

**CITY OF YELLOWKNIFE
BY-LAW NO. 4175**

A BY-LAW of the Council of the Municipal Corporation of the City of Yellowknife in the Northwest Territories for the establishment and operation of an Emergency Response and Protection Service.

PURSUANT TO Sections 55, 97, 98, 99, 100, 101, 102, 120 and 173 of the *City, Towns and Villages Act*, R.S.N.W.T. 1988, c.C-8.

WHEREAS the City of Yellowknife deems it desirable to establish and operate an Emergency Response and Protection Service;

NOW, THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular session duly assembled, enacts as follows:

SHORT TITLE

1. This by-law may be cited as the "Emergency Response and Protection Services By-law".

DEFINITIONS

2. In this By-law:

"Carrier"	means an individual, corporation, partnership, or any other commercial enterprise which uses large vehicles for the transportation of dangerous goods;
"City"	means the Municipal Corporation of the City of Yellowknife;
"Council"	means the Council of the City;
"Dangerous Goods"	means any material which presents an actual or potential threat to human health and safety or to the environment, including, but not limited to any materials requiring placards or labels as identified by Transport Canada under the Transport of Dangerous Goods Regulations;

"Deputy Fire Chief"	means the person(s) appointed under Section 3.0 of this by-law;
"Director of Public Safety"	means the Director of the Public Safety Department for the City;
"Division"	means the Fire Division of the City;
"Emergency"	means an occurrence that presents a threat or potential threat to persons, property or the environment requiring the services of the Division;
"Emergency Medical Services"	means the provision of ambulance and other emergency pre-hospital care;
"Equipment"	means any equipment, apparatus or appurtenances specialized or otherwise used by the Division to provide the services referred to in this by-law;
"False Alarm"	means an occurrence in which the Division is called to a site and finds that no emergency exists or has existed;
"Fire Chief"	means a person appointed pursuant to Section 3.0 of this by-law;
"Fire Protection"	means all aspects of fire safety, including but not limited to, fire prevention, fire inspection, fire fighting or suppression, pre-fire planning, fire investigation, public education and member training and development;
"Member"	means a person that is duly appointed as a member of the Division;
"Member-in-Charge"	means a person appointed pursuant to Section 3.0 of this by-law;

"Officer"	means a person who is appointed in accordance with the <i>Cities, Towns and Villages Act</i> to act as a By-law Officer to enforce the by-laws of the City, and any Peace Officer who is authorized to enforce the by-laws of the City;
"Order"	means a written or verbal directive issued in accordance with the provisions of this by-law, to or against a person to do any act or refrain from doing any act;
"Permit"	means a burning permit issued pursuant to this by-law in a form prescribed in Schedule B & C attached hereto;
"Property"	means real and personal property whether movable or immovable;
"Person"	means an individual, corporation, partnership, society, cooperative or other incorporated legal entity;
"Rescue"	means specialized physical removal of persons involved in Emergencies;
"Senior Administrative Officer"	means the Senior Administrative Officer of the City appointed pursuant to the <i>Cities, Towns and Villages Act</i> ;
"Situation"	means an occurrence that presents a potential threat to persons, property or the environment requiring the services of the Division; and
"Structure"	means any building, plant, machinery, equipment, storage tank, storage place or fixture of any kind whatsoever erected or placed on, in, over or under land or water.

APPLICATION

3. APPOINTMENT OF FIRE CHIEF AND DEPUTY FIRE CHIEF

- (a) The Fire Chief and Deputy Fire Chief shall be appointed by the Senior Administrative Officer.
- (b) The Fire Chief is responsible for the proper administration and operation of the Division.
- (c) In the absence of the Fire Chief, the Deputy Fire Chief shall possess all the powers and perform all the duties of the Fire Chief.
- (d) In the absence of the Deputy Fire Chief, the Fire Chief may appoint a member to act as Fire Chief and this person shall be referred to as the Member-in-Charge.
- (e) The Fire Chief, Deputy Fire Chief, or the Member-in-Charge shall have control, direction and management of all members and equipment assigned to an emergency and, where a member has been appointed the Member-in-Charge, he shall continue to exercise control of the emergency until relieved by a member of higher rank.

4. AUTHORITY OF THE FIRE CHIEF

The Fire Chief is hereby authorized to take steps which he deems, in his absolute discretion, to be appropriate in the circumstances for the purposes of controlling or eliminating an emergency. Without limiting the generality of the foregoing, the Fire Chief may:

- (a) cause property or any structure to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire;
- (b) enter structures or property where an emergency exists and to cause any member or equipment to enter the structure or property, as deemed necessary, in order to combat, control or manage the emergency;
- (c) enter, pass through or over structures or property in the vicinity of an emergency and to cause members or equipment to enter or pass through or over the structure or property, where it is deemed necessary to gain access;

- (d) order the evacuation of persons and establish boundaries or limits to prevent unauthorized persons from entering the area or vicinity where an emergency exists;
- (e) obtain assistance from other officials, agencies or organizations as deemed necessary in order to discharge his duties and responsibilities, pursuant to this by-law; and
- (f) upon the instructions of the Senior Administrative Officer, or the Director of Public Safety, provide Division services for emergencies or situations outside the boundaries of the municipality.

5. EMERGENCY MEDICAL SERVICES

- (a) With the exception of the following, the Division shall provide all Emergency Medical Services within the municipal boundaries of the City:
 - (i) employers who provide Emergency Medical Services to their own employees;
 - (ii) taxi companies which provide transportation of ambulatory persons;
 - (iii) the St. John Ambulance which provides first-aid stations during public events; and
 - (iv) any person, agency or organization located outside the City, which transports persons to the hospital or other medical care facilities in the City, or transports persons from the City's hospital or other medical care facilities to destinations outside the City.

6. RESCUE SERVICES

The Division may provide rescue services in accordance with the provisions of this by-law.

7. **REMEDIES OF THE CITY**

- (a) If any person, owner, occupant or tenant responsible for any property, structure or Carrier, has been issued an Order as provided herein, and that person neglects or refuses to comply with the Order within the time specified, the City may take whatever steps it deems reasonable in the circumstances to remedy the emergency or situation.
- (b) All expenses incurred by the City pursuant to subsection (a) are recoverable from such person and shall be in addition to and not a substitute for any fine or penalty to which the person may be subject to, under this by-law. Any sums owing to the City shall be paid within 30 days following the receipt of notice.
- (c) All expenses incurred by the City for the repair of damages to equipment shall be recoverable against any person creating an emergency or situation or receiving the services of the Division.
- (d) The City shall be entitled to levy reasonable charges for the use of Division equipment and members in accordance with rates set out in Schedule D, attached to and forming part of this by-law.

8. **OFFENCES**

Without limiting the generality of the provisions herein, the following shall constitute an offence under this by-law:

- (a) interfering with, obstructing or hindering a member or other person assisting or acting under the direction of the Fire Chief;
- (b) damaging, destroying or interfering with the use of Division equipment;
- (c) driving a vehicle over any equipment without the permission of the Fire Chief;
- (d) making a False Alarm or creating an emergency;
- (e) causing an emergency or situation;
- (f) failing to comply with an Order; or

- (g) causing a dangerous goods incident through improper storage, release, spill, disposal or ignition of any dangerous goods.

9. **BURNING PERMITS**

- (a) No person shall set an outdoor fire within the municipal boundaries of the City except upon prior written approval of the Fire Chief as evidenced by a Burning Permit as prescribed in Schedule B & C attached to and forming part of this by-law.
- (b) Subsection (a) above does not apply to fires contained by barbecues or approved fire pits which use gas, charcoal or wood or other similar metal or masonry containers.
- (c) A person who has obtained a Burning Permit shall exercise utmost care and take all necessary steps to ensure that they do not create an emergency or cause a nuisance to persons or property in the vicinity.

10. **PENALTIES**

- (a) Any person violating any provision of this by-law is guilty of an offense and is liable upon Summary Conviction to a fine not exceeding:
 - (i) two thousand dollars (\$2,000.00) for an individual;
 - (ii) ten thousand dollars (\$10,000.00) for a corporation; or
 - (iii) imprisonment for a period not exceeding six months in default of payment of a fine.
- (b) An Officer may issue a Summary Offense Ticket information in the form prescribed by the *Summary Conviction Procedures Act*, to any person who violates any provision of this by-law and such person may, in lieu of prosecution, pay the City the voluntary penalty for the offence listed in Schedule A, attached to and forming part of this by-law, prior to the court date specified on the ticket.

REPEALS

11. By-law No. 4003 and No. 4069 are hereby repealed.

EFFECT

12. This by-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 57 of the *Cities, Towns and Villages Act*.

READ a First Time this ____ day of _____, 2002.

Mayor

City Administrator

READ a Second Time this ____ day of _____, 2002.

Mayor

City Administrator

READ a Third Time and finally passed this ____ day of _____, 2002.

Mayor

City Administrator

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Schedule A

A person who has received notice under Section 10 in respect of an offence, may, after receipt of such notice, pay to the City the following:

	OFFENCE	SECTION	PENALTY
1	Impeding, obstructing or hindering a member or Officer	8.0 (a)	\$100.00
2	Damaging or destroying Division equipment	8.0 (b)	\$100.00
3	Driving a vehicle over Division equipment	8.0 (b) (c)	\$100.00
4	Making a False Alarm	8.0 (d)	\$200.00
5	Causing an emergency or situation	8.0 (e)	\$500.00
6	Failing to comply with an Order	8.0 (f)	\$100.00
7	Causing a dangerous goods incident	8.0 (g)	\$500.00
8	Providing unauthorized Emergency Medical Services	5.0 (a)	\$500.00
9	Setting an unapproved outside fire	9.0 (a)	\$50.00
10	Causing damage while in possession of a Burning Permit	9.0 (c)	\$100.00
11	Endangering persons while in possession of a Burning Permit	9.0 (c)	\$200.00
12	Causing a nuisance	9.0 (c)	\$50.00

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Schedule B

Permit Name: Class I Burn Permit Permit #:
Issue Date:
Effective Date: Expiry Date:

Property Owner

Name: Telephone:
Address:
City: Yellowknife, NT

Permit Issued To

Name: Telephone:
Address:
City: Yellowknife, NT

Permit Information

GENERAL CONDITIONS: By signing, the applicant acknowledges and accepts all conditions as listed:

1. Burning of brush, deadfalls. (Special approvals may be given)
2. Control over the burn site is to be by direct supervision.
3. Burn only if wind conditions allow for safe burning and control of smoke.
4. Signee shall pay Fire Division costs if suppression is required.
5. Failure to comply with this Burning Permit may result in the laying of charges under the City's Emergency Response and Protection Service By-law.

Signature of Permittee's representative indicating she\he has read and understood the conditions of this Permit.

Approved By

Rank

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Schedule C

Permit Name: Class 2 Burn Permit Permit #:
Issue Date:
Effective Date: Expiry Date:

Property Owner

Name: Telephone:
Address:
City: Yellowknife, NT

Permit Issued To

Name: Telephone:
Address:
City: Yellowknife, NT

Permit Information

Conditions of Permit:

1. By signing, the applicant acknowledges and accepts all conditions as listed.
2. Only grass shall be burned.
3. A garden hose must be present for controlling the burn.
4. Direct adult supervision must be present at all times during the burn.
5. Burn only if wind conditions allow for safe burning and control of smoke.
6. If neighbors or others complain of smoke drifting towards their home, the Burning Permit will be rescinded.
7. Burn a small area at a time.
8. Signee shall pay Fire Division costs, if fire has to be extinguished by the Fire Division.
9. Failure to comply with this Burning Permit may result in the laying of charges under the City's Emergency Response and Protection Services By-law.

SIGNED: _____ APPROVED: _____
(Signature of Applicant)

RANK: _____

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Schedule D

EQUIPMENT CHARGES AND LABOR

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|----|--|------------------------------|
| 1. | First 2 hours
Minimum Charge | \$500.00 |
| 2. | Each additional 2 hours | \$200.00 per hour |
| 3. | In addition, all actual overtime
hours of off-duty Fire Fighters
needed to operate Division equipment. | |
| 4. | Medical Transfer | \$400.00 |
| 5. | Intown Medical Responses | \$175.00 |
| 6. | Highway Responses | \$1,000.00
Plus \$1.00/km |
| 7. | Recovery of costs for medical supplies
based on replacement costs plus 10%. | |