

BY-LAW NO. 2550

THE TOWN OF MINNEDOSA

Being a By-Law of the Town of Minnedosa to provide for fire fighting, fire prevention, the related regulation of fire and other hazards, the adoption of the Manitoba Fire Code and for establishing, continuing and operating an emergency service for the Town and to be known as the "Fire Prevention and Emergency Services By-Law";

WHEREAS Section 232(1) of The Municipal Act provides that a Council may pass By-Laws for municipal purposes respecting the following matters:

232(1)(a) The safety, health, protection and well being of people and the safety and protection of property;

232(1)(i) Preventing and fighting fires;

232(1)(o) The enforcement of By-Laws;

AND WHEREAS Section 239 of The Municipal Act provides for the Enforcement of By-Laws:

AND WHEREAS Section 264 of The Municipal Act provides that every municipality must provide fire protection services within its boundaries to reduce the danger of fire, which may include education programs, inspections of property, the installation of alarms, instructions on fighting fires, the provision of fire fighting equipment and a fire protection force;

AND WHEREAS Section 268 of The Municipal Act provides that a fire protection force may, with the approval of the Council, provide other services, including the prevention and release of illness and injury and the preservation of life and property;

AND WHEREAS Section 270 of The Municipal Act provides that a fire protection force may take such action as it considers reasonably necessary, including using any real or personal property, entering a building or upon land and demolishing or removing a building, tree, structure or crop to provide fire protection services and subject to the Council's approval under Section 268, to prevent injury and to preserve life and property.

NOW THEREFORE the Council of the Town of Minnedosa, duly assembled enacts as follows:

PART 1: INTERPRETATION AND DEFINITIONS

1. Interpretation:

It is the purpose of this By-Law to establish the standards for fire prevention, fire fighting and life safety in buildings; the prevention, containment and fighting of fires originating outside buildings which may present a hazard to all or any part of the Town; the operation of Emergency Services and the transportation and storage of flammable and combustible substances.

2. Definitions:

- a) Unless otherwise provided or unless the context otherwise requires, words and expressions in this By-Law have the same meaning as the same words and expressions in the Act and in the Code.
- b) In this By-Law, words importing the singular number only shall include the plural and vice versa and words importing gender shall include all genders.

c) In this By-Law;

- i. "ACT" means The Municipal Act S.M. 1996, c.58, C.C.S.M. c.M225 as amended from time to time.
- ii. "AUTHORITY HAVING JURISDICTION" means the Fire Chief, Acting Fire Chief, Deputy Fire Chief or the responsible Municipal, Provincial or Federal Official with legal authority for controlling the subject referred to including, without restricting the generality thereof, Municipal Fire Prevention Offices and Fire Inspectors.
- iii. "CODE" means the Manitoba Fire Code being Regulation No. 163/98 of The Fire Preventions Act, RSM c.F80, C.S.S.M. c.F80, as amended from time to time or any subsequent Manitoba Fire Code which may be enacted.
- iv. "COUNCIL" means the Council of the Town of Minnedosa.
- v. "EMERGENCY SERVICES" includes, but is not limited to, all fire protection services provided at the site of an emergency for the purpose of preserving life and property and protecting persons and property from injury or destruction by fire, preventing and extinguishing fires, investigating the cause and origin of fires, providing emergency medical responses, providing transportation for victims (ambulance service), purchasing and operating apparatus and equipment for fire fighting and the preservation of life and property, preventing and mitigating other potential risks to life and property as defined by Council.
- vi. "FIRE CHIEF" means the Fire Chief for the Town of Minnedosa and any one acting or authorized to act on his behalf.
- vii. "FIRE DEPARTMENT" means the Fire Department for the Town of Minnedosa and includes any part-time, composite (any combination of full-time, part-time or volunteer) or a volunteer fire department.
- viii. "FIRE FIGHTER" means any member, including volunteers of the Fire Department while their services are actually engaged by the Town of Minnedosa for the purposes of providing Emergency Services or otherwise enforcing the provisions of this By-Law.
- ix. "FIRE INSPECTOR" means the person or agency employed by or acting for the Town of Minnedosa and partially or wholly responsible for fire safety within the Town of Minnedosa.
- x. "TOWN" means the Town of Minnedosa.

PART II: ADMINISTRATION

1. Adoption of the Fire Code:

The Town hereby adopts the Fire Code as part of this By-Law and the whole thereof, save and except portions as are hereinafter deleted, modified or amended and is hereby incorporated as if fully set out at length herein. Any reference to the By-Law shall be construed as a reference to the whole By-Law including the Code.

2. Recovery of Costs:

Subject to any agreements to the contrary, where any type of Emergency Services have been taken within the Town, including responding to a false alarm, the Town may, in respect of any related costs incurred in taking such action, charge such costs to the person who caused the fire or incident or the owner of the land or property in respect to which the action was taken. Further, the Town may proceed to collect any costs against the person by any means available to it in law for the collection of outstanding taxes including, without limitation, adding the costs to the realty taxes on any property owned by the person within the Town.

PART III: CREATION OF THE FIRE DEPARTMENT

1. Creation and Membership:

There is hereby created a Fire Department of the Town, to be comprised of a Fire Chief and such other Fire Department personnel as from time to time may be deemed necessary by the Fire Chief and Council. The Fire Department shall not be comprised of less than 16 personnel at any one time. No change in the total number of complement of 24 shall be made without the prior approval of Council, who may authorize an increase or decrease or vary the above stated complement upon the recommendation of the Fire Chief.

2. Responsibility of the Fire Chief:

It shall be the responsibility of the Fire Chief to administer and enforce the provisions of this By-Law, subject always to such direction as may from time to time be given by the Council.

PART IV: EMERGENCY SERVICES

1. Emergency Services:

The mandate of the Fire Department is to provide the specific Emergency Services as described in Schedule "A" to this By-Law.

2. Agreement for Emergency Services:

The Town may elect to enter into an agreement with another Municipality to provide or have provided Emergency Services. Such agreement requires prior authority of the Council.

3. Response Outside Municipality

The Fire Department will not respond to any call with respect to a fire or an emergency outside the municipal boundaries except with respect to a fire or emergency:

- a) that in the opinion of the Fire Chief threatens property in the Town or property situated outside the Town that is owned and or occupied by the Town;
- b) in a Municipality with which an agreement has been entered into to provide fire protection services or Emergency Services;
- c) in a Municipality which forms part of a mutual aid agreement for which the Town is a member;

- d) for which Council has first authorized such attendance;
- e) under such circumstances as it appears human life is in jeopardy; or
- f) upon request for assistance from the Office of the Fire Commissioner or some other properly designated office of the Province of Manitoba.

PART IV: GENERAL REQUIREMENTS

1. Interference an Offence:

It shall be an offence for any person, other than the Authority Having Jurisdiction or a Fire Fighter in the course of duty to turn on or interfere with any fire hydrant in any manner whatsoever.

2. Tampering an Offence:

It shall be an offence for any person to tamper with, damage or discharge any fire prevention, fire suppression or rescue apparatus, or move any such apparatus from its allocated location without the permission of the Fire Chief.

3. Requiring Additional Assistance:

The Fire Chief, or in his absence the senior officer of the Fire Department present at any fire or providing any other Emergency Service, shall have the right and authority to require any able-bodied adult person to assist in extinguishing fires, to assist in the control or spread of fire and to assist in any other required Emergency Service and any such person, while acting under the direction of the Fire Chief shall be deemed a volunteer of the Town.

4. Commandeering Equipment:

The Fire Chief, or in his absence the senior officer of the Fire Department present at any fire or providing any other Emergency Service, shall have the right and authority to commandeer and authorize payment for the possession or use of any equipment for the immediate purpose of fighting a fire or providing any other Emergency Service.

PART IV: FIRE PREVENTION STANDARDS

1. Access for Inspection:

- a) The Authority Having Jurisdiction may, at all reasonable times enter any premises for the purpose of making an inspection and any person in charge of the premises shall allow the Authority Having Jurisdiction free access thereto.
- b) The Fire Chief, or in his absence the senior officer of the Fire Department present at any fire shall have the right and authority to enter, pull down or demolish any house, building or structure, directly or indirectly affected, where deemed reasonably necessary for the purpose of extinguishing a fire or to control or prevent the spread of fires in conjunction with dangerous goods or rescue.
- c) The Fire Chief, or in his absence the senior officer of the Fire Department present at any fire shall have the right and authority to remove vehicles and clear an area of any obstacles that may impede the Fire Department in the performance of their duties, where deemed necessary for the purpose of extinguishing a fire or

to control or prevent the spread of fires or in conjunction with dangerous goods or rescue.

2. Storage of Containers:

All boxes, crates, petroleum barrels and other containers, empty or otherwise, packing materials or other materials used or kept in any building or on any lot, shall be:

- a) so stacked or piled as to keep them clear of windows and doors to provide for clear ingress and egress from any part of the premises or building;
- b) kept away from source of ignition;
- c) removed forthwith if determined to constitute a fire hazard by the Authority Having Jurisdiction to such location as authorized by the Authority Having Jurisdiction.

3. Portable Fire Extinguishers:

Portable fire extinguishers shall be:

- a) provided and located in accordance with the requirements of the Code;
- b) maintained and/or hydro-statically tested in accordance with the requirements of the Code;

4. Chimney Pipes:

All chimneys and pipes for fireplaces or wood stoves shall be installed in conformance with the Code and must be cleaned regularly to prevent a build up of creosote. Where the Fire Chief deems it necessary he may give notice to any owner requiring the cleaning of any chimney or pipe and where such order is not complied within ten (ten) days the Fire Chief may cause the work to be done and the cost therefore shall be the responsibility of the owner.

5. Property Maintenance:

All buildings and properties shall be adequately maintained in order to guard against fire or the risk of fire.

6. Fire Alarm Systems:

- a) Every fire alarm system shall be maintained at all times in operating condition and tested by a qualified person in accordance with the requirements of the Code.
- b) Where the Fire Department attends in response to a fire alarm call which is an apparent false alarm, the Fire Chief or in his absence the senior officer of the Fire Department present at the scene, will attempt to contact the property owner or other designated person to attend and secure the premises. Where unable to contact the property owner or designated person, then a security guard may be called in to perform fire duty at the expense of the owner. The total cost of restoration of any fire alarm equipment and related costs of hiring a security guard or any fire-watch service, shall be the responsibility of the owner or his insurer. If the owner cannot be located to pay this bill then all costs may be added to the real property taxes for the premises and collected in the same manner as normal taxes.

7. Flammable and/or Combustible Liquid Storage and Storage of Hazardous Materials:

Prior written permission from the Fire Chief shall be required for the storage of flammable and/or combustible liquids or hazardous materials in excess of the amounts permitted in the Code.

PART VII: PENALTY PROVISION

Penalty:

1. An order made under this By-Law shall be in writing and signed by the Authority Having Jurisdiction. An order may be directed to the owner, occupier or lessee of the subject building or property in respect of which it is made or to any or all of them.
2. Any order made under this By-Law shall be served:
 - a) personally upon the person to whom it is directed;
 - b) by regular mail; or
 - c) by posting a copy of the order in a conspicuous place on the building or property if the person to whom it is directed cannot be found, is not known or refuses to accept service of said order.

In case of service by regular mail the order shall be deemed to have been received on the fifth business day subsequent to the date it is mailed.

3. Any person who contravenes, disobeys, refuses or neglects to obey:
 - a) any provision of this By-Law or any provision of any other By-Law that by this By-Law is made applicable to proceedings taken or things done under this By-Law;
 - b) any provision of any By-Law, Regulation or Order enacted or made by Council; or
 - c) any order made by this By-Law;

for which no other penalty is specifically provided is guilty of an offence and is liable, on summary conviction to a fine of not less than \$100.00 or more than \$1,000.00 for each day's neglect or failure to comply forthwith and in default of payment of the fine, to imprisonment for a term not exceeding thirty (30) days.

4. any person who hinders or obstructs the Authority Having Jurisdiction in the exercise of his duty is guilty of an offence and liable upon summary conviction to a fine of not less than \$100.00 or more than \$1,000.00 and in default of payment of the fine, to imprisonment for a term not exceeding fourteen (14) days.

PART VIII: REPEAL AND ENACTMENT

1. Repeal:

By-Law No. 2471 is hereby repealed.

2. Enactment:


This By-Law shall come into full force and take effect upon the passage thereof.

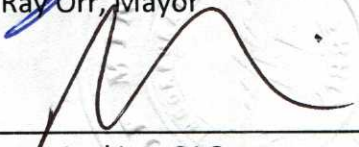
3. Validity of By-Law:

Should any provision of the By-Law or the Code hereby adopted be declared to be invalid by a court of competent jurisdiction, it is the intent of Council that it would have passed all other provisions of the By-Law and the Code independent of the elimination of any such portion as may be declared invalid.

DONE AND PASSED in Council assembled at the Council Chamber of The Town of Minnedosa at Minnedosa in the Province of Manitoba, this 5th day of July A.D., 2016.

THE TOWN OF MINNEDOSA



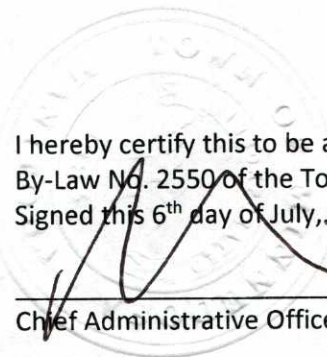
Ray Orr, Mayor

Ken Jenkins, CAO

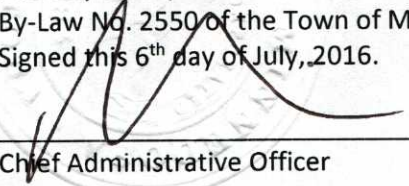
Read a first time this 24th day of May, A.D., 2016

Read a second time this 5th day of July, A.D., 2016

Read a third and final time this day of 5th day of July, A.D. 2016



I hereby certify this to be a true copy of
By-Law No. 2550 of the Town of Minnedosa.
Signed this 6th day of July, 2016.



Chief Administrative Officer

Schedule "A" to By-Law No 2550
Emergency Services Provided by the Minnedosa Fire Department

The Minnedosa Fire Department will provide the following Emergency Services:

- a) Fire prevention and fire extinguishing, which includes structural fire fighting for rescue, fire control and property conservation;
- b) Investigation of the causes of fire and origin determination;
- c) Preservation of life and property and protection of persons and property from injury or destruction by fire;
- d) Salvage operations;
- e) The ability to enter into agreements with other municipalities or persons for the joint use, control, and management of fire extinguishing apparatus and equipment;
- f) Purchase and operation of apparatus and equipment for extinguishing fires or preserving life and property;
- g) Surface water rescue;
- h) Hazardous material responses;
- i) Vehicle extrication;
- j) Farm accident rescue;
- k) Ground search and rescue;
- l) Aircraft rescue and fire fighting.