

**LOCAL GOVERNMENT DISTRICT OF PINAWA
BY-LAW NO. 760-13**

Being a By-law of the LGD of Pinawa to provide for fire fighting, fire prevention, the related regulation of fire and other hazards, the adoption of the Code, and for establishing, continuing and operating an emergency service for the LGD of Pinawa, and to be known as the "Fire Prevention and Emergency Services By-law".

WHEREAS subsection 232(1) of the Act provides that council may pass by-laws for municipal purposes respecting the following matters:

- a) The safety, health, protection and well being of people, the safety and protection of property;
- (i) Preventing and fighting fires;
- (o) The enforcement of by-laws;

AND WHEREAS Section 264 of the 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 of fighting fires, the provision of firefighting equipment and a fire protection force;

AND WHEREAS section 268 of the 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;

NOW THEREFORE the council of the LGD of Pinawa, duly assembled, enacts as follows;

PART I: INTERPRETATION AND DEFINITIONS

Interpretation

1. 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 LGD; the operation of Emergency Services and the transportation and storage of flammable and combustible substances.

Definitions

1. (a) Unless otherwise provided, or the context otherwise requires, word 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:

"ACT" means the Municipal Act S.M. 1996, c58, C.C.S.M. c.M225 as amended from time to time.

"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 Officers and Fire Inspectors.

"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.

"Council" means the council of the LGD of Pinawa.

“Emergency Service” includes, but is not limited to, all fire protection services and all 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 rescue services, assisting emergency medical responses, purchasing and operating apparatus and equipment for fire fighting and the preservation of life and property, and preventing and mitigating other potential risks to life and property as defined by Council.

“Emergency Co-ordinator” means the Emergency Co-ordinator for the LGD and anyone acting or authorized to act on his behalf.

“Fire Chief” means the Fire Chief for the LGD and anyone acting or authorized to act on his behalf.

“Fire Department” means the Fire Department for the LGD and includes any part-time, composite (any combination of full-time, part-time or volunteer) or a volunteer fire department.

“Fire Fighter” means any member, including volunteers, of the Pinawa 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.

“Fire Inspector” means the person or agency employed by or acting for the LGD and partially or wholly responsible for fire safety within the LGD.

“LGD” means Local Government District of Pinawa or the area contained within the boundaries thereof.

PART II: ADMINISTRATION

Adoption of Fire Code

The LGD 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.

Recovery of Costs

Subject to any agreements to the contrary, where any type of Emergency Services have been taken within the LGD, including responding to a false alarm, the LGD 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 or occupant of the land or property in respect to which the action was taken. Further, the LGD may proceed to collect any costs as 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 LGD.

Part III: CREATION OF FIRE DEPARTMENT

Creation and Membership

There is hereby created a Fire Department for the LGD of Pinawa, 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. The Fire Department shall not be comprised of less than six (6) personnel at any one time. No change in the complement of the Fire Department shall be made without approval of the Council, who may authorize an increase or decrease or vary the above stated complement upon recommendation of the Fire Chief.

Responsibility of 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.

Responsibility of Municipal Emergency Co-ordinator

It shall be the responsibility of the Municipal Emergency Co-ordinator to administer and enforce the relative provisions of this by-law, subject always to such direction as may from time to time be given by Council.

The mandate of the Municipal Emergency Co-ordinator is described in Schedule "C" to this by-law.

Part IV: EMERGENCY SERVICES

Emergency Services

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

Response outside LGD of Pinawa

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

- a) that in the opinion of the Fire Chief threatens property in the LGD or property situated outside the LGD that is owned or occupied by the LGD; or
- b) in a Municipality which forms part of a mutual aid agreement for which the LGD is a member; or
- c) for which the council has first authorized such attendance; or
- 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.

Part V: REMUNERATION

The rates of remuneration of the members of the Pinawa Volunteer Fire Department and Emergency Co-ordinator shall be set out as in Schedule "B" attached to and forming part of this by-law.

Part VI: GENERAL REQUIREMENTS

Interference and 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.

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 permission of the Fire Chief.

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 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 LGD of Pinawa.

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 VII – FIRE PREVENTION STANDARDS

Access for Inspection

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.

Prevention of Fire Spread

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 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.

Storage of Containers

All boxes, crates, petroleum barrels and other containers, empty or otherwise, packing materials, or other material 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 to and from any part of the premises or building;
- b) kept away from any 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.

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.

Chimney Pipes

All chimneys and pipes for fireplace 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 with within ten (10) days the Fire Chief may cause the work to be done and the cost therefore shall be the responsibility of the owner.

Starting Fire in Open Air

- a) It shall be an offence for any person to light, ignite or start or allow or cause to light, ignite or start a fire of any kind whatsoever in the open air without having obtained written permission to do so from the Fire Chief.
- b) A person to whom a permit has been issued hereunder shall not leave the permitted fire unattended at any time while it is burning or smouldering and shall ensure that sufficient appliances and equipment to prevent the fire from getting beyond control or causing damage or becoming dangerous at the fire site.
- c) Notwithstanding subsection (a), no permit shall be required to light, ignite, or start or allow or cause to be lighted, ignited, or started a small contained fire in a barbeque, grill or similar device used to cook food.

Property maintenance

- (a) All buildings and properties shall be adequately maintained in order to guard against fire or the risk of fire.
- (b) It shall be an offence for any person to pile or allow to be piled any lumber or wood on private property within three meters of the exterior of any dwelling.
- (c) Subsection (b) shall not apply to lumber in transit or in the process of erection on a construction site.

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 of 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.

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 VIII: PENALTY PROVISION

Penalty

- (a) 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.
- (b) Any order made under this by-law shall be served:
 - (1) personally upon the person to whom it is directed; or
 - (2) by registered or regular mail; or
 - (3) 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 services of said order.

In the 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.

- (c) Any person who contravenes or disobeys, or refuses or neglects to obey:
 - (1) 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; or
 - (2) any provision of any by-law, Regulation or Order enacted or made by Council; or
 - (3) 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 \$1000.00 for each day's neglect or failure to comply therewith and in default of payment of the fine, to imprisonment for a term not exceeding thirty (30) days.

- (d) Any person who hinders or obstructs the Authority Having Jurisdiction in the exercise of his duty is guilty of an offence and liable on summary conviction to a fine of not less than \$100.00 or more than \$1000.00, and in default of payment of the fine, to imprisonment for a term not exceeding fourteen (14) days.

Part IX: RESCIND AND ENACTMENT

Rescind

That By-law No. 721-10 be hereby rescinded.

Enactment

This by-law shall come into full force and take effect upon the passage thereof.

DONE AND PASSED by the Council of the LGD of Pinawa in the Province of Manitoba this 14th day of May, 2013.



Jenny Petersen
Resident Administrator

Read a first time this 12th day of March, 2013
Read a second time this 9th day of April, 2013
Read a third and final time this 11th day of June, 2013

SCHEDULE "A"
Emergency Services Provided by Fire Department

The Pinawa 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) Rescue, assist with emergency medical services;
- e) Salvage operations;
- f) The ability to enter into mutual aid agreements with other municipalities or persons for the joint use, control, and management of fire extinguishing apparatus and equipment;
- g) Purchase and operation of apparatus and equipment for extinguishing fires or preserving life and property;
- h) Low angle rescue;
- i) Hazardous material responses;
- j) Basic Vehicle extrication;
- k) Ground search and rescue;
- l) Fire prevention inspections;
- m) Pre-fire planning;
- n) Public safety education;
- o) Precautionary standby;
- p) Extinguishing and prevention of grass fires;
- q) Extinguishing and prevention of Wild fires;
- r) Response to any request that the Fire Department deems an emergency, including but not limited to CO alarms, animals in peril and gas odours.

SCHEDULE "B"

Remuneration - Pinawa Volunteer Fire Department members, Emergency Co-ordinator and Emergency Preparedness Personnel

The remuneration of the personnel of the Pinawa Volunteer Fire Department and Emergency Co-ordinator effective January 1, 2013:

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| Fire Chief: | Salary | \$205.00/month |
| | Clothing Allowance (receipts required) | \$420.00/year |
| | Building Inspections | \$ 19.00/hour |
| | Inspection Report Writing | \$ 19.00/hour |
| Deputy Chief: | Salary | \$121.00/month |
| Emergency Co-ordinator: | Salary | \$205.00/month |
| | Plan or Program Development Maintenance and Training | \$ 19.00/hour |
| | Deputy Emergency Co-ordinator: | Plan or Program Development Maintenance and Training |
| Fire Calls | Cadets shall be paid at the rate of \$11.50 per hour, all other personnel answering a call shall be paid at the rate of \$18.00 per hour. | |

** Minimum call-out as per collective agreement (must report to the fire hall).

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| Training: | Fire Chief | \$19.00/hour |
| | Deputy Chief | \$16.50/hour |
| | Captains | \$16.50/hour |
| | Lieutenants | \$ 14.50/hour |
| | Fireman | \$ 14.50/hour |
| | Cadet | \$ 11.50/hour |
| | All Emergency Operations Centre or Emergency Preparedness Personnel doing approved work | \$14.50/hour |

Travel Expense

The allowable expenses for members of the Volunteer Fire Department, Emergency Co-ordinator and Emergency Personnel who attend conferences, seminars or other related business outside the boundaries of The Local Government District of Pinawa, shall be as follows:

Daily Indemnity: One-Hundred and Fifty-Two (\$152.00) per day to a maximum of five days, for any one member in any one year, where a loss of wages is incurred.

Per Diem allowance where meals not provided: As per LGD Travel Policy.

Travel Costs: Forty-five cents (.45) per kilometre.

Accommodation: Actual accommodation costs for a conference lasting longer than one (1) day.

Registration Fees: The actual registration fee only will be paid.

Budget Limitations: The total amount paid in each year under this section, shall not exceed the amount allocated in that year except with the prior approval of the Resident Administrator.

The Local Government District of Pinawa shall pay remuneration as follows:

- (a) The Chief, Deputy Chief and Emergency Co-ordinator shall be paid in equal monthly instalments.
- (b) All other personnel shall be paid twice yearly, in June and December, in accordance with time sheets submitted and approved by the Fire Chief of the Pinawa Volunteer Fire Department or his designate as well as the Municipal Emergency Co-ordinator.

SCHEDULE "C"
Services Provided by the Municipal Emergency Co-ordinator

The Municipal Emergency Co-ordinator will provide the following services:

- a) Activate the municipal Emergency Operation Center.
- b) Co-ordinate the emergency response.
- c) Initiate call out of the Emergency Operation Management Team.
- d) Implementing the emergency plan in whole or in part.
- e) Advise Council and/or Mayor on declaring a Prevention Order or State of Local Emergency.
- f) Prepare post-emergency reports.
- g) Ensure amendments to the emergency plan are made.
- h) May act as Emergency Operations Centre (EOC) or designate an EOC Manager for the EOC.
- i) Co-ordinate and regulate EMO training exercises.
- j) Manage volunteer personnel.
- k) Submit annual EMO program plan and budget.