

**CITY OF YELLOWKNIFE
BY-LAW NO. 4502**

A BY-LAW of the Council of the Municipal Corporation of the City of Yellowknife ("City of Yellowknife") in the Northwest Territories for the continued operation of an Emergency Response and Fire Protection Service in the interests of the health, safety, and welfare of the residents of this City.

PURSUANT to the authorities set out in the *Cities Towns and Villages Act* S.N.W.T. 2003, c. 22 ("*Cities, Towns and Villages Act*") including sections 3, 4, 48(2), 58, 59, 70, 72, 144-149, 151 and 152;

WHEREAS the *Cities, Towns and Villages Act* establishes that a Council of a municipality may pass a by-law to provide for ambulance services and pre-hospital emergency care, the prevention or extinguishing of fires, the preservation of life and property and the protection of persons from injury or death by fire;

AND WHEREAS the municipal Council of the City of Yellowknife deems it desirable and in the public interest to continue to efficiently operate an Emergency Response and Protection Service;

NOW, THEREFORE, the municipal Council of the City of Yellowknife in regular session duly assembled enacts as follows:

PART I

SHORT TITLE, DEFINITIONS & INTERPRETATION

SHORT TITLE

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

DEFINITIONS & RULES FOR INTERPRETATION

2. (1) In this by-law the following terms, phrases and their derivatives shall have the meanings given herein. If or when they are not consistent with the context, words in the present tense shall include the future, words in the plural context include the singular, and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory. Words not defined shall be interpreted in accordance with the

Interpretation Act, R.S.N.W.T. 1988, c. I-8 and the *Cities, Towns and Villages Act* and if not defined in either of these Acts, they are to be given their common and ordinary meaning.

- "*Ambulance*" means a motor vehicle designed for, or used for, the purpose of regularly transporting persons who are sick, injured or otherwise incapable of being safely and satisfactorily transported in ordinary passenger vehicles, but excludes a vehicle operated as a handibus by the Yellowknife Accessible Transit System (YATS) or a vehicle operated as part of a special needs taxi service;
- "*Ambulance Service*" means the provision of *Emergency Medical Services* or attention to a person and includes the transportation in an ambulance of that person to a hospital or other medical facility and the transportation in an ambulance of a person to a medical facility from the scene of an *incident* or from a medical facility to a designated location (including an airport for further transfer);
- "*Apparatus*" means any *emergency* response vehicle, staffed and provided with *equipment* or materials for the purposes of fire fighting, rescue operations, controlling or eliminating the threat from a *dangerous goods incident*, providing medical assistance, the transport of patients, rescue services, as well as vehicles used to transport members, supplies or contracted personnel required for such fire

fighting, rescue, control or elimination of a threat or for medical assistance;

"City" means the Municipal Corporation of the City of Yellowknife, or where the context so requires, its municipal boundaries;

"Commercial Ambulance" means an ambulance available for the use of the public for compensation;

"Construction Waste" means any form of waste materials including treated wood product, concrete, steel, iron, miscellaneous metals, gypsum product, clay product, plastics and insulation that is generated at a construction site;

"Council" means the municipal council of the City;

"Dangerous Goods" means any material or substance that may constitute an immediate or long-term adverse affect to life, health, *property* or the environment when burned, spilled, leaked or otherwise released from its normal use, handling, storage or transportation environment, and shall include those products, substances and organisms that are covered by applicable Territorial and Federal acts, regulations and guidelines;

"Deputy Fire Chief" means a *person* appointed under Section 3.0 of this by-law;

"Division" means the Fire Division of the *City* as established and organized by the *City* pursuant to this By-law and includes all persons appointed or recruited to the various positions

prescribed in this By-law, all *equipment* and *emergency response units* used in the operation, maintenance, and administration of the Fire Division and fire and ambulance stations;

"*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 *emergency* pre-hospital medical care or attention;

"*Equipment*" means any tools, contrivances, devices, materials or supplies of any nature or kind used to respond to an *Incident*, provide *Emergency Medical Services*, used in any other *emergency* or used to carry out approved programs in non-emergency situations;

"*Fire Chief*" means a *person* appointed pursuant to Section 3.0 of this by-law and includes his or her designate;

"*Fire Pit*" means a fire-containing device or construction to be used for an outdoor fire including a chiminea and an outdoor fireplace;

"*Fire Protection*" includes fire suppression, fire prevention, fire safety education, communication, training of persons involved in the provision of fire protection services, rescue and emergency services and the delivery of all of those services;

"*Garbage*" means abandoned, discarded or

rejected materials of every description or kind capable of disposal in a garbage receptacle or container, and includes cold ashes, bottles, metal cans or tins, crockery, glass, metal cuttings, paper, cloth, food, food waste, wrappings, sweepings and the like, but does not include *refuse, trash, construction, hazardous or yard waste*;

"*Hazmat Services*" means providing all *emergency* aspects of spilled or otherwise released *dangerous goods*;

"*Hazardous Waste*" means any material presenting an actual or potential danger to human health and safety or to other living organisms in the environment, including, but not limited to any materials requiring placards or labels as identified by Transport Canada under the *Transportation of Dangerous Goods Regulations* or that is otherwise regulated by the Federal or Territorial Governments;

"*Incident*" means a fire, a situation where a fire or explosion is imminent or any other situation or *emergency* presenting a danger to life or *property* to which the *Division* has responded;

"*Incident Commander*" means the *person* appointed by the *Fire Chief* that has the control, direction and management of all *apparatus, equipment* and *members* assigned to an *incident* and shall continue to exercise such control, direction and management until the *Incident Commander* transfers the control, direction and management of

the *incident* to a *member* of equal or higher rank or until relieved by a *member* of an equal or higher rank also appointed by the *Fire Chief* to be an Incident Commander;

"*Member*" means a *person*, employed in, or appointed to, the *Division* and assigned to undertake *fire protection* services and includes *officers*, full-time and part-time (Paid-on-Call) firefighters;

"*Officer*" means a *person* who is appointed in accordance with the *Cities, Towns and Villages Act* 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 mandated or prohibited in this by-law;

"*Paid-on-Call*" means a firefighter who provides *fire protection services* either voluntarily or for nominal consideration, honorarium, training or activity allowance;

"*Patient*" means a person who is receiving, or appears to be in need of, medical attention;

"*Permit*" means a permit issued pursuant to this by-law in the form prescribed by the *Senior Administrative Officer* from time to time, and specifically includes a burn permit and a *fire pit* permit;

- "*Property*" means real and personal property whether movable or immovable;
- "*Person*" means an individual human being or a corporation or other incorporated legal entity and includes a partnership, an association or a group of persons acting in concert unless the context explicitly or by necessary implication otherwise requires;
- "*Rescue*" means specialized physical removal of persons involved in *incidents*;
- "*Senior Administrative Officer*" means the Senior Administrative Officer of the City appointed pursuant to the *Cities, Towns and Villages Act*, and includes his or her designate;
- "*Refuse*" means, human or animal excrement and includes urine, night soil, toilet tissues, blackwater, greywater and the like, but does not include *garbage, trash, construction, hazardous or yard waste*;
- "*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;
- "*Trash*" means abandoned vehicles or parts thereof, also discarded or rejected goods and materials of every description, but does not include *garbage, refuse, construction, hazardous or yard waste*;

"Yard Waste" means grass clippings or cuttings, shrubbery, and hedge prunings (excluding tree branches, stumps, roots and logs) leaves, weeds and garden waste.

- (2) This by-law includes the Schedules annexed hereto, and the Schedules form part of this by-law.
- (3) Where the time for doing any act or taking any proceeding expires on a Saturday, Sunday or Public Holiday, the act or proceeding may be done on the next business day.
- (4) The marginal notes and headings in this by-law are for reference purposes only.
- (5) Any Act or Regulation that is referred to in this by-law shall be interpreted as including any successor Act or Regulation.
- (6) If there are provisions of this By-law that are at variance with each other, the more restrictive of the two (2) provisions shall apply.
- (7) Where there is a conflict between the provisions of this By-law and any other By-law, the provisions of this By-law shall prevail.
- (8) Each provision of this By-law is independent of all other provisions. If a Court of competent jurisdiction declares any provision invalid for any reason, all other provisions of this By-law shall remain valid and enforceable, and the By-law shall be interpreted as such.

PART II

GENERAL

APPOINTMENT OF FIRE CHIEF AND DEPUTY FIRE CHIEF(S)

3. (a) The *Fire Chief* and *Deputy Fire Chiefs* shall be appointed by the *Senior Administrative Officer* and the *Fire Chief* is accountable to the *Senior Administrative Officer*.
- b) The *Fire Chief* has all the powers, duties and functions delegated to the *Fire Chief* by the *Senior Administrative Officer* or as otherwise set out in this or any by-law, resolution, policy or procedure;
- c) The *Fire Chief* is responsible for the proper administration and operation of the *Division*. Those activities for which he or she is responsible shall include:
- i) *Fire Protection*;
 - ii) *Emergency Medical Services*;
 - iii) *Rescue Services*; and
 - iv) *Hazmat Services*.
- (d) The *Fire Chief* has the authority to delegate any of the powers, duties or responsibilities given to him or her under this By-law to any other *member* and may authorize the recipients of such delegations to further delegate to other *members* the powers, duties or responsibilities given to them.
- (e) The *Incident Commander* shall have control, direction and management of all *apparatus*, *equipment* and *members* assigned to an *incident* and shall continue to exercise such control, direction and management until the *Incident Commander* transfers the control, direction and management of the *incident* to a *member* of equal or higher rank or until relieved by a *member* of an equal or higher rank also appointed by the *Fire Chief* to be an *Incident Commander*.
- (f) The *Fire Chief*, *Deputy Fire Chief* or *Incident Commander* may, pursuant to any mutual aid agreements entered into

between the *City* and another municipality, other order of government or other organization, call upon any *members, equipment or apparatus* as he or she may deem necessary and as the circumstances may require to respond to an *incident*.

- (g) The *Fire Chief* is hereby designated by Council pursuant to section 148 (1) of the *Cities, Towns and Villages Act* to be an employee empowered to issue verbal or written orders to a *person* to provide labour, services, equipment or materials if the *Fire Chief* is of the opinion that there is an imminent and serious danger to public health or safety. The *Fire Chief* may also authorize the reasonable compensation of a *person* who provides labour, services, equipment or materials unless the *person* caused the danger to arise.

POWERS OF THE *FIRE CHIEF*

4. (1) The term *Fire Chief* as used in this Section and Section 7 shall also include and mean the *Deputy Fire Chief(s)* or *Incident Commander*.
- (2) During an *incident*, the *Fire Chief* shall take whatever steps he or she deems to be necessary and reasonable in the circumstances to deal with an *incident* including:
- (a) causing a *structure* or thing to be pulled down, demolished or otherwise removed if he or she deems it necessary to prevent the spread of fire to other buildings, *structures* or things;
- (b) entering premises or property where an *incident* occurs and cause any *member, apparatus or equipment* to enter the premises or property, as he or she deems necessary, in order to combat, control or deal with the *incident*;
- (c) entering, passing through or over structures or property and causing *members, apparatus and equipment* to enter or pass through or over structures or property, where he or she deems it necessary to gain access to the *incident* or to protect any persons or property;

- (d) at his or her discretion, establishing boundaries or limits, ordering the evacuation of persons and keeping persons from entering the area within the prescribed boundaries or limits unless authorized to enter by him or her;
 - (e) directing *officers* to enforce restrictions on persons entering the boundaries or limits outlined in Section 4(2)(d); and
 - (f) requesting, and compelling if necessary, all persons present at the *incident* to assist *members* as directed.
- (3) The *Fire Chief* may:
- (a) obtain assistance from other officials (including *officers*) of the municipality as he or she deems necessary in order to discharge his or her duties and responsibilities under this By-law, including other officials of the *City*, who shall provide such assistance forthwith when so requested; and
 - (b) during an *incident*, for the prevention or extinguishing of fires and for the preservation of life and property from injury or destruction by fire, compel persons in the *City* to assist in the extinguishing of fires and to assist in the prevention or spread thereof or to otherwise take action to assist in the elimination of an imminent and serious danger to public health or safety.
- (4) The *Fire Chief* may impose conditions on any approval, permit or authorization.
- (5) Notwithstanding any other provision of this By-law, the *Fire Chief* may at any time impose a ban on some or all the permitted fires set out in section 8 of this by-law within the *City*. Once imposed, such a ban shall remain in effect until lifted by the *Fire Chief*. When determining whether to declare a complete or partial ban on burning, the *Fire Chief* may take into consideration any or all of the following factors:

- (a) the air quality index;
 - (b) levels of recent precipitation;
 - (c) water shortages or restrictions;
 - (d) availability of fire fighters and fire fighting equipment; and
 - (e) the overall fire danger.
- (6) The *Fire Chief* is authorized, subject to the approval of the *Senior Administrative Officer*, to establish the Standard Operating Guidelines and other rules, regulations or policies and any committees for the proper organization and administration of the *Division*.
- (7) In addition to any powers under the *Fire Prevention Act R.S.N.W.T., 1988 c. F-6*, the *Fire Chief* may on the complaint of any interested *person*, or without complaint when he or she considers it necessary, inspect any structure or premise within the *City*, and for that purpose may at any reasonable hour enter into or on such structures or premises.

EXCLUSIVE PROVISION OF AMBULANCE SERVICES BY CITY

5. No *person* other than the *Division* shall provide *commercial ambulance services* within the municipal boundaries of the *City* except for any person, agency or organization located outside the *City*, which transports a person to the hospital or other medical care facilities in the *City*, or transports a person from the *City's* hospital or other medical care facilities to destinations outside the *City* without a stop or transfer being made at an airport or other place within the *City*.

EMERGENCY RESPONSE JURISDICTION

6. No *apparatus*, including an *ambulance*, shall be used beyond the municipal boundaries of the *City* without the permission of the *Senior Administrative Officer* except where duly approved contracts to do so have been entered into with the *City* for the use of the *apparatus* and where the appropriate bylaws are in place.

PROHIBITIONS

7. (1) No *person* shall enter the boundaries or limits of an area prescribed in accordance with Section 4(2)(d) unless he or she has been authorized to enter by the *Fire Chief*.
- (2) No *person* shall impede, obstruct or hinder a *member* of the *Division* or other person assisting or acting under the direction of the *Fire Chief* at an *incident*.
- (3) No *person* shall damage or destroy the *apparatus* or *equipment* of the *Division*.
- (4) No *person* (other than a *member*) at an *incident* shall drive a vehicle over, or move any, *equipment*, including a fire hose, without the permission of the *Fire Chief*.
- (5) No *person* shall obstruct a *member* or *officer* from carrying out duties imposed by this By-law, nor fail to comply with an *order* issued by the *Fire Chief* pursuant to the provisions of this By-law including preventing or refusing to admit a *member* or *officer* in, to or upon any land, premises, or buildings, for the purpose of inspecting or investigating on the same, or incite or abet a *person* to do so.
- (6) No *person* shall wear, use or have in his or her possession or under his or her control any official badge, identification card, insignia, button, cap helmet or part or full uniform of the *Division* unless such person has direct and specific authority to wear or have in his or her possession or under his or her control such items.
- (7) No *person* shall use, or have in his or her possession or under his or her control, any key for any *apparatus* or building unless specifically authorized to do so by the *Fire Chief*.

- (8) No *person* shall falsely state that he or she has the sanction of the *Division* in soliciting any *person* on any matter.
- (9) No *person* shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire alarm, fire hydrant, cistern or body of water designated for fire fighting purposes or any connections provided to a fire main, pipe, stand pipe, sprinkler system, cistern or other body of water designated for fire fighting purposes.
- (10) No *person* shall set any fire out of doors unless the fire set is specifically permitted under section 8.
- (11) No *person* shall burn in any fire out of doors, including one for which a permit has been issued under section 8, garbage, refuse, trash or construction waste.
- (12) No *person* shall, unless authorized by the *Fire Chief* for practice purposes, by use of a fire alarm, telephone or other method normally used, make or cause to be made a false alarm.
- (13) No *person* shall cause an *incident* by improperly storing, handling, disposing of, or igniting *dangerous goods* or *hazardous waste* or otherwise.
- (14) No *person* shall provide *Emergency Medical Services*, including operating *Ambulance Services* within the City unless they fall within the exceptions set out in section 5.
- (15) No *person* shall tamper with, damage or destroy a fire hydrant, fire main, pipe, stand pipe or *Fire Division* connections.
- (16) No *person*, other than an employee of the *City's* Public Works Department or a *member* of the *Division* shall use a fire hydrant for the purpose of obtaining or discharging water from the fire hydrant without first receiving permission from the *City's* Public Works Department or the *Division*.

- (17) No *person* shall refuse to provide or furnish any information required under this by-law when requested to do so by a *member*.
- (18) No person shall set a fire that has been prohibited by a fire ban imposed by the *Fire Chief*.

PERMITTED FIRES

8. (1) Subject to sections (2) and (3) the following fires are permitted within the City:
- (a) a fire in a charcoal or gas barbecue (BBQ) or similar metal or masonry container that has been certified for use by an accredited testing agency, while being used for the cooking of food for human consumption;
 - (b) an open flame in an appliance being used for construction or maintenance;
 - (c) a fire for cooking or recreational use in an approved *fire pit*;
 - (d) a fire set by the *Division* in training areas approved by the *Fire Chief* for the purpose of training or testing *equipment* or *apparatus*;
 - (e) a fire set by a *fire equipment* or *apparatus* manufacturer or his or her agent for the purpose of demonstrating *fire fighting equipment* or *apparatus* in an area approved by the *Fire Chief* and with *Division* personnel present;
 - (f) a fire in an incinerator that has been licensed pursuant to applicable legislation;
 - (g) a fire in a fireplace within or attached to dwellings constructed and installed in accordance with applicable legislation;

- (h) a fire for thawing or heating building materials provided such fire is set in a location that does not endanger the structure or building materials;
 - (i) a fire for burning *yard waste* within the *City* if a *burn permit* has been issued;
 - (j) a fire outdoors at a residence for recreational purposes within the *City* if a *permit* for a *fire pit* has been issued; and
 - (k) a fire in a fire-containing device, approved by the Fire Chief, located within a park.
- (2) No fire described in Section 8 (1) is permitted unless it is attended by a person competent to supervise it.
- (3) Notwithstanding that a fire may be one of the types of permitted fires described in Section (1); the *Fire Chief* or *Incident Commander* may require that the fire be extinguished if, in the opinion of the *Fire Chief* or *Incident Commander*, the fire creates a hazard or nuisance.
- (4) A *person* who fails to comply with the direction of a *member* or an *officer* to extinguish a fire during a fire ban commits an offence and the *member* or *officer*, as the case may be, may extinguish the fire.

FIRE PITS

9. (1) A *fire pit* may be used for cooking food or recreational enjoyment, fueled by preservative free wood or wood products, if a *fire pit permit* has been issued by the *Division* to the owner of the land upon which it is situated by the *Division*, and the following conditions continue to be met:
- (a) if the *fire pit* is installed above ground and is not prefabricated, it shall be constructed in such a manner so as to prevent burning matter from falling out of it and be:

- (i) one (1) meter or less in diameter (or equivalent size if square or rectangular in shape); and
 - (ii) one half meter (.5) or less in height when measured from grade to the top of the fire pit opening; or
- (b) if *the fire pit* is installed above ground and is prefabricated, it shall be fabricated in such a manner so as to prevent burning matter from falling out of it and:
- (i) be one (1) meter or less in diameter (or equivalent size if square or rectangular in shape);
 - (ii) be one meter (1) or less in height when measured from grade to the top of the fire pit opening; and
 - (iii) may have an unscreened flu of fifteen (15) centimeters or less; or
- (c) if *the fire pit* is installed below grade it shall be:
- (i) one (1) meter or less in diameter (or equivalent size if square or rectangular in shape); and
 - (ii) one half (.5) meter or less in depth when measured from grade to the bottom of the *fire pit* opening; and
- (d) it shall be located three (3) or more meters from any structure, including a deck;
- (e) it shall be located five (5) or more meters from flammable/combustible fuel tanks or compressed gas cylinders;
- (f) it shall not be located directly under any electrical services that are five (5) or less meters in height;

- (g) it shall be constructed of bricks, concrete blocks, masonry products, cement, or other non-combustible material;
 - (h) except for a *fire pit* installed directly on a rock outcrop, all *fire pits* shall be located on a gravel or sand base with a minimum depth of twenty-five (25) centimeters;
 - (i) it shall have a minimum of three (3) sides;
 - (j) it shall be ringed by a minimum width of twenty-five (25) centimeters of rock outcrop, gravel or sand;
 - (k) notwithstanding 9 (3)(b), its openings shall be covered with a steel mesh screen with spacing no larger than one and a quarter (1.25) centimeters in order to contain and reduce airborne sparks;
 - (l) it shall be permanently affixed to property with concrete or similar material or be buried to a depth that renders the *fire pit* not readily movable from its approved location.
- (2) The *Fire Chief* may at any time enter onto private property to inspect a *fire pit*, or to determine if one exists on the property, whether or not a permit has been issued for a *fire pit*.
- (3) Every *person* who builds, ignites or allows a fire in a *fire pit* shall ensure that:
- (a) a means of extinguishing the fire is kept on hand at all times while the fire is burning;
 - (b) the flames from the fire do not exceed one (1) metre in height at any time;
 - (c) the fire is not left unsupervised at any time by a person competent to attend it; and
 - (d) the fire is extinguished completely, so there are only cold ashes, prior to leaving the fire.
- (4) The *Fire Chief* may at any time either temporarily or permanently revoke a permit for a *fire pit* if, in the

opinion of the Fire Chief, the *fire pit* poses a hazard or nuisance for reasons including:

- (a) a *fire pit* is left unattended or not under the control of a person competent to attend it;
- (b) smoke or airborne sparks are found to be presenting a threat or discomfort to nearby property, structures or persons as the case may be;
- (c) excessive wind conditions are negatively affecting the safe operation of the *fire pit*;
- (d) unauthorized alterations or changes are found to have been made to the *fire pit* or it has been relocated;
- (e) the fire in the *fire pit* exceeds its capacity;
- (f) the *fire pit* is in a state of disrepair or required components of the *fire pit* are found to be missing (eg. spark arresters);
- (g) unauthorized materials are being burnt in the *fire pit*; and
- (h) inadequate means of fire suppression or equipment are available.

FEES

10. (1) When the *Division* has taken any action including responding to an *incident*, providing *ambulance services*, responding to a *false alarm*, inspecting a building or site as required by this or any other by-law, or attending at a motor vehicle accident, or hiring the services of external fire consultants or dangerous goods clean-up teams, the *City* may recover costs incurred in taking the action against the *person* requesting the action, the *person* whose actions necessitated the action by the *Division*, or the owner or occupant of the land or property with respect to which the action was taken.
- (2) Costs or fees are to be recovered for actions taken by the *Division*, and the *City* shall issue an invoice for such costs or fees to the *person* requesting the action, the *person* whose actions necessitated the action by the *Division*, or the owner or occupant of

the land or property towards which the action was taken, as the case may be.

- (3) All expenses incurred by the *City* pursuant to subsection (2) 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.
- (4) The schedule of costs to be recovered or fees to be charged by the Division is set out in the *City's Fees and Charges By-law*.

PROPERTY ENTRY AND INSPECTIONS

11. (1) Where this by-law authorizes or requires any thing to be inspected, remedied, or done by the *City*, an *Officer* may, after giving reasonable notice to the owner or occupier of the land or structure affected:
 - (a) enter the land or structure at any reasonable time, and carry out the inspection, remedy, enforcement or action authorized or required by this by-law;
 - (b) require anything to be produced to assist in the inspection, remedy, enforcement or action; and
 - (c) make copies of any thing related to the inspection, remedy, enforcement or action.
- (2) The *Officer* shall, on request, display or produce identification showing that he or she is authorized to make entry.
- (3) The *Officer* authorized to perform a task under subsection (1) need not give reasonable notice and may enter at any hour and perform a task referred to in sub-section (1) without the consent of the owner or occupier, if the *Officer* or *Council* is of the opinion that:
 - (a) there is imminent danger to public health or safety; or
 - (b) the action is warranted by extraordinary circumstances.

PART III

OFFENCES & PENALTIES

PENALTY - STRICT LIABILITY OFFENCE

12. (1) Any *person* that contravenes any provision of this By-law by:
- (a) doing any act or thing that the *person* is prohibited from doing, or failing to do any act or thing the *person* is required to do, is guilty of an offence, and any offence created pursuant to this By-law shall be considered to be a strict liability offence.
 - (2) Any *person* who is convicted of an offence pursuant to subsection (1) is liable on summary conviction:
 - (a) in the case of a corporation, to a fine not exceeding \$10,000; or
 - (b) in the case of an individual, to a fine not exceeding \$2,000, or to imprisonment for a term of not more than six (6) months in default of payment of the fine.

CONTINUING OFFENCE

13. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a *person* guilty of such an offence is liable to a fine in an amount not less than that established by this by-law for each such day.

MINIMUM AND SUBSEQUENT FINES

14. The minimum fine that may be imposed for a contravention of a particular section of the By-law shall be the specified penalty applicable against the particular section, as set out in column one of Schedule "A".

VIOLATION TICKET

15. (1) Where an *officer* reasonably believes that a *person* has contravened any provision of this By-law, the *officer* may serve upon the *person* a violation ticket, in the form provided in the *Summary Conviction Procedures Act*, and such *person* may, in lieu of prosecution, pay the City the voluntary penalty set out in Schedule "A" for the offence, prior to the court date specified on the violation ticket.

(2) This section shall not prevent any *officer* from issuing a violation ticket requiring a court appearance of the defendant, pursuant to the provisions of the *Summary Conviction Procedures Act* or from laying an information in lieu of issuing a violation ticket.

OTHER PENALTIES

16. In addition to any fine that may be levied, a court may order a *person* convicted of an offence under this by-law:

- (a) to pay any fee or charge that may otherwise be payable by the *person* to the *City* in respect of any licence or *permit* that should have been obtained by the *person*;
- (b) to pay any costs that the *City* is entitled to in respect of the offence; and
- (c) to do or refrain from doing any activity that the court may specify.

PART IV

REPEALS & EFFECT

REPEALS

17. By-law No. 4175 and By-law No. 632 are hereby repealed.

EFFECT

18. This by-law shall come into effect upon receiving Third Reading and otherwise meeting the requirements of Section 75 of the *Cities, Towns and Villages Act*.

READ a First time this 14 day of OCTOBER, A.D.
2008




MAYOR



CITY ADMINISTRATOR

READ a Second time this 14 day of OCTOBER, A.D.
2008.

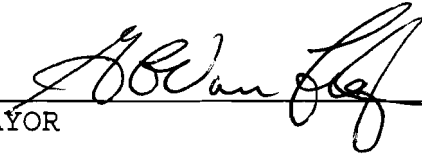


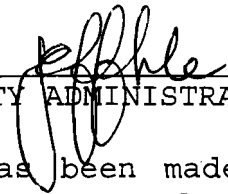
MAYOR



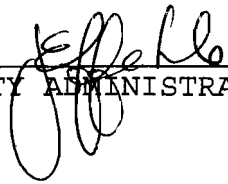
CITY ADMINISTRATOR

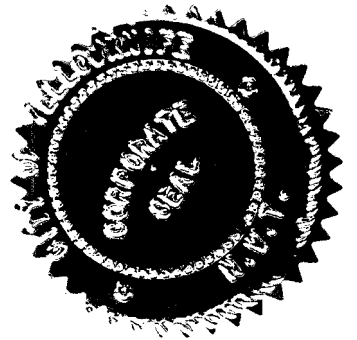
READ a Third time and Finally Passed this 27 day of
OCTOBER, A.D., 2008.


MAYOR


CITY ADMINISTRATOR

I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Municipal Corporation of the City of Yellowknife.


CITY ADMINISTRATOR



**CITY OF YELLOWKNIFE
BY-LAW NO. 4502**

Schedule A

VOLUNTARY FINE AMOUNTS

A person who has received notice under Section 15 in respect of an offence, may, after receipt of such notice, pay to the City the following:

	OFFENCE	SECTION	VOLUNTARY PENALTY
1.	Unauthorized entry into restricted area	7(1)	\$250.00
2.	Impeding, obstructing or hindering a <i>member</i> or <i>officer</i> or failing to comply with an <i>Order</i> of the <i>Fire Chief</i>	7(2)	\$250.00
3.	Damaging or destroying <i>Division equipment</i>	7(3)	\$200.00
4.	Driving a vehicle over <i>Division equipment</i>	7(4)	\$250.00
5.	Setting an unauthorized fire out of doors	7(10)	\$200.00
6.	Burning <i>garbage, refuse, trash</i> or <i>construction waste</i>	7(11)	\$200.00
7.	Making a False Alarm	7(12)	\$500.00
8.	Causing an <i>incident</i>	7(13)	\$500.00
9.	Providing unauthorized <i>Ambulance Services</i>	5	\$500.00
10.	Doing any other act or thing that the person is prohibited from doing or failing to do any act or thing that the person is required to do	10(1)	\$125.00