

FIRE PREVENTION AND EMERGENCY SERVICES BY-LAW

No. 2018-01

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BY-LAW 2018-01

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**THE MUNICIPALITY OF WESTLAKE-GLADSTONE
BY-LAW NO. 2018-01**

BEING A BY-LAW OF THE MUNICIPALITY OF WESTLAKE-GLADSTONE TO PROVIDE FOR FIREFIGHTING, FIRE PREVENTION, THE REGULATION OF FIRE AND OTHER HAZARDS, THE ADOPTION OF THE MANITOBA FIRE CODE, AND FOR ESTABLISHING AND OPERATING AN EMERGENCY SERVICE FOR THE MUNICIPALITY, AND TO BE KNOWN AS THE “FIRE PREVENTION AND EMERGENCY SERVICES BY-LAW”;

WHEREAS the Municipality is required under section 264 of the Municipal Act to provide fire protection services, as well as to pass by-laws for the protection of people and property, prevention and fighting of fire, and enforcement of by-laws under subsection 232(1)

AND WHEREAS under section 268, with the approval of the council, the Municipality is empowered to provide other services, including the prevention and release of illness and injury and the preservation of life and property;

NOW THEREFORE the Council of the Municipality of WestLake-Gladstone, duly assembled, enacts as follows:

SECTION I *Interpretation & Operation*

1.1 *Intents & Purposes*

It is the purpose of this by-law to establish the standards for:

- (a) Outlining the powers and duties of Council, the Fire Chiefs, responsibility of property owners and residents as they relate to this By-Law;
- (b) Fire prevention, firefighting, and life safety on properties and buildings;
- (c) Containment and suppression of fires originating from outside buildings which may present a hazard to all or any part of the Municipality and its neighboring Municipalities;
- (d) The transportation and storage of flammable and combustible substances;
- (e) the operation of emergency services as per Schedule “A” to protect life and property.

This By-Law applies to the Municipality of WestLake-Gladstone as a whole.

1.2 *Definitions*

- 1.2.1 Words and phrases used in this by-law have the meanings that are commonly assigned to them in the context in which they are used, or will be used as defined by the Municipal Act and/or the Manitoba Fire Code.
- 1.2.2 In this By-Law, words importing a singular number only will include the plural and vice versa, and words importing gender shall include all genders.
- 1.2.3 In this By-Law:
 - (a) “ACT” means The Municipal Act S.M. 1996, c.58, C.C.S.M. c.M225 as amended from time to time.
 - (b) “AUTHORITY” means the Authority having Jurisdiction including the administrator of the service including 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 which includes, without restricting the generality thereof, municipal Fire Prevention Officers and Fire Inspectors.
 - (c) “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.

- (d) "FIRE CHIEF" means the Fire Chief for the respective department within the Municipality or in their absence the Deputy Fire Chief, or designate, called the Officer in Charge.
- (e) "FIRE DEPARTMENT" means either the Lakeview, Westbourne-Gladstone, or Plumas Fire Departments for the Municipality, and includes any part-time, composite (any combination of full-time, part-time or volunteer) or a volunteer fire department.
- (f) "FIRE FIGHTER" means any member, including volunteers, of the Fire Department while their services are actually engaged by the Municipality for the purpose of providing emergency services or otherwise enforcing the provisions of this by-law.
- (g) "FIRE INSPECTOR" means the person or agency employed by or acting for the Municipality and partially or wholly responsible for fire safety within the Municipality.
- (h) "LARGE SCALE INCIDENT" refers to any fire or incident that may require more resources and personnel than primary responders can provide, as deemed by the Fire Chief, generally excluding residential property.
- (i) "MUNICIPALITY" means the area contained within the boundaries of the Municipality of WestLake-Gladstone.
- (j) "MUTUAL AID DISTRICT" means the districts outlined on Schedule "B".

1.3 Fire Code Implementation

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

1.4 Continuation of the Fire Service

The Municipality will maintain Fire and Rescue Services within the Municipality. Each fire department shall be comprised of a minimum six (6) personnel at any one time, unless otherwise amalgamated or restructured.

1.5 Response outside the 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 Municipality or property situated outside the Municipality that is owned or occupied by the Municipality;
- (b) that is in a Municipality that belongs to an area in the mutual aid agreement for which the Municipality is a member;
- (c) that is on property with respect to which an agreement has been entered into with any person or corporation to provide fire protection therefor;
- (d) under such circumstances as it appears human life is in jeopardy;
- (e) upon request for assistance from the Office of the Fire Commissioner or some other properly designated office of the Province of Manitoba.

1.6 Requesting Additional Assistance/Equipment

1.6.1 The Fire Chief at any emergency incident will have the right and authority to request assistance from any member of the Mutual Aid District for any of the emergency services provided as outlined in Schedule "A" if the event is considered to be large scale. This will also apply to any other agency with which the Municipality has entered into an agreement pertaining to fire and emergency service.

1.6.2 The Fire Chief at any fire or when providing any other Emergency Service, will have the right and authority to request any able-bodied adult person to assist in extinguishing fires, to assist in the control of 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 Municipality.

- 1.6.3 The Fire Chief present at any emergency incident will have the right and authority to commandeer and authorize payment for the possession or use of any equipment for the immediate purpose of providing any Emergency Service.

1.7 Cost Recovery

Subject to any agreements, where any type of unnecessary emergency services have been provided by the fire department within the Municipality, including responding to a false alarm, as set out by Section 267(1) in the Municipal Act, any action or response required due to an offense of this by-law, or cancelled call, the Municipality, at the discretion of the Chief Administrative Officer, may charge any related costs incurred while taking such action, to the owner of the land or property where the action occurred.

SECTION 2 Fire Prevention

2.1 Fire Prevention Standards

2.1.1 Access for Inspection

The Authority 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 free access as per the Fire Prevention and Emergency Response Act.

2.1.2 Prevention of Fire Spread

The Fire Chief present at any incident shall have the right and authority to enter, or to allow fire fighters to enter, pull down, or demolish any house or 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 or in conjunction with dangerous goods or rescue.

2.1.3 Property Maintenance

All buildings and properties must be adequately maintained in order to guard against fire or the risk of fire. If an excess of combustible growth, waste or rubbish of any kind is deemed liable to catch fire and endanger property it must be removed by the owner of the premises on which it is located. If not complied with in a reasonable and timely manner as set forth by the Chief Administrative Officer, the Municipality may cause the work to be completed and bill the owner of the premises for the costs of clean-up and disposal.

2.1.4 Storage

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) stacked or piled as to keep them clear of windows and doors to provide for access to and from any part of the premises or building;
- (b) kept away from any source of ignition;
- (c) removed immediately if determined to constitute a fire hazard by the Authority to an authorized location.

2.1.5 Flammable and/or Combustible Liquid Storage and Storage of Hazardous Materials

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

2.1.6 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.

2.1.7 *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 buildup of creosote. Where the Fire Chief deems necessary he may give notice to any owner requiring the cleaning of any chimney or pipe and where such order is not complied with within ten (10) days the Fire Chief may request the Chief Administrative Officer to authorize the work to be done and the cost incurred shall be charged to the owner.

Further, the Municipality may proceed to collect any costs charged by adding the costs to the realty taxes on any property owned by the person within the Municipality.

2.2 ***Fire Alarm Systems***

2.2.1 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.

2.2.2 The Authority may by any means gain access to a property where a fire alarm is sounding for the purpose of investigating such alarm.

2.2.3 Where the Fire Department attends in response to a fire alarm call which is an apparent false alarm, The Fire Chief will attempt to contact the property owner or other responsible person to attend and disengage the alarm as well as to secure the premises. In the event that an owner or responsible person is not available, the Authority will contact additional personnel to deactivate the alarm and secure the premises. 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.

2.2.4 Property owners or tenants are subject to a fee for a response by the fire department for an alarm event that in the opinion of the Fire Chief, was caused by poor maintenance of the fire alarm system or in such situations where a reasonable person should have known that human actions or activity would cause a false fire alarm to be generated.
The fee is and method of recovery is outlined in section 1 (1.7) "Cost Recovery"

2.3 ***Permits***

2.3.1 Permits are required for any Open-Air Fires or Fireworks display.

2.3.2 Authorization in the form of a permit does not exempt or excuse a person from the responsibility, consequences, damages, or injuries resulting from the authorized burn or display and does not excuse a person from complying with other applicable laws, ordinances or regulations.

2.3.3 Permits are to be obtained by the person responsible for the fire or fireworks.

2.3.4 There will be no fee to obtain a permit, but penalty may be charged, and cost recovery procedures will occur if a fire or fireworks are ignited without obtaining a permit and the fire department must take action.

2.3.5 Permits may be revoked if conditions change or fire is deemed to be a nuisance by the Fire Chief and the C.A.O.

2.3.6 All active permits for open-air fires or fireworks are immediately void upon implementation of burn ban unless otherwise specified.

2.3.7 Permits are not required for recreational fires as outlined in section 2.4.

2.3.8 Penalty will be charged and cost recovery procedures may occur if a fire or fireworks have been ignited without a valid permit.

2.4 ***Recreational Fires***

2.4.1 Recreational Fires are those that are for backyard entertainment often referred to as a fire pit.

- 2.4.2 Recreational Fires must be contained in a non-combustible fire pit made of masonry, concrete, or heavy gauge metal.
- 2.4.3 Fire pit must be located a minimum of 20 feet (6 meters) away from any combustible material, trees, fences, structures, or utility wires.
- 2.4.4 Fire pit must have a grate, with a maximum of 2 sq. inches of separation, to cover the open flame area.
- 2.4.5 No household trash or garbage can be burned outdoors at residences in urban areas.
- 2.4.6 Recreational fires are not permitted under severe wind conditions or when local conditions make such fires hazardous. Penalty may be applied.

2.5 Fireworks

- 2.5.1 Any form of Fireworks display, whether it be commercial pyrotechnics or domestic use, requires a permit before igniting.
- 2.5.2 Fireworks are not permitted under severe wind conditions or when local conditions make such activity hazardous. Penalty may be applied.
- 2.5.3 Any use or display of paper lanterns, or luminarias, are not permitted within the Municipality.

2.6 Open-Air Fires

- 2.6.1 A permit is required prior to ignition of open-air fires.
- 2.6.2 All burning within the municipality shall be subject to the conditions and provisions of the Wildfires Act, and the Manitoba Crop Burning Residue Burning Regulation – MR 77/93. 2.2.
- 2.6.3 No person shall start an Open-Air Fire on any land without taking sufficient precautions that are reasonably necessary to protect persons and the property of others from the fire and ensure all precautions are taken to ensure that the fire can be kept under control, or when weather conditions are conducive to a fire burning out of control.
- 2.6.4 Any outdoor fire deemed a nuisance by the Fire Chief must be extinguished immediately.

2.7 Burn Ban

- 2.7.1 The C.A.O. jointly with the Fire Chiefs have the authority to place a ban on all burning within the Municipal boundaries whenever hot, dry weather conditions exist.
- 2.7.2 Burning bans will be implemented upon agreement by majority of Fire Chiefs and the C.A.O.
- 2.7.3 Any permits that have been obtained are automatically cancelled upon order of burning ban.
- 2.7.4 Recreational fires and Fireworks may also be restricted during a fire ban, if specified.
- 2.7.5 Notification of burning ban may be done through municipal website, social media, local newspaper, or signage.
- 2.7.6 Penalty will be charged in the amount of \$2000.00 and cost recovery procedures may occur if a burn ban has been implemented and a fire, or other action included in the ban, has been ignited.

SECTION 3 Authorities, Duties, & Requirements of Personnel

3.1 Fire Chief

- 3.1.1 The Chief Administrative Officer, subject to consultation with Council is responsible for the appointment, supervision, evaluation, discipline, suspension or termination of a Fire Chief.

3.1.2 The Fire Chief:

- (a) Will take all proper measures for the prevention, control, and extinguishment of fire to protect life and property;
- (b) Will enforce all general orders and department rules and regulations, provisions of Municipal By-Laws, and any other applicable Acts;
- (c) ensure all required paperwork is submitted to the Chief Administrative Officer including personnel information, timesheets, activity reports, etc.
- (d) Submit to the Chief Administrative Officer the estimated annual expenditures required for the department regarding purchases of equipment, gear, training, etc.

3.2 Personnel

- 3.2.1 All fire fighters are required to complete the necessary forms provided to them by the Fire Chief in order to receive volunteer remuneration.
- 3.2.2 All personnel within the department are required to respect and obey the chain of command as outlined by the Fire Chief.
- 3.2.3 If injured or near miss occurs, an incident report form must be completed and submitted to the Fire Chief.

3.3 General Requirements

- 3.3.1 Fire Fighters must be at least 18 years of age unless additional approval is obtained by both the Fire Chief and Chief Administrative Officer.
- 3.3.2 Must be physically capable of performing the duties required of the position.
- 3.3.3 Produce a physician's letter, at their own expense, if requested by the Fire Chief to ensure the candidate or current volunteer is capable of performing the required duties.

3.4 Suspension and Termination from the Service

- 3.4.1 The Fire Chief may suspend, or recommend dismissal of any member for insubordination, misconduct, or non-compliance with any provision of this by-law or any other applicable Act requirement after consultation with the Chief Administrative Officer

SECTION 4 Offences & Penalties

4.1 Additional Offenses

- 4.1.1 Interference an Offense
It is an offense 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.
- 4.1.2 Tampering an Offense
It shall be an offense for any person to tamper with, damage, or discharge any fire prevention, suppression, or rescue apparatus, or remove any equipment from its allocated location without permission from the Fire Chief.
- 4.1.3 An order made under this by-law shall be in writing and signed by Chief Administrative Officer or designate. An order may be directed to the owner, occupier or lessee of the structure or property on which the event occurred, or where it may happen on public property, the person found responsible for the event.
- 4.1.4 Any order made under this by-law shall be served:
 - (a) personally, upon the person to whom it is directed;
 - (b) by email, mail or registered 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.

4.1.5 Any person who contravenes or disobeys, or refuses or neglects to obey:

- (a) any provision or order 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 Order enacted or made by Council;
- (c) Any Order or offense made by this by-law, excluding ignition during a burn ban, or any condition attached to a permit or to which the permit is subject; is guilty of an offence and is liable to a fine of not less than \$250.00 or not more than \$1,000.00 for each day's neglect of an order or each offence. Failure to comply and upon default of payment of the fine, to imprisonment for a term not thirty (30) days; or
- (d) Any offense in relation to ignition of a fire, or any condition attached to a burn ban; is guilty of an offence and is liable to a fine in the amount of \$2000.00. Additionally, The Municipality, may also fine cost recovery charges, at the discretion of the Chief Administrative Officer.
- (e) Hinders or obstructs the Authority Having Jurisdiction in the exercise of their duty, is guilty of an offence and liable to a fine of not less than \$250.00 or not more than \$1,000.00, and in default of payment of the fine, to imprisonment for a term not exceeding fourteen (14) days.

4.1.6 Any outstanding fines or penalties are an amount owing to the Municipality and may be collected by the Municipality in the same manner as a tax may be collected or enforced under The Municipal Act.

SECTION 5 *Repeal*

5.1 The Fire Prevention and Emergency Services By-Law, including Schedules "A" and "B" are hereby adopted;

5.2 The Town of Gladstone By-Law No. 3-2013, RM of Westbourne By-Law No. 1598 And RM of Lakeview By-Law No. 2-96 and all amendments thereto, are hereby repealed.

DONE AND PASSED as a by-law of the Municipality of WestLake-Gladstone in the Province of Manitoba this 19th day of June, 2018.

Mayor

Chief Administrative Officer

Read a first time this 16th day of January, 2018.
Read a second time this 15th day of May, 2018.
Read a third time this 19th day of June, 2018

FIRE PREVENTION AND EMERGENCY SERVICES BY-LAW NO. 2018-01

SCHEDULE "A"
Emergency Services Provided

1. Fire prevention and fire extinguishing, which includes structural fire fighting for rescue, fire control and property conservation;
2. Investigation of cause and origin of fire;
3. The ability to enter into agreements with other Municipalities or persons for the joint use, control, and management of fire extinguisher apparatus and equipment;
4. Purchase and operation of apparatus and equipment for extinguishing fires or preserving life and property;
5. Protection and preservation of life and property from injury or destruction of fire;
6. Assist rescue, ambulance, and medical services;
7. Vehicle extraction when able;
8. Rescue in the following forms:
 - (a) Water
 - (b) Rope
 - (c) Low Angle
 - (d) Farm accident
 - (e) Trench
 - (f) Urban & Ground Search
 - (g) Aircraft
9. Extinguishing and prevention of urban interface fires;
10. Extinguishing and prevention of grass fires;
11. Response to:
 - (a) Flood
 - (b) Hazardous Material
 - (c) Biological & Chemical Events
12. Salvage operations;
13. Precautionary standby;
14. Fire Prevention Inspections;
15. Public Safety Education;
16. Response to any request that the Fire Department deems an emergency, including but not limited to, CO alarms, gas odours, and animals in peril.

SCHEDULE "B"
Mutual Aid District

Members of the Neepawa Mutual Aid District Include:

- Municipality of WestLake-Gladstone Fire and Rescue Service
 - Plumas Fire Department
 - Westbourne & Gladstone Fire Department
 - Lakeview Fire Department
- Lansdowne Fire Department
- Glenella Fire Department
- Kelwood Fire Department
- Alonsa Fire Department
- Amaranth Fire Department
- MacGregor Fire Department
- Austin Fire Department
- Neepawa Fire Department