 - ii. 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.
 - iii. 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

- 68. The Fire Chief shall be responsible for the enforcement of the provisions of this bylaw.
- 69. Provisions of this bylaw, including issuance of fines and penalties, may also be implemented by City of Whitehorse Bylaw Enforcement Officers.
- 70. 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 the building or premises to conduct an inspection to determine compliance with the provisions of this bylaw.
- 71. 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

- 72. In addition to authority provided for orders by the Fire Chief elsewhere in this bylaw, if a Person contravenes or fails to comply fully with any provision of this bylaw, or if conditions exist in or upon any premises which in the opinion of the Fire Chief, constitute a fire hazard or other danger to life or property, the Fire Chief may, in writing, issue such order to that Person as necessary to ensure full and proper compliance with this bylaw or to remove or otherwise deal with the fire hazard or other danger.
- 73. An order made by the Fire Chief under this bylaw may be served:
 - (1) By delivering it or causing it to be delivered to the Person to whom it is directed;
 - (2) By sending the order by mail to the last known address of the property Owner;
or
 - (3) If the Person to whom it is directed cannot be found, is not known or refuses to accept service of the order, by posting a copy of the order in a conspicuous place on the premises that is subject to the order.

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74. If an order has been posted in accordance with 73(3), a Person must not remove, deface or destroy the order.
75. A Person against whom an order has been made by the Fire Chief under this bylaw may, before the expiration of ten days from the date of the order, appeal in writing to the Fire Chief, who may uphold the order, vary or set aside the order, or issue an alternative order.
76. Every order issued by the Fire Chief or a Fire Inspector shall state a date by which the order shall be carried out, which date shall, in the discretion of the issuer, have regard to the degree of urgency involved in correcting or removing conditions which may tend to increase the hazard of fire or danger to life and Property.
77. Where a Person is in default of an order made pursuant to this bylaw, the City by its employees, servants or agents may enter the premises and effect such work as is required in the notice at the cost and expense of the Owner or Occupant of the premises, payable upon receipt of invoice from the City.

Right to Appeal

78. Every person against whom an order is made pursuant to section 72 of 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 in accordance with the appeal provisions of the *Fire Prevention Act*
79. The operation of an order referred to in section 78 of this bylaw may be suspended at the discretion of the Fire Marshal, until the Fire Marshal's decision has been served on the appealing Person.
80. All appeals that do not pertain to a fire hazard as described in the *Fire Prevention Act* may be appealed to City Manager.

Right of Assistance

81. The Owner, Occupant or lessee of a building or property or part thereof shall upon request give the Fire Chief or any Member of the Fire Department who is carrying out an inspection or investigation pursuant to this bylaw such information or assistance as may be reasonably required in carrying out the inspection.

Penalties Section

82. Every Person commits an offence who:
- (1) Fails to provide information or assistance as required by section 77; or
 - (2) Knowingly states anything false in information delivered or furnished to the Fire Chief or any Member of the Fire Department; or
 - (3) Obstructs or interferes with an inspection under this bylaw.
83. Every Person who violates a provision of this bylaw commits an offence and is liable on summary conviction to:

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- (1) A fine in the maximum amount of ten thousand dollars (\$10,000.00) or to imprisonment for no more than six months, or both; or
- (2) 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 "A" attached hereto and forming a part of this bylaw.

84. Where a Person upon whom an order has been served pursuant to this bylaw fails to comply with the order and has not within the prescribed time appealed the order, or has appealed 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 City taxes.

85. Where an offence is committed or continued on more than one day, it shall be deemed to be a separate offence for each day on which the offence is committed or continued.

Fees for Services

86. The City of Whitehorse is authorized to charge the applicable fees for the various services, tests and emergency responses as listed in the municipal Fees and Charges Bylaw as amended from time to time.

Bylaw Repeal


87. Bylaw 2000-01, including all amendments thereto, is hereby repealed.

Coming Into Force

88. This bylaw shall come into full force and effect upon final passage thereof.

FIRST and SECOND READING: September 9, 2024

THIRD READING and ADOPTION: September 23, 2024



Laura Cabott, Mayor



Corporate Services



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SCHEDULE "A" VOLUNTARY FINES

<u>Authority</u>	<u>Ticket Description</u>	<u>Penalty</u>
Section 11	enter within boundaries or limits of a hazardous area	\$100.00
Section 15	obstruct, hinder or delay a Member	\$500.00
Section 16	drive over equipment or fire hose	\$500.00
Section 17	false representation as fire department Member	\$ 50.00
Section 18	obstruct or interfere with roads, streets or approaches	\$500.00
Section 19	obstruct a Member carrying out duties of bylaw	\$500.00
Section 20	obstruct/hinder/delay fire apparatus/vehicle/equipment	\$500.00
Section 24	discarding a burning object	\$200.00
Section 25	use of flammable decorative materials	\$500.00
Section 26	permit accumulation of combustibles	\$100.00
Section 27	improper disposal of ashes	\$100.00
Section 28	storage of explosives contrary to bylaw	\$500.00
Section 29	fail to obtain permit to store explosives	\$500.00
Section 31	transporting explosives in excess of 2000 Kg	\$500.00
Section 32	park propane fuelled vehicle in underground facility	\$300.00
Section 33	fail to post signs	\$200.00
Section 34	improper sign	\$200.00
Sections 35-38	failure to comply	\$1,000.00
Section 39	place refuse container within prohibited distance	\$300.00
Section 40	open lid or refuse stored outside of container	\$300.00
Section 41	container constructed of combustible material	\$300.00
Section 42	fail to maintain required distance from combustibles	\$300.00
Sections 48-55	fail to comply with hydrant regulations	\$300.00
Section 64(1)	burning outside prescribed dates for cleanup purposes	\$200.00
Section 64(1)	burning outside prescribed dates/land clearing purposes	\$1,000.00
Section 62	fail to comply	\$500.00
Section 64(3)	fail to keep competent Person in attendance, or sufficient appliances and equipment on site	\$500.00
Section 64(8)	burning prohibited material	\$500.00
Section 66	fail to install or maintain Smoke Alarm(s)	\$250.00
Section 72	failure to comply	\$1,000.00
Section 81	fail to provide information or assistance	\$500.00
Section 82(1-3)	commits an offence	\$100.00