



EXECUTIVE COMMITTEE

**Wednesday, August 10, 2016
11:45 AM**

Henry Baker Hall, Main Floor, City Hall



Office of the City Clerk

**Public Agenda
Executive Committee
Wednesday, August 10, 2016**

Approval of Public Agenda

Minutes of the meeting held on July 6, 2016

Administration Reports

EX16-18 Sakimay First Nations –Water Supply Access and Fire Services Agreements

Recommendation

1. That the Executive Director of City Planning & Development be authorized to finalize and approve the terms of a Water Access Agreement and Fire Services Agreement between the City of Regina, Sakimay First Nations and the development corporation Four Horse Development Ltd. The Agreement(s) will be to service the first 16 hectares with the supply of potable water access and fire services of lands located directly west of Pinkie Road and south of Dewdney Avenue.
2. That the City Clerk be authorized to execute the Agreements after review and approval by the City Solicitor.
3. That this report be forwarded to the August 29, 2016 meeting of City Council for approval.

EX16-19 Seasonal Taxicab Licences

Recommendation

- 1 That seasonal taxicab owner's licences be awarded by lottery.
- 2 That eligibility for the seasonal taxicab lottery be open to any individual who is 18 years of age or older.
- 3 That awarded seasonal licences not be leased to end users for more than the initial price paid when issued by the City of Regina.
- 4 That amendments to The Taxi Bylaw, 1994, Bylaw No. 9635 as identified in this report be approved.
- 5 That the City Solicitor be instructed to prepare the required amending bylaw for consideration by City Council.
- 6 That this report be forwarded to City Council on August 29, 2016 for approval.



Office of the City Clerk

EX16-20 Regina Fire Bylaw

Recommendation

1. That the City Solicitor be instructed to bring forward a new bylaw consistent with the draft attached as Schedule A to this report.
2. That the new bylaw release *The Regina Fire Bylaw, 2005-18*.
3. That this report and related bylaw be forwarded to the August 29, 2016 meeting of City Council for approval.

Resolution for Private Session

AT REGINA, SASKATCHEWAN, WEDNESDAY, JULY 6, 2016

AT A MEETING OF THE EXECUTIVE COMMITTEE

HELD IN PUBLIC SESSION

AT 11:45 AM

These are considered a draft rendering of the official minutes. Official minutes can be obtained through the Office of the City Clerk once approved.

Present: Councillor John Findura, in the Chair
Councillor Sharron Bryce
Councillor Bryon Burnett
Councillor Jerry Flegel
Councillor Shawn Fraser
Councillor Bob Hawkins
Councillor Terry Hincks
Councillor Wade Murray
Councillor Mike O'Donnell
Councillor Barbara Young

Regrets: Mayor Michael Fougere

Also in Attendance: City Clerk, Jim Nicol
Deputy City Clerk, Erna Hall
City Manager, Chris Holden
Chief Financial Officer, Ian Rea
Executive Director, Legal & Risk, Byron Werry
Executive Director, Human Resources, Pat Gartner
Executive Director, Transportation & Utilities, Karen Gasmo
A/Executive Director, City Services, Laurie Shalley
A/Executive Director, City Planning & Development, Shauna Bzdel
Director, Communications, Myrna Stark-Leader

(The meeting commenced in the absence of Councillor Fraser.)

APPROVAL OF PUBLIC AGENDA

Councillor Bryon Burnett moved, AND IT WAS RESOLVED, that the agenda for this meeting be approved, as submitted, and that the delegations be heard in the order they are called by the Chairperson.

ADOPTION OF MINUTES

Councillor Wade Murray moved, AND IT WAS RESOLVED, that the minutes for the meeting held on June 15, 2016 be adopted, as circulated.

ADMINISTRATION REPORTS

EX16-16 Infill Servicing Agreement Fees and Development Levies Implementation Schedule

Recommendation

1. That City Council direct the Administration to consult with stakeholders and develop a proposed approach to charge Servicing Agreement Fees and Development Levies for infill development.
2. That the Administration present the proposed approach to City Council to allow for implementation of Infill Servicing Agreement Fee and Development Levy charges beginning in 2018.
3. That this report be forwarded to the July 25, 2016 City Council meeting for approval.

Stephen Onda, representing Sundog Development Ltd. addressed and answered questions of the Committee.

(Councillor Fraser arrived at the meeting.)

Councillor Terry Hincks moved, AND IT WAS RESOLVED, that the recommendations contained in the report be concurred in.

CITY CLERK'S REPORTS

EX16-17 2016 Appointment to the Mayor's Housing Commission

Recommendation

1. That the following organization representative be appointed to the Mayor's Housing Commission for a staggered term of office, effective August 1, 2016 & expiring July 31, 2019 or until such time as their successor is appointed.
 - Mr. Patrick Mah representing North Ridge Development Corp. and nominated by Regina & Region Home Builders' Association.
2. That item E15-53 be removed from the list of outstanding items for the Executive Committee.
3. That this report be submitted to the July 25, 2016 City Council meeting for consideration.

Councillor Terry Hincks moved, AND IT WAS RESOLVED, that the recommendations contained in the report be concurred in.

RESOLUTION FOR PRIVATE SESSION

Councillor Sharron Bryce moved, AND IT WAS RESOLVED, that in the interest of the public, the remainder of the items on the agenda be considered in private.

RECESS

Councillor Wade Murray moved, AND IT WAS RESOLVED, that the meeting recess for five minutes.

The meeting recessed at 12:08 p.m.

Chairperson

Secretary

August 10, 2016

To: Members,
Executive Committee

Re: Sakimay First Nations –Water Supply Access and Fire Services Agreements

RECOMMENDATION

1. That the Executive Director of City Planning & Development be authorized to finalize and approve the terms of a Water Access Agreement and Fire Services Agreement between the City of Regina, Sakimay First Nations and the development corporation Four Horse Development Ltd. The Agreement(s) will be to service the first 16 hectares with the supply of potable water access and fire services of lands located directly west of Pinkie Road and south of Dewdney Avenue.
2. That the City Clerk be authorized to execute the Agreements after review and approval by the City Solicitor.
3. That this report be forwarded to the August 29, 2016 meeting of City Council for approval.

CONCLUSION

Sakimay First Nations (Sakimay), through its development corporation Four Horse Development Ltd. (Four Horse), has approximately 120 hectares of designated reserve lands that they wish to develop for commercial or light industrial use, with the initial 16 hectares slated for development in the next 24 months.

Administration has reached an agreement with Sakimay. This is the first agreement with a First Nation to service lands outside of City limits with potable water access and fire services. The servicing will include 16 hectares of land located outside the limits of the City of Regina (City), south of Dewdney Avenue, west of Pinkie Road and east of the Global Transportation Hub (GTH) (Map – Appendix A). Subsequent agreements between the City and Sakimay will be required to provide servicing to the remaining approximate 104 hectares owned by Sakimay.

BACKGROUND

Negotiations between City Administration and Sakimay have been on-going since March of 2012 to provide servicing to the lands in question. The parties have examined the possibility of providing a large bundle of municipal services to the lands and arrangements where only specific City services are provided to the lands. In all cases, the City's approach to negotiations was taken in accordance with the following principles:

- The City to provide infrastructure services (including water and wastewater) to such an extent that it does not compromise the City's ability to supply its own current and future needs;
- Development shall be complementary to development within city limits; and
- Growth pays for growth.

As “reserve” lands under the *Indian Act*, R.S.C. 1985 Chapter I-5, Sakimay is the sole and exclusive taxing authority and their own planning authority. The provision of services by the City to the lands in question is subject to an agreement between Sakimay and the City. Any agreement to provide servicing must ensure the cooperation of the separate jurisdictions of Sakimay and the City to obtain compatible land use and development going forward.

Sakimay has advised the Administration that they only require potable water access and fire services from the City at this time for the initial 16 hectares of development. The arrangement contemplated is consistent with the Extra Municipal Water Access Agreements that the City currently enters into with users located outside of the boundaries of the city of Regina pursuant to the Interim Extra-Municipal Servicing Policy. The Fire Services Agreement is consistent with the Agreement entered into by the City of Regina with the Global Transportation Hub Authority (GTHA).

DISCUSSION

The parties have come to an arrangement (subject to City Council and Sakimay Band Council approval) that the City provide potable water access and fire services to 16 hectares of Sakimay's lands pursuant to the following terms and conditions:

- 1) To account for the impacts to the City's future infrastructure capacity, Sakimay will be responsible for the payment of connection fees as their land develops and becomes connected to the City's water infrastructure. The connection fees are calculated based on that year's development rate (as per the City's Extra-Municipal Serving Connection Fee Policy) and will be equivalent to one third (1/3) of Servicing Agreement Fees (SAFs). The payment of a connection fee and water rate is consistent with other current water access agreements that the City has in place with customers located outside of the boundaries of the city of Regina customers.
- 2) The connection fees payable are to offset future capital costs that benefit Sakimay with water and transportation. Currently, wastewater is excluded but the Agreement will reflect the ability to include wastewater at a later date, should the need arise.
- 3) To account for the operating and maintenance costs of city infrastructure related to Sakimay's projected growth and impact, a surcharge of 75 percent will be charged on the City's current water rate for all water accessed in accordance with the City's Extra-Municipal Servicing Fees and Surcharges Policy for water consumption. This is consistent with other water access agreements that the City has in place with customers located outside of the boundaries of the city.
- 4) The City will be providing fire services based on an annual retainer. This retainer fee will be calculated based on overall property assessment of the relevant portion of Sakimay lands. In addition to the retainer fee, Sakimay will pay a call out fee for applicable equipment and personnel if call-outs occur. This is consistent with recent Fire Services Agreements customers located outside of the boundaries of the city.
- 5) As a condition of providing servicing, the Agreement(s) will include compatibility provisions within the Sakimay lands and restrictions on keeping the development consistent with the City's commercial and industrial zoning.

The arrangement proposed is consistent with the City's OCP, the current Interim Extra-Municipal Servicing Policy, the advancement of the Province's Statement of Provincial Interest Regulations and the underlying foundation that "growth pays for growth".

RECOMMENDATION IMPLICATIONS

Financial Implications

Although the City does not have the ability to receive tax revenue from the Sakimay lands, the Water Access Agreement and Fire Service Agreement have been structured at full cost recovery to the City to ensure minimal impact on the City's long term infrastructure requirements and to maintain normal operations and maintenance of infrastructure.

Environmental Implications

There are no environmental impacts anticipated due to the provision of potable water access and fire services.

Sakimay is anticipating delivering their own wastewater treatment facility. Sakimay will be responsible for ensuring compliance with the Government of Canada's Ministry of Fisheries and Oceans, *Fisheries Act*, R.S.C., 1985, c. F-14, and particular Wastewater Systems Effluent Regulations SOR/2012-139 as it relates to environmental impact assessment and wastewater effluent impacts.

Policy and/or Strategic Implications

The Agreement proposed is consistent with the following City policies and regulations:

Statement of Provincial Interest Regulations

- Encourage engagement with First Nations and Métis communities on local and regional planning and development initiatives where there is a common interest; and
- Consider social and economic development opportunities that achieve shared goals of the municipality, First Nations and Métis communities.

Design Regina, the Official Community Plan, Bylaw No. 2013-48 (OCP)

Provides a regional context statement that includes the goal of supporting "a more sustainable and beneficial approach to growth within the region through collaborative regional planning and service delivery" and to work with regional partners to explore strategic planning initiatives (3.2).

There are a number of policy statements within the OCP that support the signing of the Agreement(s) with Sakimay as the Agreement(s) are consistent with the following policies:

- In optimizing the economic development potential of Regina, the region, and the Province of Saskatchewan to collaborate with surrounding First Nations, Metis and Inuit communities to promote shared prosperity (12.6.3) and support urban reserves that are in keeping with overall land use and growth policies (12.6.5).

- In using a consistent approach to funding the operation of the City, where the benefits of a program or service are directly attributable to specific beneficiaries, the costs are to be paid through user fees or other similar charges (1.1.2).
- In ensuring that the City services and amenities are financially sustainable, require that new development meets City standards for infrastructure servicing and require the development proponent to provide any upgrade necessary as a result of the new development (1.3.3), as well as provide infrastructure that meets expected growth and service levels, in accordance with financial resources and capabilities (1.5).
- While ensuring the sustainability of the City by understanding and planning for the full cost of capital investments, programs and services in advance of development approval and capital procurement to ensure all agreements required to provide infrastructure, including financial and development agreements, are in place prior to proceeding with development (1.12) and with that, ensure that growth pays for growth (1.16).
- In partnering with surrounding municipalities and other regional partners to connect the City to a regional linked system of continuous natural areas and corridors by identifying environmental conservation measures to protect the regional natural system (3.20.3) and identify compatible land uses and design guidelines to guide development within or adjacent to the regional natural system (3.20.2). Since water is not an infinite resource, it is important to work with regional partners to maintain the integrity of Regina's aquifers, surface and groundwater resources by developing strategies to protect the quality and quantity of surface and groundwater resources from contamination and impacts (4.8).

Other Implications

None with respect to this report.

Accessibility Implications

None with respect to this report.

COMMUNICATIONS

The applicant and other interested parties will receive a copy of the report and notification of City Council's decision.

DELEGATED AUTHORITY

The recommendations contained within this report require City Council approval.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Yves Richard', with a long horizontal stroke extending to the right.

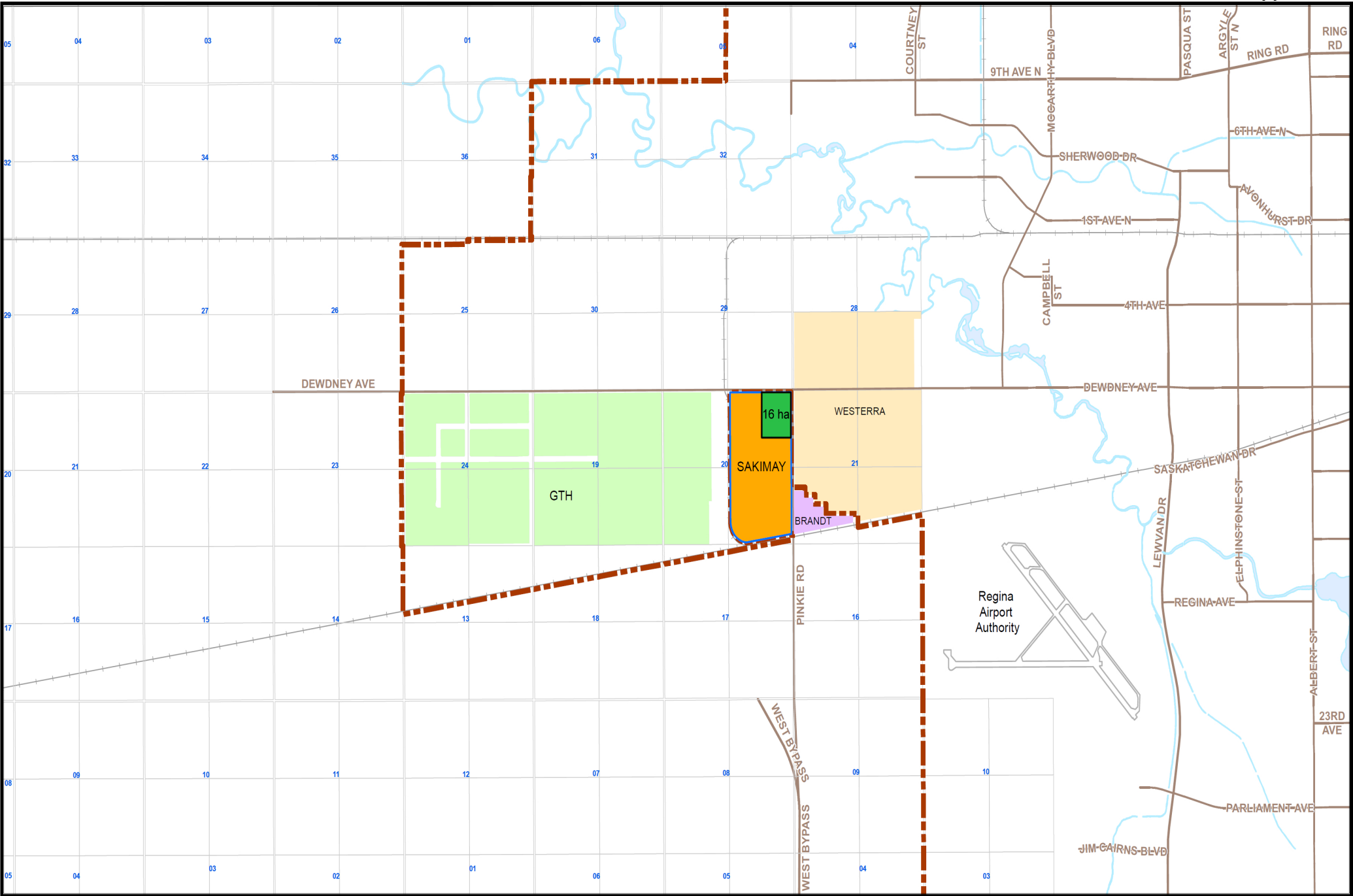
Yves Richard
A/Director, Planning

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Diana Hawryluk', with a stylized, cursive script.

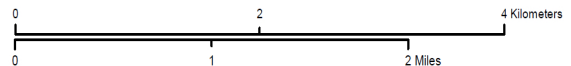
Diana Hawryluk
Executive Director, City Planning and Development

Report prepared by:
Boyd Clark, Regional Planning Branch



LEGEND

Railway	Brandt	Sakimay	Sakimay Initial Development
Road	City Boundary	Water Body	
Airport	GTH	Westerra	



LOCATION MAP

SAKIMAY WEST LAND

Planning Department -
Long Range Planning Branch

City of Regina

August 10, 2016

To: Members,
Executive Committee

Re: Seasonal Taxicab Licences

RECOMMENDATION

1. That seasonal taxicab owner's licences be awarded by lottery.
2. That eligibility for the seasonal taxicab lottery be open to any individual who is 18 years of age or older.
3. That awarded seasonal licences not be leased to end users for more than the initial price paid when issued by the City of Regina.
4. That amendments to The Taxi Bylaw, 1994, Bylaw No. 9635 as identified in this report be approved.
5. That the City Solicitor be instructed to prepare the required amending bylaw for consideration by City Council.
6. That this report be forwarded to City Council on August 29, 2016 for approval.

CONCLUSION

At the June 27, 2016 City Council meeting, a Notice of Motion was brought forward regarding the issuance of seasonal taxi licences to taxi brokers. The Administration was directed to bring forward a report regarding the issuance of seasonal licences by lottery in 2016. This report provides recommendations and information about the implementation of the policy direction discussed at the June 27, 2016 meeting.

BACKGROUND

Each year, the City of Regina issues seasonal taxicab owner's licences (seasonal licences) to accommodate increased citizen need and demand for taxicabs during the winter months. The licence period for a seasonal licence commences on October 1 of one year and ends on April 30 of the following year. Currently, seasonal licences are issued to the following Regina taxi brokers: Co-op Taxi, Capital Cabs and Regina Cabs. The number of licences issued to each broker is based on their proportionate share of the total regular and temporary taxicab licences already issued. The number of seasonal licences issued each year is equivalent to 37 per cent of the total regular and temporary taxicab licences. In 2015, this equalled 49 additional taxicab licences for the winter season.

At the June 27, 2016 City Council meeting, a Notice of Motion was brought forward regarding the issuance of seasonal taxi licences to taxi brokers. The revised Notice of Motion provided the following policy directions to Administration to consider in bringing back a report on the subject of seasonal taxicab licence issuance:

- a) that seasonal taxicab owner's licences be awarded by lottery;
- b) that entry in the lottery be restricted to Regina residents who are current drivers or brokers with two or more years (as of July 1, 2016) of taxi driving experience in Regina (as recommended in the TTLF study)and;
- c) that the awarded seasonal licences not be leased to end users for more than the initial price when issued by the City of Regina.

Currently, temporary and accessible taxicab owner's licences are issued via lottery. Moving to a lottery system for seasonal licences ensures that the mechanism for issuing seasonal licences is aligned with the City's current practice for other classes of taxicab owner's licences.

DISCUSSION

The Tennessee Transportation & Logistics Foundation (TTLF) was commissioned by the City of Regina to complete a study of the Regina Taxi Industry from September 2009 through April 2010. TTLF recommended a number of improvements for a policy of light taxi regulation for the City of Regina. Administration has implemented many of the recommendations relating to technology, safety, fees and data reporting requirements.

Lotteries

With regard to the issuance of taxicab licences, the TTLF study recommended that all future taxicab licences, seasonal and annual, should be awarded by lottery. Since 2012, the City of Regina has used a lottery process on four separate occasions to issue temporary and accessible taxicab owner's licences. These lotteries were open to all individuals over the age of 18 who met the licensing requirements as stated in *The Taxi Bylaw, 1994*.

Eligibility Restrictions

The TTLF study recommended that eligibility to participate in taxicab owner's license lotteries be restricted to current drivers or brokers with two or more years of taxi driving experience in Regina. This recommendation was the basis for the policy directions contained in Council's June 27, 2016 motion.

The notion of restricting eligibility for a taxicab owner's licence as recommended by TTLF was evaluated by Administration in both 2012 and 2014 prior to holding taxicab owner's license lotteries. In both instances, the Administration determined that it was not necessary to restrict entrants into the lottery to current industry members. Under the approach recommended by TTLF even individuals who operate a similar service, such as limousine operators, would be excluded from participating in the lottery. In 2012 and 2014, Administration recommended, and Council approved, the current process of allowing all individuals over the age of 18, who meet all the licensing requirements as stated in *The Taxi Bylaw, 1994*, to be eligible to participate in the lottery.

An unrestricted lottery will provide a fair and equitable process in the distribution of seasonal licences. Strong support exists for the lottery process among taxicab drivers; however, many strongly recommend that restrictions should be in place to prevent the entry of people from outside the current Regina taxicab industry. While the Administration understands the industry's position in wanting these restrictions, it has been determined that there is not sufficient evidence

to justify excluding persons from eligibility from the lottery considering the City's role in regulating the taxicab industry. Consequently, Administration recommends that the seasonal licence lottery be open to an individual who is 18 years of age or older and who meets all the licensing requirements as stated in *The Taxi Bylaw, 1994*.

Leasing or Renting of Licences

Administration also recommends the awarded seasonal licences not be leased to end users for more than the initial price paid when issued by the City of Regina. The TTLF study indicated that because of the lack of municipal regulation surrounding the lease or rental of seasonal licences, these licences are being leased for 25 to 37 times the original value of the licence. Implementation of this policy directive will help to ensure that this practice does not continue. It should be noted that the implementation of this policy directive does not limit the ability to charge for operational expenses that may be associated with a seasonal taxicab owner's licence (i.e. broker's charge for dispatch services etc.) that may be recovered.

Next Steps

If the recommendations in this report are approved by City Council, Administration will work within a short time frame to ensure the 2016 seasonal taxi lottery is successful and results in all 49 seasonal taxicabs being available for the start of the winter season on October 1, 2016.

The lottery process will begin on August 30, and will follow the requirements in *The Taxi Bylaw, 1994*. Typically, the lottery application process is open for ten business days. A public random draw will then be conducted to determine who will receive the seasonal licences and written notice given to the successful applicants. Per *The Taxi Bylaw, 1994*, the successful applicant will then have 14 days to notify the Licence Inspector in writing whether he or she wishes to accept the licence. This schedule will bring the acceptance date to October 1, 2016.

RECOMMENDATION IMPLICATIONS

Financial Implications

A fee of \$50 per lottery application will be charged. The purposes of this fee is to cover the costs incurred by the City to administer and enforce the provisions of the Bylaw regarding the lottery.

Environmental Implications

None with respect to this report.

Policy and/or Strategic Implications

None with respect to this report.

Other Implications

None with respect to this report.

Accessibility Implications

None with respect to this report.

COMMUNICATIONS

The decision of the Executive Committee will be communicated to the taxicab industry through direct mail, an advertisement in the City Page of the Leader-Post and on the City of Regina website immediately following the August 10 Executive Committee meeting. Sending out the letter after the August 10 Executive Committee meeting will allow for ample time for all interested and qualified parties to participate in the lottery.

The decision of City Council will be communicated in the City Page of the Leader-Post and on the City of Regina website immediately following the August 30 City Council meeting. It should be noted that the letter sent out to the taxicab industry through direct mail on August 11 will make reference to the superseding nature of the City Council decision on August 30, and the availability of information regarding that decision

DELEGATED AUTHORITY

The recommendations in this report require City Council approval.

Respectfully submitted,



Jeff Erbach, A/Director,
Community Services

Respectfully submitted,



For/Kim Onrait, Executive Director
City Services

Report prepared by:
Dawn Schikowski, Manager, Business Support

August 10, 2016

To: Members,
Executive Committee

Re: Regina Fire Bylaw

RECOMMENDATION

1. That the City Solicitor be instructed to bring forward a new bylaw consistent with the draft attached as Schedule A to this report.
2. That the new bylaw release *The Regina Fire Bylaw, 2005-18*.
3. That this report and related bylaw be forwarded to the August 29, 2016 meeting of City Council for approval.

CONCLUSION

The Regina Fire Bylaw, 2005-18 requires several updates to ensure alignment with recent changes to the provincial legislation and the *National Fire Code of Canada*. The proposed bylaw will replace the existing Fire Bylaw and introduces additional provisions, which are highlighted in this report to ensure consistency with *The Fire Safety Act* (the Act) that was enacted in November 2015. In accordance with the requirements of the Act, the proposed bylaw has been reviewed by the Ministry of Government Relations' Emergency Management and Fire Safety, and Building Standards and Licensing branches.

BACKGROUND

The Government of Saskatchewan ensures the regulation of fire safety under the framework established by the *National Fire Code of Canada, 2010* (NFC). The NFC is a model code published by the National Research Council to provide minimum fire safety requirements for buildings, structures and areas where hazardous materials are used. It also ensures acceptable levels of fire protection and fire prevention for ongoing building operations.

The Government of Saskatchewan enacted *The Fire Safety Act* on November 2, 2015, replacing *The Fire Prevention Act, 1992*. Section 49 of the Act allows a municipality to pass bylaws to modify or revise the NFC to suit local needs where the modifications are more exacting than the requirements in the Code. In the fall of 2015, the Administration began reviewing *The Regina Fire Bylaw* to ensure alignment with recent changes to the Act and the NFC. The Bylaw was last amended in 2010. As part of the review, the Administration identified a number of updates and additional requirements for inclusion in the Bylaw including permit requirements for industry fire safety systems technicians, enhanced smoke alarm provisions in rental properties, false alarms and additional provisions for alternative family care homes and residential care occupancies.

A previous draft of the new Fire Bylaw was presented to City Council on June 25, 2016 and defeated due to the lack of consultation over provisions that would require property owners/landlords to test smoke alarms in rental properties every 30 days. Since then, the Administration has engaged with the Saskatchewan Landlord Association to develop an

alternative to strike a balance between fire safety, landlord resources and capacity and tenant privacy.

DISCUSSION

Fire Safety System Industry Standards

Regina Fire & Protective Services (RFPS) Fire Inspectors have experienced several instances where fire and life safety systems have been non-compliant. This is due to private technicians not following regulated industry standards when providing maintenance services. The requirements introduced in the proposed bylaw will require private technicians who perform maintenance and testing on portable fire extinguishers, commercial cooking equipment, sprinkler and standpipe systems and fire alarm systems be trained and qualified to the industry standards as per NFC requirements. The new bylaw provisions will require individuals who intend to inspect, test, or maintain fire safety system equipment to provide RFPS with proof of qualifications in order to obtain a permit to carry out the work.

Alternative care homes and residential care occupancies up to 10 occupants

The proposed bylaw provides specialized requirements for occupancies providing care, accommodation and lodging of individuals who require specialized or supervised care to ensure resident safety. These requirements reflect National Building Code (NBC) requirements and are mandated in existing provincial legislation.

In a letter to Residential Care Facility Operators dated June 29, 2016, the Government of Saskatchewan, Ministry of Health, approved a permanent exemption to the National Building Code requirements for facilities accommodating fewer than six (6) residents. In this letter they acknowledge that there is a need for additional safety requirements, but have not yet developed those, nor discussed what these alternative measures might look like with Municipalities.

The NBC requirements proposed include sprinkler systems, emergency lights and interconnected smoke alarms. Enhanced building protection requirements are necessary to ensure the safety of the residents who may be unable to maintain their own safety due to deteriorating health conditions. The requirements also address the advanced risk of persons congregating in buildings not specifically designed for that use.

Smoke alarms in rental properties

Between 2005 and 2016 there were 12 fire fatalities in Regina – 10 were in rental properties. In 2015, 75 per cent of residential smoke alarm deficiencies identified by RFPS fire inspectors were in rental properties. New provisions in the NFC require that hard-wired smoke alarms having an alternative power source that will provide power to the alarm for a minimum of seven days be installed in all rental properties. As an additional safety standard, the new bylaw will require that smoke alarms be tested in conformance with CAN/ULC-S552 standards or every 30 days, whichever is more frequent. CAN/ULC is referenced in the NFC and recognized by manufacturers and the fire service industry as the standard for the installation, testing and maintenance of smoke alarms.

The Administration is recommending that monthly smoke alarm testing be carried out by the property owner or an authorized agent, which may include a tenant at the owner's discretion. This does not allow the property owner to fully relieve their responsibility for alarm testing on a tenant. The owner must ensure that if a tenant is delegated the responsibility for smoke alarm testing, that the tenant is physically and cognitively capable of carrying out the function. In addition, smoke alarms must be inspected and tested every six months by the property owner or agent to ensure operability. It is important to note that the six month test cannot be delegated to a tenant. This approach recognizes that landlords and tenants both share the responsibility for life

safety in a rental property and is supported by the Saskatchewan Landlord Association (SKLA). The new provisions can be found in Sections 9(8) and 9(9) of Schedule “A”.

Smoke alarm requirements in the current Bylaw apply only to buildings that contain more than one dwelling unit, or one or more dwelling units that are not occupied by the owner of the building. The proposed bylaw extends smoke alarm provisions to other buildings containing similar occupancies, specifically:

- Dwelling unit(s) containing one or more sleeping rooms or sleeping areas where lodging is provided for a fee, such as short-term accommodation, but excluding hotel and motel occupancies, which are regulated under existing NFC provisions.
- Individual condominium units within a complex that are used as rental accommodations.

False Alarms

A false alarm occurs when fire crews are dispatched to an incident to find there is no emergency or fire at the alarm site. Responding to false alarms may have significant impacts on resource allocation and emergency service delivery which could result in delayed response times to critical emergencies. The City has established a false alarm bylaw (*False Alarm Bylaw, Bylaw No. 2004-24*) requiring police to attend at the property. A similar provision is sought for fire crew response to false alarms. The proposed bylaw establishes fees for fire crews responding to repeated false fire alarms. The fees are consistent with other violation fines under the fire bylaw and are comparable to other jurisdictions. The fees are intended to recover partial costs of the emergency response in addition to being a deterrent for false alarms.

Flying Lanterns (Sky Lanterns)

Flying and sky lanterns are small paper lanterns resembling hot air balloons and are currently sold in various Regina stores. They are launched by lighting a candle at the base of the lantern and can float up to three kilometres depending on wind speed and direction. These devices have been linked to a number of fires in the City because they may land with the candle still burning. The Administration recommends prohibiting the launch of flying lanterns within the City limits.

RECOMMENDATION IMPLICATIONS

Financial Implications

Fines for bylaw violations and recommended provisions with respect to false alarms are not expected to generate significant revenue for the City. Financial penalties are primarily used in situations that involve repeat offenders in an attempt to change the behaviour of those individuals. For instance, in 2015 the City received approximately 150 fire pit complaints, however only 26 violation tickets were issued. These fines generated approximately \$6,500 in revenue but over 80 per cent of the inspections were utilized to focus on educating residents on fire safety.

Environmental Implications

None with respect to this report.

Policy and/or Strategic Implications

The proposed bylaw supports the health, safety and community security goals outlined in the *Official Community Plan* (OCP) and ensures that municipal regulations pertaining to fire and life safety are aligned with provincial legislation and national standards.

Other Implications

Fire Inspectors may issue an order to remedy contraventions of *The Fire Safety Act* or a bylaw passed pursuant to the Act. Appeals of orders issued under the Act or bylaw are considered by the Office of the Fire Commissioner for a decision. The Fire Commissioner was notified of the pending changes and provided with a draft of the proposed bylaw for review to ensure alignment with the requirements of the Act. The repeal and replacement of the current bylaw with a new bylaw will have no impact on the validity of orders issued under the former bylaw nor appeals that are outstanding at the time the bylaw is replaced.

Accessibility Implications

None with respect to this report.

COMMUNICATIONS

As required by *The Fire Safety Act*, the new bylaw was reviewed by the Ministry of Government Relations (Emergency Management and Fire Safety) to ensure alignment with the Act. On April 20, 2016, the Fire Commissioner recommended City Administration provide further review of three bylaw provisions. The Administration corrected the provisions and submitted the bylaw to the Ministry for a final review. The Fire Commissioner responded on May 13, 2016 to inform the Administration that the proposed bylaw satisfactorily aligns with the Act (Schedule “B”).

A separate communication plan will include information regarding new false alarm provisions and permitting requirements for private technicians. The Office of the Fire Marshal began preliminary consultations with commercial kitchen cleaning service providers to ensure awareness of the training and certifications that will be necessary to obtain a permit. This initiative started more than 18 months ago due to an increase in the number of restaurant fires directly attributed to excessive grease laden appliances, canopies and ducts. The Fire Marshal has also delivered letters to Regina restaurants stating the importance of hiring trained service providers to correctly clean their systems. Feedback from long-standing cleaning companies has been positive.

The Administration consulted with the SKLA regarding the introduction of monthly smoke alarm testing in rental properties. Meetings were held on June 30 and July 19, 2016 to discuss a balanced approach to life safety that recognizes the shared responsibility between landlords and tenants. New bylaw provisions were drafted by the Administration (Sections 9(8) and 9(9) in Schedule “A”) and sent for review by the SKLA executive board. A letter from the SKLA supporting the proposed bylaw provisions is attached in Schedule “C” to this report. Targeted information for landlords and tenants pertaining to fire safety roles and responsibilities will form part of a larger, coordinated rental accommodation education strategy.

Information about the bylaw changes will also be shared through the City’s website and social media channels as appropriate.

DELEGATED AUTHORITY

The recommendations contained in this report require City Council approval.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be 'EP' or similar initials, followed by a horizontal line.

Ernie Polsom,
Fire & Protective Services

Respectfully submitted,

A handwritten signature in dark ink that reads 'C. Holden'.

Chris Holden, City Manager

Report prepared by:
Jeannette Lye, Policy Analyst, Fire & Protective Services

SCHEDULE A

BYLAW NO. 2016-46

THE REGINA FIRE BYLAW, 2016

THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

PART I: PURPOSE AND STATUTORY AUTHORITY

Purpose

1 The purpose of this Bylaw is to:

- (a) acknowledge the authority of the Director as the Fire Chief and local assistant;
- (b) acknowledge the purpose of the Department as a service provider;
- (c) revise, vary and modify provisions of the National Fire Code and adopt additional or enhanced fire safety and prevention standards;
- (d) provide for inspections required by provincial law other than *The Fire Safety Act*;
- (e) regulate private inspections of certain fire safety equipment;
- (f) regulate the sale and use of fireworks and pyrotechnics;
- (g) establish fees and charges for false alarms; and
- (h) establish additional mechanisms for enforcement of *The Fire Safety Act*, the regulations to *The Fire Safety Act*, the National Fire Code and this Bylaw.

Statutory authority

2 The authority for this Bylaw is section 8 and 333 of *The Cities Act* and section 49 of *The Fire Safety Act*.

PART II: DEFINITIONS AND ADMINISTRATIVE REQUIREMENTS

Definitions

3 In this Bylaw:

Approved as to form this _____ day of _____, 20____.

City Solicitor

“Chief of Police” means the Chief of the Regina Police Service and anyone acting or authorized to act on his or her behalf;

“City” means the municipal corporation of the City of Regina or the geographical area within the City limits, as the context requires;

“City Manager” means the person appointed to the position of City Manager by Council;

“Council” means the Council of the City;

“cut seasoned wood” means lengths of wood that have been air-dried to reduce the moisture content;

“Department” means the Regina Fire and Protective Services Department;

“Director” means the Director of the Regina Fire and Protective Services Department of the City or anyone acting on his or her behalf;

“facility” includes a group home, child care home, personal care home, private service home and a residential-service facility;

“false alarm” means an activation of a fire alarm system or a security system when there is neither a fire nor any other emergency at the alarm site;

“federal regulations” means the regulations passed pursuant to the *Explosives Act*;

“firecracker” means any object containing any substance or combination of substances prepared for, capable of, or discharged for the purpose of producing an explosion without a pyrotechnics display, including cannon crackers, firecrackers, mines, squibs and torpedoes;

“fire alarm system” means a system consisting of a control unit and a combination of electrical interconnected devices, which are:

- (a) designed and intended to detect a fire condition and to actuate an alert and/or alarm signal in a building or structure; or
- (b) manually activate and includes the systems installed throughout any building or structure;

“Fire Chief” means the Director and anyone authorized or delegated to act on behalf of the Director;

“fire inspector” means an officer who is employed by the City and authorized by the Director to act as a municipal inspector for the purposes of *The Fire Safety Act* and this Bylaw;

“fire pit” means a permanently affixed outdoor fire receptacle and a portable fire receptacle, including a chiminea;

“fire protection systems” means fire alarm systems, sprinkler systems, special extinguishing systems, standpipe and hose systems, and emergency power installations;

“fireworks” means explosives that are enclosed in any case or contrivance, or are otherwise manufactured or adapted for the production of pyrotechnic effects, pyrotechnic signals or sound signals and includes any chemical compound or mechanically mixed preparation of an explosive or of an inflammable nature that is used for the purpose of making such explosives, but does not include firecrackers;

“fireworks exhibition” means an exhibition of fireworks intended for the entertainment of the general public or in open view of the general public;

“Fireworks Supervisor” means a person who has been certified as a Fireworks Supervisor by the Explosives Regulatory Division of Natural Resources Canada;

“flying lantern” or **“sky lantern”** means paper or plastic devices containing a candle or other fuel source designed to heat the air in the device so the device will levitate;

“high hazard fireworks” means fireworks classed as Subdivision 2 and Subdivision 3 of Division 2 fireworks in the federal regulations, such as model rocket engines, rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, batteries, illumination, set pieces and pigeons, but does not include firecrackers;

“lessee” means a person who leases a building or land and includes an occupant, tenant, or subtenant;

“low hazard recreational fireworks” means fireworks classed as Subdivision 1 of Division 2 fireworks in the federal regulations comprised of low hazard fireworks generally used for recreation, such as fireworks showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes and sparklers, but does not include Christmas crackers or caps for toy guns;

“National Building Code” means The National Building Code of Canada as adopted by the regulations to *The Uniform Building and Accessibility Standards Act* as amended from time to time;

“National Fire Code” means The National Fire Code of Canada as adopted by the regulations to *The Fire Safety Act* as amended from time to time;

“NFPA” means the National Fire Protection Association;

“outdoor fireplace” means an enclosed and permanently affixed outdoor fire receptacle which incorporates a permanently affixed chimney or flue, and is constructed of brick, rock or other masonry;

“owner” means a person who has any right, title, estate or interest in land or buildings other than that of a mere occupant, lessee, tenant or mortgagee;

“peace officer” means a police officer or a constable appointed pursuant to any legislation;

“person” includes a corporation and the heirs, executors, administrators or other legal representatives of a person;

“pyrotechnician” means a person who has been certified as a pyrotechnician by the Explosives Regulatory Division of Natural Resources Canada;

“pyrotechnic special effects” means those fireworks that are used in the entertainment industry whether designed specifically for indoor or outdoor use, such as black powder bombs, bullet effects, flash powder, smoke compositions, gerbs, lances and wheels;

“pyrotechnics exhibition” means an exhibition of pyrotechnic special effects intended for the entertainment of the public, in open view to the general public, or in a place to which the general public may be admitted, and includes places to which admittance to the general public is restricted by age or by invitation;

“Risk Manager” means the Risk Manager appointed or employed by the City;

“security alarm” means an alarm system intended to detect and alert of heat or smoke in the building;

“Special Effects Pyrotechnician” means a person who has been certified as a Special Effects Pyrotechnician by the Explosives Regulatory Division of Natural Resources Canada;

“theatrical user” means a person who has been certified as a theatrical user by the Explosives Regulatory Division of Natural Resources Canada.

Interpretation

- 4(1) The words and terms not specifically defined in this Bylaw shall have the meaning prescribed in *The Fire Safety Act*, *The Fire Safety Regulations*, the National Fire Code or the National Building Code, *The Uniform Building and Accessibility Standards Act* and the regulations passed pursuant to *The Uniform Building and Accessibility Standards Act*, unless otherwise modified by this Bylaw.
- (2) Words and phrases not specifically defined in this Bylaw or in the legislation in subsection (1), shall have the meanings which are commonly assigned to them with reference to the context in which they are used and with reference to the specialized use of terms within the various trades and professions to which the terminology applies.

Authority of Director

- 5(1) The Director is appointed as the Fire Chief and the local assistant, as defined in *The Fire Safety Act*.
- (2) The Director is responsible for and shall carry out the daily administration and operations of the Department and may make any policies, regulations or operating procedures where necessary.
- (3) The Director shall administer and enforce this Bylaw within the City and may perform any other duties and exercise any other powers that may be delegated by Council or authorized by provincial law.
- (4) The Director is authorized to further delegate any matter delegated to him or her under this Bylaw.

Purpose of the Department

- 6(1) The Department is continued as an established service department of the City pursuant to clause 8(1)(i) of *The Cities Act* and is authorized to provide services relating to fire suppression, prevention and investigation and additional related services, including, but not limited to:
- (a) emergency response services;
 - (b) inspections and investigations;
 - (c) educational and training programs;

- (d) rescue services;
- (e) dangerous goods emergency services;
- (f) regulation of fireworks and pyrotechnics; and
- (g) regulation of private fire safety equipment inspectors.

Inspection services

- 7(1) In addition to the authority provided to conduct inspections pursuant to *The Fire Safety Act*, the Director or a fire inspector may carry out inspections on behalf of and at the request, in writing, of an owner or operator of a facility where an inspection, letter of approval or report with respect to the fire safety of the facility is required from the local fire chief, a fire inspector or a local assistant to the Fire Commissioner pursuant to provincial legislation.
- (2) Where the Director or a fire inspector carries out an inspection pursuant to this section, he or she shall only inspect and report on the fire safety of the facility and the fire protection equipment in the facility as required pursuant to the applicable provincial legislation.
- (3) The Department shall not charge any fee for an inspection conducted pursuant to this section.

PART III: MODIFICATIONS TO THE NATIONAL FIRE CODE**Modification of the National Fire Code of Canada**

- 8 The National Fire Code is revised, varied or modified as set forth in this Part.

Smoke Alarms

- 9 Division B, Part 2, Article 2.1.3.3. is repealed and the following substituted:

“2.1.3.3. Smoke alarms

- 1) Smoke alarms conforming to CAN/ULC S531-M, “Smoke Alarms” shall be installed in each dwelling unit and, except for care, treatment or detention occupancies required to have a fire alarm system, in each sleeping room not within a dwelling unit.
- 2) Smoke alarms within dwelling units shall be installed between each sleeping area and the remainder of the dwelling unit, and where the sleeping areas are served by hallways, the smoke alarms shall be installed in the hallways.

- 3) Smoke alarms shall be installed in conformance with CAN/ULC-S553, "Installation of Smoke Alarms".
- 4) Smoke alarms are permitted to be battery operated.
- 5) For the purposes of Sentence 6) "building" means a building that contains:
 - a) more than one dwelling unit;
 - b) one or more building units that are not occupied by the owner of the building; or
 - c) a dwelling unit or units containing one or more sleeping rooms or sleeping areas where lodging, with or without meals, is provided for a fee, such as rooming houses or lodging houses but not including hotel or care occupancies.
- 6) Notwithstanding Sentences 3) and 4), the owner of a building defined in Sentence 5) shall ensure that the smoke alarms contained in the building:
 - a) are installed with permanent connections to an electrical circuit;
 - b) have no disconnect switches between the overcurrent device and the smoke alarm;
 - c) in case the regular power supply to the smoke alarm is interrupted, be provided with a battery as an alternative power source that can continue to provide power to the smoke alarm for a period of no less than 7 days in normal conditions followed by 4 minutes of alarm;
 - d) shall be inspected and tested in conformance with CAN/ULC-S552 or at least every 30 days, whichever is more frequent, to ensure that the smoke alarms are still in place and operable;
 - e) in addition to the requirement of 2.1.3.3.2), at least one smoke alarm shall be installed on any story of a dwelling that does not provide sleeping rooms;

- f) smoke alarms shall be replaced in conformance with CAN/ULC-S552.
- 7) Smoke alarms shall be maintained in an operable condition at all times.
- 8) The owner of a building or the owner's authorized agent shall conduct all inspections and testing required by Sentence 6). Subject to Sentence 9), the authorized agent who performs the inspection and testing may be a tenant in the building;
- 9) Every 180 days, the inspection and testing conducted pursuant to Sentence 6) shall be conducted by the owner of the building or the owner's authorized agent, which authorized agent shall not be a tenant of the owner who resides in the building where the test is conducted.
- 10) Where a building contains either more than one dwelling unit or one or more dwelling units that are not occupied by the owner of the building, the owner or the owner's authorized agent shall maintain a record of all inspections and tests required pursuant to Sentence 6).
- 11) Where a fire inspector requests a copy of any record required to be kept pursuant to Sentence 10) the owner or the owner's authorized agent shall immediately produce the original record and promptly provide a copy of the record on demand by an inspector.
- 12) The record required by Sentence 10) shall contain the following information:
 - a) the address of the premises being inspected;
 - b) the date of the inspection;
 - c) the name of the person conducting the inspection;
 - d) the condition, maintenance and operation of the smoke alarm, including any deficiencies; and
 - e) any corrective measures that were taken.

- 13) These provisions apply to individual condominium units that are used as rental accommodation.”

Fire Protection Systems and Building Components

10 The following article is added after Division B, Part 2, Article 2.1.3.8.:

“2.1.3.9. Fire Protection Systems

- 1) Each manual fire alarm pull station in a building shall be:
 - a) accessible;
 - b) unobstructed;
 - c) visible; and
 - d) of the same general type as the others in the building.
- 2) When a Fire Protection System in a building is a repeated source of false alarms, which alarms are, in the opinion of a fire inspector, caused by:
 - a) the elements or design of the system;
 - b) the environment of the system; or
 - c) the location of the alarm pull stations in the building;

the owner shall remedy the problems as ordered by the fire inspector, within the time specified in the order.

- 3) No person shall tamper with:
 - a) exit doors, exit signs or emergency lighting;
 - b) portable or fixed fire extinguishing equipment;
 - c) automatic sprinkler systems;
 - d) fire, heat, or smoke detection devices, or;
 - e) fire alarm devices or systems.”

Coniferous Trees

- 11 Division B, Part 2, Article 2.3.1 is modified by adding the following after Article 2.3.1.4.:

“2.3.1.5. Sale of coniferous trees

- 1) In a heated building, no person shall sell, or offer for sale, any fir, pine, balsam, spruce or other variety of coniferous tree except where the tree is living and rooted in soil with enough moisture to sustain the tree.
- 2) No person shall display any live cut fir, pine, balsam, spruce or other variety of coniferous tree in exits, foyers and corridors required as a means of egress in any building, excluding residential suites and residential dwelling units.”

Accumulation of Combustible Materials

- 12 Division B, Part 2, Article 2.4.1.1. Sentence 1) is repealed and the following substituted:

- “1) Combustible materials in and around buildings shall not be permitted to accumulate in quantities or locations that will constitute an undue fire hazard.”

Open Flames

- 13 Division B, Part 2, Article 2.4.3.1. is repealed and the following substituted:

“2.4.3.1. Open Flames

- 1) Open flames whose quantity and method of use create a fire hazard shall not be permitted in or near buildings that are used for the following:
 - a) *assembly occupancies*; or
 - b) dining areas in Group B, Division 2 and 3 care and treatment occupancies.”

Open Air Fires

- 14 Division B, Part 2, Article 2.4.5 is repealed and the following substituted:

“2.4.5. Open Air Fires

2.4.5.1. Open Air Fires

- 1) No person shall start or permit an open air fire to be started or continued within the City unless that person has obtained a permit authorizing such a fire from the *authority having jurisdiction*.
- 2) The permit shall be in a form approved by the *authority having jurisdiction*.
- 3) Notwithstanding Sentence 1), a permit shall not be required for an open air fire where:
 - a) the open air fire is used for cooking on a grill or barbeque;
or
 - b) contained within a fire pit or outdoor fireplace conforming to Article 2.4.5.2.

2.4.5.2. Fire Pits and Outdoor Fireplaces

- 1) Fire pits and outdoor fireplaces shall meet the following requirements:
 - a) the fire shall be contained in a non-combustible receptacle constructed of concrete, clay, brick or sheet metal with a minimum 18 gauge thickness;
 - b) the receptacle shall be covered with a heavy gauge metal screen with openings not exceeding 13 millimetres; and
 - c) the size of the fire box of any receptacle shall not exceed 81.28 centimetres in any dimension.
- 2) No person shall cause, allow or permit the burning of any material other than charcoal, cut seasoned wood or manufactured fire logs in a fire pit or outdoor fireplace.
- 3) No fire pit or outdoor fireplace shall be located closer than 3 metres to any combustible material, building, porch, deck, similar amenity space and property line.
- 4) No fire pit or outdoor fireplace shall be used on a combustible deck or apartment balcony.
- 5) Fire pits or outdoor fireplaces shall be situated on a non-combustible surface.

- 6) Use of fire pits and outdoor fireplaces shall be supervised by a person of 18 years of age or older.
- 7) If smoke from a fire pit or outdoor fireplace causes an unreasonable interference with the use and enjoyment of another person's property, the fire shall be extinguished immediately.
- 8) Fire pits or outdoor fireplaces shall not be used in windy conditions.
- 9) Fire pits or outdoor fireplaces shall be located so as to be clear of overhangs such as tree branches, utility lines and structures.
- 10) No person shall use or operate a fire pit or outdoor fireplace without a means of extinguishing the fire readily accessible at all times.
- 11) No person shall use a fire pit or outdoor fireplace between the hours of 1:00 a.m. and 12:00 p.m.
- 12) Where requested by the Fire Chief, a fire inspector or a peace officer, a person shall extinguish a fire in a fire pit or outdoor fireplace.
- 13) Notwithstanding any provision of this Bylaw, the Director may declare a complete ban of any burning of any kind in the City.
- 14) No person shall ignite or allow any kind of fire when a complete ban on burning has been declared by the Director."

Vacant Buildings

15 Division B, Part 2, Article 2.4.6.1. is repealed and the following substituted:

"2.4.6. Vacant Buildings**2.4.6.1. Security**

- 1) Vacant buildings shall be secured against unauthorized entry. (See Appendix A.)

2.4.6.2 Security for Fire Damaged Buildings

- 1) Where a building is damaged by fire or explosion, the owner of the building shall secure the building against unauthorized entry immediately after the fire investigation has been completed and the fire inspector has turned the property over to the owner or owner's agent.

- 2) Where the owner is unavailable or fails to comply with Sentence 1), the City may secure the building and add the expense and costs incurred by the City to the tax roll of the parcel of land upon which the building is located pursuant to clause 333(1) of *The Cities Act*.”

Street Number Address

16 The following article is added after Division B, Part 2, Article 2.5.1.5.:

“2.5.1.6. Street Number Address

- 1) Every owner of a building shall install the street number for that building on the front of the building or in some other conspicuous location in front of the building so that the street number is legible and visible from the street.”

Occupant Load

17 Division B, Part 2, Article 2.7.1.3. is repealed and the following substituted:

“2.7.1.3. Occupant Load

- 1) The maximum permissible occupant load for any room shall be calculated on the basis of the lesser of:
 - a) 0.4 m² of net floor space per occupant; or
 - b) the *occupant load* for which *means of egress* are provided as per Division B, Appendix A of the National Fire Code.
- 2) On request of the Director or a fire inspector, a building owner or tenant shall engage a qualified person to calculate and determine the occupant load for a floor area or part of a floor area in accordance with Sentence 1) and provide the information to the Director or fire inspector for review and approval.
- 3) For the purposes of Sentence 2), a qualified person means a person trained and knowledgeable with the process, calculations and requirements of Article 2.7.1.3. of the National Fire Code.
- 4) If the Director or fire inspector is satisfied that the occupant load for a floor area or part of a floor area has been properly calculated in accordance with Sentence 1), the Director or fire inspector will issue an occupant load limit card to the owner.

- 5) No owner or lessee shall permit the number of occupants of a floor area or part of a floor area to exceed the maximum occupant load for that floor area as shown on the issued occupant load limit card.
- 6) In all *assembly occupancies*, the owner or lessee of the premises shall post the occupant load limit card in a conspicuous location acceptable to the *authority having jurisdiction*.
- 7) In *assembly occupancies* where the owner leases the premises to another person, upon the request by the Director or a fire inspector, the owner shall provide the Director or fire inspector within 15 days of the request either:
 - a) a statutory declaration that states that the lessee is lawfully entitled to possession of the premises; or
 - b) a copy of a current lease agreement that shows that the lessee is lawfully entitled to possession of the premises.
- 8) Notwithstanding the repeal of Bylaw No. 2005-18, all occupant load limit cards issued pursuant to that bylaw remain in force until such time as replaced by an occupant load limit card issued pursuant to this Bylaw and may be enforced as if the card had been issued pursuant to this Bylaw.”

Fuelled Equipment

18 Division B, Part 2, Article 2.12.1.8. is repealed and the following substituted:

“2.12.1.8. Fuelled Equipment

- 1) In a Group A or E occupancy, as established by the National Building Code, no person shall sell or display a fuel powered vehicle or fuel powered piece of equipment except where:
 - a) the fuel tank of the vehicle or piece of equipment is filled with less than half of the fuel tank’s capacity;
 - b) the covered mall or store is equipped with a sprinkler system installed in conformance with the National Building Code;

- c) the battery in the vehicle or piece of equipment has been disconnected while the vehicle or equipment is being displayed; and
- d) the caps for fuel tanks have been locked or secured against tampering.

Fuel-Fired Industrial Trucks

19 The following article is added after Division B, Part 2, Article 3.1.3.1.3) d):

“and

- e) the industrial truck is parked at a location approved by the authority having jurisdiction.”

Outdoor Storage

20 Division B, Part 4 is modified by adding the following article after Article 4.2.4.6.:

“4.2.4.7. Outdoor Storage

- 1) Not more than 50L of *flammable liquids* and *combustible liquids*, of which not more than 30L shall be Class I liquids, are permitted to be stored on a property outside a *dwelling unit*, outside a garage or shed attached to a *dwelling unit*, or inside a detached garage or shed.

Portable Fire Extinguishers

21 Division B, Part 6, Article 6.2.1.3 is repealed and the following substituted:

“6.2.1.General**6.2.1.1. Inspection, Testing, and Maintenance**

- 1) Portable extinguishers shall be inspected, tested and maintained in conformance with NFPA 10, “Portable Fire Extinguishers”.
- 2) Inspection, testing and maintenance of portable fire extinguishers shall be performed by persons holding a permit issued pursuant to Sentence 4).
- 3) Any person who intends to inspect, test or maintain portable fire extinguishers shall submit proof of certification of training acceptable to the Director before performing any inspections, testing or maintenance.
- 4) Upon proof of certification of training, the Director shall issue the person a permit to inspect, test and maintain portable fire extinguishers in the City for the term specified on the permit.
- 5) No person shall inspect, test or maintain portable fire extinguishers without a valid permit issued pursuant to Sentence 4).
- 6) On issuance of a permit pursuant to Sentence 4) the City shall issue to the permitted inspector an identification number.
- 7) Any label affixed to an extinguisher after a hydrostatic pressure test or any tag attached to an extinguisher after maintenance or recharge shall, in addition to the information required by Articles of the National Fire Code, contain the identification number issued pursuant to Sentence 6) of the person who performed the test or maintenance on the extinguisher.
- 8) The Director may, at his or her discretion, cancel, revoke or suspend the permit of any person who, in the opinion of the Director, has contravened any of the provisions of this Bylaw.”

Commercial Cooking Equipment

22 Division B, Part 2, Article 2.6.1. is modified by adding the following Article after Article 2.6.1.9.:

“2.6.1.10. Inspection, Testing, and Maintenance

- 1) In accordance with Sentence 2.6.1.9.2) of the National Fire Code, the inspection and maintenance of commercial cooking equipment, including exhaust and fire protection systems, shall be in conformance with NFPA 96, “Ventilation Control and Fire Protection of Commercial Cooking Equipment”.
- 2) Inspection and maintenance of commercial cooking equipment, including exhaust, cooking appliances and fire protection systems, shall be performed by a person holding a valid permit pursuant to Sentence 4).
- 3) Any person who intends to inspect or maintain commercial cooking equipment shall submit proof of certification of training to the Director before performing any inspections or maintenance.
- 4) Upon proof of certification of training, the Director shall issue to the person a permit to inspect and maintain commercial cooking equipment including exhaust, cooking appliances and fire protection systems in the City for the term specified on the permit.
- 5) No person shall inspect or maintain commercial cooking equipment including exhaust, cooking appliances and fire protection systems without a valid permit issued pursuant to Sentence 4).
- 6) Upon issuance of permit pursuant to Sentence 4), the Director shall issue to the person an identification number.
- 7) Any label or tag affixed to a commercial cooking equipment including exhaust, cooking appliances and fire protection systems after inspection or maintenance shall, in addition to the information required by the National Fire Code, contain the identification number pursuant to Sentence 6) of the person who performed the inspection or maintenance of the system.
- 8) The Director may, at his or her discretion, cancel, revoke or suspend the permit of any person who, in the opinion of the Director, has contravened any of the provisions of this Bylaw.”

Water-Based Fire Protection Systems

23 Division B, Part 6, Article 6.4. is repealed and the following substituted:

“6.4. Water-Based Fire Protection Systems**6.4.1. General****6.4.1.1 Inspection, Testing and Maintenance**

- 1) Water-based fire protection systems shall be inspected, tested and maintained in conformance with NFPA 25, “Inspection, Testing and Maintenance, of Water-Based Fire Protection Systems”. (See Appendix A.)

6.4.2. Hydrants**6.4.2.1 Maintenance**

- 1) No person shall erect, place, allow or maintain a fence, shrub, tree or other object within one metre of a hydrant.
- 2) No person shall alter the appearance or color of a hydrant owned by the City of Regina.

6.4.3. Sprinkler and Standpipe Systems**6.4.3.1 Inspection, Testing and Maintenance**

- 1) Inspection and maintenance of sprinkler and standpipe systems shall be performed by qualified persons.
- 2) Any person who intends to inspect or maintain sprinkler and standpipe systems shall submit proof to the Director that the person holds a journeyperson’s certificate in the sprinkler systems installer trade or that the person is a fourth year apprentice in the sprinkler systems installer trade.
- 3) Upon proof of the matters referred to in Sentence 2) the Director may issue to the person a permit to inspect and maintain sprinkler and standpipe systems in the City, which permit shall be valid for the term specified on the permit.
- 4) No person shall inspect or maintain sprinkler and standpipe systems without a valid permit from the Director.
- 5) In addition to the permit issued pursuant to Sentence 3), the Director shall issue to the person an identification number. Any label or tag affixed to a sprinkler or standpipe system shall, in addition to the information required by the National Fire Code,

contain the identification number of the person who performed the inspection or maintenance on the sprinkler or standpipe system.

- 6) The Director may, at his or her discretion, cancel, revoke or suspend the permit of any person who, in the opinion of the Director, has contravened any of the provisions of this Bylaw.”

Inspection, Testing and Maintenance of Fire Alarm Systems

24 Division B, Part 6, Article 6.3.1.2. is repealed and the following substituted:

“6.3.1.2. Inspection, Testing and Maintenance

- 1) Fire alarm systems shall be inspected and tested in conformance with CAN/ULC-S536-M, “Inspection and Testing of Fire Alarm Systems.
- 2) Fire alarm and detection system components shall be accessible for purposes of inspection or maintenance.
- 3) Inspection, testing and maintenance of fire alarm systems shall be performed by a person holding a valid permit issued pursuant to Sentence 4).
- 4) No person shall inspect, test or maintain a fire alarm system without first obtaining a valid permit issued by the Director.
- 5) Any person who wishes to obtain a permit to inspect, test or maintain fire alarm systems shall submit proof satisfactory to the Director that the person:
 - a) is, or the person’s employer is, a member in good standing of the Canadian Fire Alarm Association or the National Fire Protection Association; and
 - b) has at least one of the following qualifications:
 - i) a certificate from a recognized alarm manufacturer that the person is a factory trained installer and serviceperson; or

- ii) a certificate that the person has successfully completed the Canadian Fire Alarm Association “Fire Alarm Technology” program, and has worked as an apprentice to a person who holds a permit under this section for a period of not less than one year; or
 - iii) a certificate that the person has successfully completed the journeyperson’s electrician trade’s upgrading course entitled “Fire Alarm and Protection Systems”.
- 6)
 - a) For purposes of this section “Addressable Fire Alarm System” means a fire alarm system that consists of initiating devices and central appliances and that is capable of individually identifying and controlling discrete components and functions of the system.
 - b) Only authorized factory trained personnel may service addressable fire alarm systems.
 - c) Any person who wishes to obtain a permit to test, inspect or maintain addressable fire alarm systems shall submit proof satisfactory to the Director that the person:
 - i) is, or the person’s employer is, member in good standing of the Canadian Fire Alarm Association or the National Fire Protection Association; and
 - ii) possesses appropriate factory training in servicing addressable fire alarm systems.
- 7) Upon proof of the matters referred to in Sentences 5) and 6c), the Director shall issue to the person the appropriate permit to inspect, test and maintain fire alarm systems in the City, which permit shall be valid for the period specified on the permit.
- 8) The Director may, at his or her discretion, cancel, revoke or suspend the permit of any person who, in the opinion of the Director, has contravened any of the provisions of this Bylaw.

- 9) Upon issuance of a permit pursuant to Sentence 7), the Director shall issue to the person an identification number.
- 10) Any label or tag affixed to a fire alarm system shall, in addition to the information required by the National Fire Code, contain the identification number pursuant to Sentence 9) of the person who performed the inspection, test or maintenance on the fire alarm system.”

PART IV: ADDITIONAL STANDARDS

Alternative Family Care Homes and Residential Care Occupancies up to 10 Occupants

25(1) In this part “care occupancy” means a building or part thereof occupied as a single housekeeping unit where care is provided to the residents and that provides sleeping accommodations for the occupants and includes but is not limited to:

- (a) a facility providing care service without treatment;
- (b) an in-patient facility providing care service without treatment;
- (c) a convalescent home;
- (d) a hospice home;
- (e) a personal care home;
- (f) an approved private service home;
- (g) a custodial residence or detoxification home without treatment;
- (h) an emergency shelter;
- (i) a group home;
- (j) a group living home;
- (k) a maternity home;
- (l) a nursing home;
- (m) a palliative care facility;

- (n) a private-service home;
 - (o) a respite home;
 - (p) a special care home;
 - (q) a custodial home.
- (2) No building used for care occupancy shall fail to have:
- (a) interconnected smoke alarms installed in accordance with Article 9.10.19.3 of the National Building Code;
 - (b) carbon monoxide alarms installed in accordance with Article 9.32.3.9 of the National Building Code;
 - (c) emergency lighting provided in accordance with Subsection 3.2.7 of the National Building Code; and
 - (d) sprinklers, unless the occupants are capable of self-preservation.
- (3) For the purposes of subsection (2)(d), “capable of self-preservation” means that a person is capable of recognizing and responding to an emergency given his or her physical, cognitive and behavioural abilities, and is able to arise and walk, or transfer from a bed or chair to a means of mobility, and leave the building or move to a safe location on his or her own without the assistance of another person.
- (4) The requirements of subsection (2) apply to all care occupancies, including those care occupancies that were already in use or operation prior to the passage of this Bylaw.

PART V: FIREWORKS AND PYROTECHNICS

Sale of Low Hazard Fireworks

- 26(1) No person shall sell low hazard recreational fireworks within the City, except on New Year’s Day, Canada Day and Victoria Day or the 10 days immediately preceding New Year’s Day, Canada Day and Victoria Day.
- (2) No person shall sell low hazard recreational fireworks within the City to any person under the age of 18 years.

Display of Low Hazard Fireworks

- 27 Low hazard recreational fireworks shall not be displayed for sale within the City unless:
- (a) the fireworks are displayed in a display case, package or other suitable receptacle that is not accessible to the public;
 - (b) the display case, package or other suitable receptacle in which the fireworks are displayed is not in close proximity to flammable material and not in a location where the fireworks will be exposed to the rays of the sun or excess heat;
 - (c) the fireworks are displayed in lots not exceeding 25 kilograms each gross weight;
 - (d) the fireworks are dispensed from the display case, package or other suitable receptacle only by the vendor or the vendor's employees; and
 - (e) the Summary of Bylaw Requirements in Schedule "B" to this Bylaw is displayed in a visible location on the display case or receptacle, or immediately adjacent to it.

Sale and Display of High Hazard Fireworks

- 28 High hazard fireworks shall not be displayed for sale or sold in the City.

Application

- 29 Section 26 and section 27 do not apply to sales of fireworks to a Fireworks Supervisor, a Special Effects Pyrotechnician, a Pyrotechnician, or a theatrical user for use in a fireworks exhibition or a pyrotechnics exhibition authorized pursuant to this Bylaw.

Setting Off Fireworks and Pyrotechnics

- 30 No person shall set off any of the following within the City:
- (a) fireworks, other than pyrotechnics, unless they are set off as part of a fireworks exhibition;
 - (b) pyrotechnics, unless they are set off as part of a pyrotechnics exhibition.

Fireworks Exhibitions

- 31(1) A fireworks exhibition shall be held only:
- (a) in public places approved by the Fire Chief and the Chief of Police;

- (b) at a safe distance from all combustible materials and all highways, railroads, overhead wires, buildings and other structures; and
 - (c) under the supervision of a Fireworks Supervisor.
- (2) No person shall hold a fireworks exhibition unless the Fireworks Supervisor responsible for the fireworks exhibition has obtained a permit from the Fire Chief and the Chief of Police.
- (3) A Fireworks Supervisor shall apply for a permit in writing at least 14 days before the intended date of the fireworks exhibition.
- (4) The permit application shall be made in a form approved by the Director and shall include all of the following information:
 - (a) the name, address and signature of the person or persons sponsoring the proposed fireworks exhibition;
 - (b) the name, certification number and signature of the Fireworks Supervisor;
 - (c) the name of the person that will conduct the proposed fireworks exhibition;
 - (d) the date and time of the proposed fireworks exhibition;
 - (e) a detailed description of the proposed fireworks exhibition;
 - (f) the exact location for the proposed fireworks exhibition including a diagram of the grounds on which it will be held, showing the point from where the fireworks will be discharged, the location of all highways, railroads, overhead wires and obstructions, buildings and other structures, and the lines behind which the audience will be restrained;
 - (g) written consent from the owner of the property on which the proposed fireworks exhibition will be held;
 - (h) the size, number and type of all fireworks proposed to be discharged, including the number of set pieces, shells, and other items;
 - (i) a description of the shells including their diameter and whether they are single, multiple break or salute shells;
 - (j) the manner and place of storage of all fireworks prior to, during and after the exhibition;

- (k) the name and address of the vendor or vendors that supplied all the fireworks proposed to be used in the exhibition;
 - (l) proof of General Liability Insurance with coverage of at least \$5,000,000 per occurrence in a form acceptable to the City's Risk Manager;
 - (m) any other information requested by either the Fire Chief or the Chief of Police.
- (5) The Fire Chief or Chief of Police may refuse to issue a permit for a fireworks exhibition if, in either of their opinion:
- (a) the application for the permit is unsatisfactory;
 - (b) the person or Fireworks Supervisor that is proposed to conduct the exhibition does not have adequate insurance coverage;
 - (c) the proposed exhibition presents a fire hazard to any neighbouring properties;
 - (d) the proposed exhibition will be inadequately equipped with fire safety or suppression equipment; or
 - (e) the proposed exhibition presents a danger to public health or safety.
- (6) The permit application forms the terms and conditions upon which the permit will be granted.
- (7) A fireworks exhibition shall be only held on the terms set out in the permit.
- (8) A fireworks exhibition shall be conducted in a manner consistent with all the safety procedures listed in the most recent Display Fireworks Manual distributed by the Explosives Regulatory Division of Natural Resources Canada and shall be held and continued only while:
- (a) all proper precautions are being observed to keep spectators at a safe distance; and
 - (b) suitable fire extinguishers or other proper means of extinguishing fires are at hand.
- (9) The Fire Chief or Chief of Police may temporarily or permanently suspend or terminate any fireworks exhibition if, in either of their opinion, it:

- (a) is or is threatening to become a danger to any property or to public health or safety;
 - (b) is inadequately equipped with fire safety or suppression equipment; or
 - (c) does not meet the terms of the permit.
- (10) If an inspection or demonstration is necessary to determine whether a fireworks exhibition can be performed safely before its intended audience, the Fire Chief or the Chief of Police may require any or all of the following:
 - (a) an inspection of the location of the proposed exhibition;
 - (b) an inspection of the equipment proposed to be used in the exhibition;
 - (c) a demonstration of the exhibition.
- (11) All unused fireworks from, and all debris created by, a fireworks exhibition shall be safely removed and disposed of by the responsible Fireworks Supervisor immediately after the exhibition.

Pyrotechnics Exhibition

32(1) A pyrotechnics exhibition shall be held only:

- (a) in locations approved by the Fire Chief and the Chief of Police; and
 - (b) under the supervision of a Special Effects Pyrotechnician, Pyrotechnician or a theatrical user.
- (2) No person shall stage a pyrotechnics exhibition unless the Special Effects Pyrotechnician, Pyrotechnician or theatrical user responsible for the pyrotechnics exhibition has obtained a permit from the Fire Chief and the Chief of Police.
- (3) A Special Effects Pyrotechnician, Pyrotechnician or theatrical user shall apply for a permit in writing at least 14 days before the intended date of the pyrotechnics exhibition.
- (4) The permit application shall be made in a form approved by the Director and shall include all of the following information:
 - (a) the name, address and signature of the person or persons sponsoring the proposed pyrotechnics exhibition;

- (b) the name, certification number and signature of the Special Effects Pyrotechnician, Pyrotechnician or theatrical user;
 - (c) the name of the person that will conduct the proposed pyrotechnics exhibition;
 - (d) the date, location and time of the proposed pyrotechnics exhibition;
 - (e) a detailed description of the proposed pyrotechnics exhibition;
 - (f) a pyrotechnics exhibition plan showing:
 - (i) a sketch of the location;
 - (ii) the exact distance of all pyrotechnic materials and devices from the audience, performers, staging, sets, properties and curtains;
 - (iii) a legend of symbols for each pyrotechnic material and device with the numbers of each and, for binary powders, the load values;
 - (iv) the ceiling height of the building;
 - (v) the amounts of pyrotechnic materials and the devices that will be used;
 - (vi) descriptions of the cueing of each pyrotechnic effect; and
 - (vii) the clearly marked exits from the building.
 - (g) written consent from the owner of the property on which the proposed pyrotechnics exhibition will be held;
 - (h) the proposed location and manner of storage of all the pyrotechnic materials prior to, during, and after the pyrotechnics display;
 - (i) the name and address of the vendor or vendors proposed to supply the pyrotechnic materials used in the exhibition; and
 - (j) any other information requested by either the Fire Chief or the Chief of Police.
- (5) The Fire Chief or Chief of Police may refuse to issue a permit for a pyrotechnics exhibition if, in either of their opinion:

- (a) the application for the permit is unsatisfactory;
 - (b) the proposed pyrotechnics exhibition or its location will be inadequately equipped with fire safety or suppression equipment; or
 - (c) the fireworks exhibition or its proposed location presents a danger to public health or safety.
- (6) The permit application forms the terms and conditions upon which the permit will be granted.
- (7) A pyrotechnics exhibition shall only be held on the terms set out in the permit.
- (8) The Fire Chief or Chief of Police may temporarily or permanently suspend or terminate any pyrotechnics exhibition if, in either of their opinion, it:
 - (a) is or is threatening to become a danger to any property or to public health or safety;
 - (b) is inadequately equipped with fire safety or suppression equipment; or
 - (c) does not meet the terms of the permit.
- (9) If an inspection or demonstration is necessary to determine whether a pyrotechnics exhibition can be performed safely before its intended audience, the Fire Chief or the Chief of Police may require any or all of the following:
 - (a) an inspection of the proposed location of the pyrotechnics exhibition;
 - (b) an inspection of the equipment proposed to be used in the pyrotechnics exhibition;
 - (c) a demonstration of the pyrotechnics exhibition.
- (10) One permit may be made to authorize repeat performances of a pyrotechnics exhibition occurring on the dates specified in the permit.
- (11) A pyrotechnics exhibition shall only be held under the supervision of the Special Effects Pyrotechnician, Pyrotechnician or theatrical user on the dates, the times and at the places set out in the permit.
- (12) A pyrotechnics exhibition may be held or continued only if:

- (a) all the safety procedures listed in the most recent Pyrotechnic Special Effects Manual distributed by the Explosives Regulatory Division of Natural Resources Canada are followed;
 - (b) all proper precautions are being observed to keep spectators at a safe distance; and
 - (c) suitable fire extinguishers or other proper means of extinguishing fires are present.
- (13) All unused pyrotechnic special effects from, and all debris created by, a pyrotechnics exhibition shall be safely removed and disposed of by the Special Effects Pyrotechnician, Pyrotechnician or Theatrical User immediately after the pyrotechnics exhibition.

Firecrackers Prohibited

33(1) No person shall sell firecrackers within the City.

- (2) No person shall set off or otherwise use firecrackers within the City.

Flying Lanterns/ Sky Lanterns Prohibited

34(1) No person shall launch a flying lantern/sky lantern within the City or suffer or permit a flying lantern or sky lantern to be launched from property they own or control.

Delegated Authority

35(1) The City Manager and the Risk Manager have the authority to consent to a fireworks display or a pyrotechnics display to be held on property owned or controlled by the City.

- (2) The City Manager may appoint a person to exercise the authority granted in subsection (1).

Explosives Act

36(1) This Bylaw is subject to the *Explosives Act* and the federal regulations.

- (2) Where there is a conflict between this Bylaw and the *Explosives Act* or the federal regulations, the *Explosives Act* or the federal regulations will take precedence to the extent of the conflict.

PART VI: RESPONSES TO FALSE ALARMS

False Alarm Fee

- 37(1) The Department may charge a fee, as set out in Schedule “A” to this Bylaw, for responding to a false alarm from a fire alarm system or a security system where the Department responds to:
- (a) more than one false alarm at the same building within the same calendar year;
 - (b) more than one false alarm from the same fire alarm system or security system within the same calendar year; or
 - (c) more than one false alarm from the same parcel of land within the same calendar year where there is more than one building on the that parcel of land.
- (2) Where the Department responds to an alarm as set out in this section and the business owner, property owner or property manager does not provide access to the interior of the building within 30 minutes of the arrival of the Department at the building, the Department may charge, in addition to the false alarm fee set out in Schedule “A”, a standby fee as set out in Schedule “A”, until access is provided to the interior of the building.
- (3) If a business owner, property owner or property manager has installed a lock-box in an accessible location at the building and if that lock-box contains current keys or codes to provide access to the building, a person or key-holder does not have to be present to satisfy the access requirements as set out in subsection (2).
- (4) If the Department is dispatched to respond to an alarm but is notified prior to arriving at the property that the alarm is a false alarm, the fee set out in Schedule “A” continues to apply.
- (5) The Department will issue invoices for the fees assessed pursuant to this Bylaw at such times in such a manner as the Department considers appropriate.
- (6) The total amount of an invoice is due and payable on the first day of the month following the month in which the invoice was issued to the registered owner.
- (7) Any cheque returned to the Department by the financial institution of an owner for any reason will be assessed the charge established pursuant to section 5 of Schedule “B” to *The Regina Administration Bylaw*, No. 2003-69.
- (8) Where an owner fails to pay any fee assessed pursuant to this Bylaw within 60 days after the amount becomes dues and payable, the Department may cause the

outstanding amount to be added to the tax roll of the parcel or parcels of land comprising the alarm site in accordance with section 333(1) of *The Cities Act*.

Review of False Alarm Fee Assessment

- 38(1) A registered owner who has been issued a false alarm invoice may apply for a review of the assessment of a false alarm response or standby fee to the Director.
- (2) A written review application setting forth the reasons for the review must be filed with the Director not later than 20 days after the date of the false alarm invoice.
 - (3) A review application fee of \$25 must accompany the review application, which is refundable if the Director determines that a false alarm response or standby fee should not have been assessed.
 - (4) The filing of an application for review stays the collection of the fee being reviewed until such time as the Director makes a decision.
 - (5) The Director will provide the owner with a written notice of the decision made on a review.

PART VII: ENFORCEMENT, OFFENCES AND PENALTIES

Notice of Violation Offences

- 39(1) Every person commits an offence who fails to comply with a provision of *The Fire Safety Act*, the regulations to *The Fire Safety Act*, the National Fire Code or this Bylaw.
- (2) When the Director or a fire inspector has reason to believe that a person has committed any of the following offences of the National Fire Code or this Bylaw, the Director or fire inspector may issue a notice of violation to the person in contravention:
 - (a) failure to comply with National Fire Code requirements regarding clear and unobstructed exit or means of egress;
 - (b) failure to maintain a fire exit door or fire exit hardware;
 - (c) failure to comply with National Fire Code requirements regarding maintenance of exterior passageways and exterior exit stairs serving occupied buildings;
 - (d) failure to comply with requirements of National Fire Code or this Bylaw regarding maintenance, service or testing of portable fire extinguishers;
 - (e) failure to comply with requirements of National Fire Code or this Bylaw regarding maintenance, service or testing of an automatic sprinkler system;

- (f) failure to comply with requirements of National Fire Code or this Bylaw regarding maintenance, service or testing of commercial cooking equipment including exhaust and fire protection systems;
- (g) failure to comply with requirements of National Fire Code or this Bylaw regarding maintenance, service or testing of special extinguishing system;
- (h) failure to comply with requirements of National Fire Code or this Bylaw regarding maintenance, service or testing of fire alarm systems and components;
- (i) failure to comply with requirements of National Fire Code or this Bylaw regarding maintenance, service or testing of a standpipe system;
- (j) permit combustible materials to accumulate in or around buildings or locations contrary to the National Fire Code and this Bylaw;
- (k) block or wedge open a closure of a fire separation contrary to the National Fire Code;
- (l) failure to maintain fire separations contrary to the National Fire Code;
- (m) obscure or obstruct a fire hydrant contrary to the National Fire Code and this Bylaw;
- (n) obscure or obstruct a fire department connection contrary to the National Fire Code;
- (o) failure to maintain a clear and unobstructed fire lane contrary to the National Fire Code;
- (p) failure to maintain exit signs contrary to the National Fire Code of this Bylaw;
- (q) failure to maintain emergency lighting contrary to the National Fire Code or this Bylaw;
- (r) failure to comply with any provision of this Bylaw regarding occupant loads;
- (s) failure to comply with provisions of this Bylaw regarding fireworks, flying lanterns, sky lanterns, or pyrotechnics;
- (t) failure to maintain a clearance of 45 centimetres between sprinkler heads and obstructions as required by the National Fire Code;

- (u) failure to comply with any provision of the National Fire Code or this Bylaw regarding open air fires;
 - (v) failure to comply with any provision of this Bylaw relating to fire pits or outdoor fireplaces;
 - (w) tampering with a fire protection system.
- (3) Where a notice of violation is issued, a person may make a voluntary payment of \$300.00 for that violation, if the person does so before the specified date set out in the notice of violation.
 - (4) Where the Director or any other agency approved by the Director receives a voluntary payment pursuant to (3) before a summons is issued, the person receiving the notice of violation shall not be liable to prosecution for the alleged contravention.
 - (5) Where the Director receives a voluntary payment within 14 days after issuance of the notice of violation, the Director or any other agency approved by the Director, may reduce the prescribed amount by \$50.

PART VIII: MISCELLANEOUS

Severability

- 40 If any section, subsection, Sentence, clause, phrase or other portion of this Bylaw is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and the holding of the court shall not affect the validity of the remaining portions of the Bylaw.

Repeal and coming into force

- 41 Bylaw No. 2005-18, being *The Regina Fire Bylaw*, is repealed.
- 42 This Bylaw comes into force on the day of passage.

READ A FIRST TIME THIS 27th DAY OF June 2016.

READ A SECOND TIME THIS 27th DAY OF June 2016.

READ A THIRD TIME AND PASSED THIS 27th DAY OF June 2016.

Mayor

City Clerk

(SEAL)

CERTIFIED A TRUE COPY

City Clerk

Schedule “A”

False Alarm

Pursuant to section 37 of the Bylaw, the Department is authorized to charge the following fees:

Response	Fee
First False Alarm	n/a
Second False Alarm	\$300
Third False Alarm	\$600
Subsequent False Alarms	\$600
Standby fee per half hour	\$400

Schedule “B”

PART V - FIREWORKS AND PYROTECHNICS

<p>PART V: FIREWORKS AND PYROTECHNICS</p> <p>Sale of Low Hazard Fireworks 26(1) No person shall sell low hazard recreational fireworks within the City, except on New Year’s Day, Canada Day and Victoria Day or the 10 days immediately preceding New Year’s Day, Canada Day and Victoria Day.</p> <p>(2) No person shall sell low hazard recreational fireworks within the City to any person under the age of 18 years.</p> <p>Display of Low Hazard Fireworks 27 Low hazard recreational fireworks shall not be displayed for sale within the City unless: (a) the fireworks are displayed in a display case, package or other suitable receptacle that is not accessible to the public; (b) the display case, package or other suitable receptacle in which the fireworks are displayed is not in close proximity to flammable material and not in a location where the fireworks will be exposed to the rays of the sun or excess heat; (c) the fireworks are displayed in lots not exceeding 25 kilograms each gross weight; (d) the fireworks are dispensed from the display case, package or other suitable receptacle only by the vendor or the vendor’s employees; and (e) the Summary of Bylaw Requirements in Schedule “B” to this Bylaw is displayed in a visible location on the display case or receptacle, or immediately adjacent to it.</p> <p>Sale and Display of High Hazard Fireworks 28 High hazard fireworks shall not be displayed for sale or sold in the City.</p> <p>Application 29 Section 26 and section 27 do not apply to sales of fireworks to a Fireworks Supervisor, a Special Effects Pyrotechnician, a Pyrotechnician, or a theatrical user for use in a fireworks exhibition or a pyrotechnics exhibition authorized pursuant to this Bylaw.</p>	<p>Setting Off Fireworks and Pyrotechnics 30 No person shall set off any of the following within the City: (a) fireworks, other than pyrotechnics, unless they are set off as part of a fireworks exhibition; (b) pyrotechnics, unless they are set off as part of a pyrotechnics exhibition. ...</p> <p>Fireworks Exhibitions 31(1) A fireworks exhibition shall be held only: (a) in public places approved by the Fire Chief and the Chief of Police; (b) at a safe distance from all combustible materials and all highways, railroads, overhead wires, buildings and other structures; and (c) under the supervision of a Fireworks Supervisor.</p> <p>(2) No person shall hold a fireworks exhibition unless the Fireworks Supervisor responsible for the fireworks exhibition has obtained a permit from the Fire Chief and the Chief of Police. ...</p> <p>Pyrotechnics Exhibition 32(1) A pyrotechnics exhibition shall be held only: (a) in locations approved by the Fire Chief and the Chief of Police; and (b) under the supervision of a Special Effects Pyrotechnician, Pyrotechnician or a theatrical user.</p> <p>(2) No person shall stage a pyrotechnics exhibition unless the Special Effects Pyrotechnician, Pyrotechnician or theatrical user responsible for the pyrotechnics exhibition has obtained a permit from the Fire Chief and the Chief of Police.</p> <p>Firecrackers Prohibited 33(1) No person shall sell firecrackers within the City.</p> <p>(2) No person shall set off or otherwise use firecrackers within the City.</p> <p>Flying Lanterns/ Sky Lanterns Prohibited 34 (1) No person shall launch a flying lantern/sky lantern within the City or suffer or permit a flying lantern or sky lantern to be launched from property they own or control.</p>
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ABSTRACT

BYLAW NO. 2016-46

THE REGINA FIRE BYLAW, 2016

PURPOSE:	The purpose of the Bylaw is to establish local fire prevention standards to compliment the standards established by <i>The Fire Safety Act</i> and the National Fire Code of Canada and to provide for enforcement of those collective standards.
ABSTRACT:	This Bylaw acknowledges the authority and role of the Regina Fire and Protective Services Department in the provision of fire response, prevention and investigation services. The Bylaw contains modifications of the National Fire Code and provides for regulation of the use of fireworks and pyrotechnics. New to the 2016 Bylaw are provisions related to confirmation of the qualifications of private fire equipment inspectors and fees for responses to false fire alarms.
STATUTORY AUTHORITY:	Sections 8 and 333 of <i>The Cities Act</i> and section 49 of <i>The Fire Safety Act</i> .
MINISTER'S APPROVAL:	N/A
PUBLIC HEARING:	N/A
PUBLIC NOTICE:	N/A
REFERENCE:	Community and Protective Services Committee, June 15, 2016, CPS16-17
AMENDS/REPEALS:	Repeals Bylaw 2005-18
CLASSIFICATION:	Regulatory and Administrative
INITIATING DIVISION:	Office of the City Manager
INITIATING DEPARTMENT:	Fire and Protective Services



Government
— of —
Saskatchewan

SCHEDULE B

Ministry of Government Relations
Emergency Management and Fire Safety
500-1855 Victoria Avenue
Regina, Canada S4P 3T2

May 13, 2016

Ernie Polsom
Fire Chief/Director
Regina Fire and Protective Services
1205 Ross Avenue
REGINA SK S4P 3C8

Dear Chief Polsom:

Thank you for providing Emergency Management and Fire Safety (EMFS) the opportunity to review the corrections to Regina Fire & Protective Services' proposed The Regina Fire Bylaw, 2016.

Ministry of Government Relations staff from both EMFS and Building Standards reviewed the corrections and agree that these corrections address the items raised in our April 20, 2016 letter. We believe the proposed Regina Fire Bylaw, 2016 now aligns with Saskatchewan's *Fire Safety Act*.

We were pleased to expedite this review so that your new fire bylaw can be brought forward to a committee of council for their approval on June 13, 2016. We remain committed to work with municipal and public safety partners towards advancing and improving fire safety throughout Saskatchewan.

Sincerely,

Duane McKay
Commissioner and Executive Director

cc: William Hawkins, Executive Director, Building Standard and Licensing Branch
Trent Catley, Assistant Deputy Commissioner, Emergency Management & Fire Safety



Ernie Polsom
Regina Fire Headquarters
1205 Ross Avenue
Regina, SK Canada

July 27, 2016

Dear Chief Polsom,

On behalf of the Saskatchewan Landlord Association (SKLA), I would like to thank both you and Fire Inspector Ryba for consulting our organization as your department rewrites Bylaw 2005-18 in favour of a new Fire Bylaw.

As was expressed by the SKLA Board and membership, as well as other private landlords, we had distinct concerns with a provision in the bylaw that was presented to City Council on June 27, 2016. Specifically, in that bylaw, the expectation of landlords to inspect smoke alarms on a monthly basis is considered by our organization to be an unreasonable burden to landlord resources and an interruption to the quiet enjoyment afforded to tenants by way of the Residential Tenancies Act. We were thankful that the bylaw was not endorsed by City Council and that Regina Fire and Protective Services (RFPS) members were asked to consult key stakeholders to move the process forward.

In the consultation that has happened since the June 27 City Council meeting, both the SKLA and RFPS have been able to express their respective objectives and concerns, ultimately reaching consensus on what the SKLA can endorse as a fair and reasonable compromise to the proposed bylaw. Respecting the desire of the RFPS to have monthly inspections, the new bylaw is now proposing that landlords or authorized agents inspect smoke alarms every 180 days, while there is a provision that every 30 days tenants can act as such agents and thus do the inspection on behalf of the landlord.

Thank you once again for your time and consideration. We look forward to working with the RFPS in the future to ensure the safety of person and property in the rental housing industry.

Regards,

A handwritten signature in black ink, appearing to read "Jamie McDougald", is written over a horizontal line.

Mr. Jamie McDougald
SKLA President

Saskatchewan Landlord Association
1633D Quebec Avenue, Saskatoon SK S7K 1V6
(p)306.653.7149
(f)306.244.5111