CITY OF THOMPSON FIRE PREVENTION AND EMERGENCY SERVICES BY-LAW

BY-LAW NUMBER 1628-97

BEING A BY-LAW of the City of Thompson 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 a municipal ambulance and emergency service, to be known as the "Fire Prevention and Emergency Services By-law";

WHEREAS subsection 232(1) of the Municipal Act, S.M.1996, c.58, provides inter-alia, authority for the municipality to pass by-laws for municipal purposes respecting the following matters:

- The safety, health, protection and well being of people and the safety and protection of property;
- Preventing and fighting fires;
- The sale and use of firecrackers and other fireworks;
- 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;

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

NOW THEREFORE the Council of the City of Thompson in regular session 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 municipality; the operation of emergency services;

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Definitions

- 2. (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-Municipal Act, and in the Manitoba Fire Code being Regulation 212/92.
 - (b) All references to "he" and its derivatives shall include "she" and its derivatives unless the context thereof requires otherwise.
 - (c) In this by-law:
 - (1) "THE ACT" means THE MUNICIPAL ACT.
 - (2) "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.
 - (3) "CITY" means City of Thompson or the area contained within the boundaries thereof.
 - (4) "CODE" means the Manitoba Fire Code being Regulation No. 212/92 of The Fires Prevention Act, RSM 1987, cF80, as amended from time to time, or any subsequent Manitoba Fire Code which may be enacted.
 - (5) "COUNCIL" means the council of the municipality.
 - (6) "EMERGENCY SERVICE" includes ambulance service.
 - (7) "FIRE INSPECTOR" means a person appointed by the Fire Chief, from time to time, to carry out fire inspections under the provisions of this by-law.
 - (8) "INSPECTOR" means Fire Inspector or any other person or agency employed by or acting for the municipality and partially or wholly responsible for fire safety within the municipality.
 - (9) "FIRE CHIEF" means the Fire Chief for the municipality and any one acting or authorized to act on his behalf.

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- (10) "FIRE DEPARTMENT" means the Fire Department for the municipality, and includes a volunteer fire department.
- (11) "FIRE FIGHTER" means any member, including volunteers, of the Fire Department or other emergency service team while their services are actually engaged by the municipality for the purpose of enforcing the provisions of this by-law.
- (12) "FIREWORKS" means any article defined as fireworks pursuant to The Explosives Act (Canada) or regulations thereto and without limiting the generality of the foregoing, shall also include High Hazard Fireworks and Low Hazard Fireworks as defined hereafter.
- (13) "HIGH HAZARD FIREWORKS" means any fireworks such as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, mines and fire crackers as defined in Class 7.2.2. of The Explosives Act (Canada) as High Hazard Fireworks for Recreation.
- (14) "LOW HAZARD FIREWORKS" means any fireworks such as fireworks showers, fountains, golden rain, lawn light, pin wheel, Roman candles, volcanoes, sparklers, Christmas crackers and caps for toy guns as defined in Class 7.2.1 of The Explosives Act (Canada) as Low Hazard Fireworks for Recreation.
- (15) "PERSON" means an individual, club, organization, firm or corporation.

PART II: ADMINISTRATION

Application

3. The provisions of this by-law shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this by-law shall be permitted to continue where the exceptions do not constitute a hazard to life or adjoining property.

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Adoption of Fire Code

- 4. (a) 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, 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.
 - (b) Where used in the Code or this by-law a reference to the Manitoba Building Code shall be deemed to mean a reference to the Manitoba Building Code being a regulation under the Buildings and Mobile Homes Act SM.1974 c.54.

Recovery of Costs

5. Pursuant to any agreement to the contrary, where any type of emergency services have been taken within or outside the municipality, including responding to a false alarm, the municipality 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 of which the action was taken.

PART III: CREATION OF FIRE DEPARTMENT

Creation and Membership

- 6. (a) There is hereby created a Fire and Emergency Services Department for the City of Thompson, the object of which shall be the prevention and extinguishment of fires, the protection of life and property and the operation of an ambulance service.
 - (b) The Fire Department Officers shall consist of a Fire Chief, Deputy Chief, and other officers as the Council may deem necessary for the effective operation of the Department.

Responsibility of Fire Chief

7. It shall be the responsibility of the Fire Chief to administer and enforce the provisions of this by-law, pursuant to the policies and procedures established by Council.

PART IV: EMERGENCY SERVICES

Emergency Services

- 8. Emergency services are hereby established for the purpose of:
 - (a) preventing and extinguishing fires;
 - (b) investigating the causes of fires;
 - (c) preserving life and property and protecting persons and property from injury or destruction by fire;
 - (d) providing rescue, ambulance, and emergency medical services;
 - (e) performing salvage operations;
 - (f) purchasing and operating apparatus and equipment for extinguishing fires or preserving life and property.

Ambulance Regulations Established

9. The regulations for operation of the ambulance service shall be those contained in Manitoba Regulation No. 62/93 under The Ambulance Services Act, C.C.S.M. 1985-86, c.A65, as amended or revised from time to time.

Response outside Municipality

- 10. The Fire Department shall respond to any call with respect to a fire or an emergency outside the municipal boundaries which:
 - (a) threatens property in the municipality or property situated outside the municipality that is owned or occupied by the municipality; or
 - (b) occurs in a municipality with which an agreement has been entered into to provide fire protection; or
 - (c) occurs in a municipality which forms part of a mutual aid agreement for which the municipality is a member; or
 - (d) occurs on property with respect to which an agreement has been entered into with any person or corporation to provide fire protection thereof.

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PART V: GENERAL REQUIREMENTS

Interference an Offence

11. 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

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

Use of Personal Vehicles

13. Personal vehicles of fire fighters may be used to respond to a fire or emergency call from the point where the call was received to the fire hall provided that the vehicle is equipped with an approved beacon and insignia and operated in accordance with the provisions of The Highway Traffic Act.

Requiring Additional Assistance

14. The Fire Chief, or in his absence, the senior officer of the Fire Department present at any fire, shall have the right and the authority to require any ablebodied adult person to assist in extinguishing fires and to assist in the control of spread of fire.

Commandeering Equipment

15. 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 commandeer and authorize payment for the possession or use of any equipment for the immediate purpose of fighting a fire or controlling any other emergency.

PART VI: FIRE PREVENTION STANDARDS

Access for Inspection

16. 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 thereof.

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Prevention of Fire Spread

17. 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.

Starting Fire in Open Air

- 18. (a) It shall be an offence for any person to light, ignite or start or allow or cause to be lighted, ignited or started a fire of any kind whatsoever in the open air without first having obtained written permission to do so from the Fire Chief.
 - (b) A person to whom a permit has been so issued hereunder shall not leave the permitted fire unattended at any time while it is burning or smoldering and shall ensure that sufficient appliances and equipment to prevent the fire from getting beyond control or causing damage or becoming dangerous are 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 barbecue, grill or similar device used to cook food, except in highrise buildings and apartments with balconies of combustible construction where an electric barbecue shall be the only type permitted.

Storage of Containers

- 19. 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:
 - stacked or piled in a manner 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.

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Portable Fire Extinguishers

- 20. Portable fire extinguishers shall be:
 - (a) provided in conformance with the requirements of the Code and located as indicated in further requirements; and
 - (b) maintained and/or hydrostatically tested in accordance with the requirements of the Code.

Chimney Pipes

21. All chimneys and pipes for solid fuel burning appliances shall be installed in conformance with the Code and Canada/CSA B 365-M1 and must be cleaned regularly to prevent a buildup 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 therefor shall be the responsibility of the owner.

Property Maintenance

- 22. (a) All buildings and properties shall be adequately maintained in order to guard against fire or the risk of fire.
 - (b) Buildings assigned a street address shall post the number on the building.
 - (c) The number assigned shall be posted on the side of the building that is facing the street that the assigned number relates to.
 - (d) All numbers shall be a minimum of four inches (10 cm.) in height and be visible from the street.

Fire Alarm System

23. (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) During a fire alarm or sprinkler system shut-down for any reason, and where the owner or authorized agent of a building cannot be located and the fire alarm or sprinkler system will not reset under normal conditions by the Fire Department, then the authority having jurisdiction will, in accordance with the General Operating Guidelines of the Fire Department, contact a qualified electrical contractor, or will place a security guard on duty to provide fire-watch service until all fire alarm or early warning or protection systems have been restored to normal operating conditions. The total cost of restoration of the equipment, and related costs of hiring the electrical contractor or 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.

Security of Premises - Fire Situation

Subject to section 24.2, following an actual fire situation, where the owner or authorized agent of the property affected cannot be located or is unable to arrange for securing of the property, the authority having jurisdiction will, in accordance with the General Operating Guidelines of the Fire Department, contact a security guard and place them on fire-watch duty to monitor for rekindling and to protect the property from vandalism, looting, or other similar action until the owner/agent can make alternate arrangements. The total cost related to hiring the security guard for fire-watch duty shall be the responsibility of the owner. 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.

<u>Security of Premises - Suspected Arson</u>

24.2 In the case of suspected arson the Fire Chief, or in his absence the senior officer of the Fire Department present at the scene, may elect to hire the services of a security firm which has sufficient knowledge to secure the premises properly in order to preserve the scene until such time as the investigation can be completed. The associated costs are the responsibility of the property owner or insurer and if the bill is unpaid these costs may be added to the real property taxes for the premises and collected in the same manner as normal taxes.

PART VII: FIREWORKS

Sale of Fireworks

- 25. (a) No person shall display for sale, sell or offer for sale fireworks within the City.
 - (b) No person shall set off fireworks except under the provisions of the Explosives Act (Canada), such persons shall be a Fireworks Supervisor with a permit from the Fire Chief.
 - (c) The Fire Chief may, upon written application therefore made to him, grant to a service club or other responsible organization permission to purchase and fire or set fireworks provided the following requirements are satisfied:
 - (1) The fireworks will be fired or set off in an organized display in which reasonable precautions have been made for the protection of the public and persons involved in the display;
 - (2) That the display is in connection with some event or celebration which if of public interest and will be enhanced by such organized display of fireworks.
 - (d) A Fire Inspector is hereby authorized to remove or cause to be removed fireworks that have been sold or offered for sale or which are being fired or set off, contrary to the provisions of this by-law of the terms of any permit issued to any disposal area designated by Council for the purpose of being destroyed or otherwise disposed of, and to destroy and dispose of same.

Right of Appeal

26. An applicant denied a permit pursuant to section 25 hereof by the Fire Chief may appeal the refusal to Council so long as such appeal is made in writing and directed to the municipal office within seven (7) days of a refusal by the Fire Chief.

PART VIII: HAZARDS TO BE REMOVED

Order

- 27. (a) If the authority having jurisdiction finds that any provision of this by-law has been contravened or has not been complied with or has been complied with improperly or only in part or that conditions exist in or upon a building or property which in his opinion constitute a hazard to the safety, health or well being of any person or property he may make an order requiring full and proper compliance with this by-law and the elimination of any hazards to the safety, health or well being of any person or property.
 - (b) 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.
 - (c) 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 service 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.

(d) Notwithstanding any other provisions of this by-law or of the Code, where an order under this section has been made and not complied with in the time limits prescribed in the order issued, the City or its agent may undertake such action as it deems necessary to remove any hazards, conduct any clean-up or rectify any violation of or non-compliance with this by-law as stated in said order and to charge the costs for any or all of the foregoing to the person responsible for the building or property; or order the closure of any building or premises as provided for by the Act.

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(e) In the event that the costs referred to in (d) are not paid within the time limits prescribed in any notice given by the City requesting payment thereof, all costs, shall then be added to the real property taxes for the current year and collected as prescribed by the Act.

<u>Severability</u>

28. Should any section or part thereof of this by-law or the Code hereby adopted be declared to be invalid, it is the intent of the Council that it would have passed all other portions of this by-law and the Code independent of the elimination of any such portion as may be declared invalid.

General Offenses

- 29. (1) It shall be an offence for any person to:
 - (a) block an exit or access to an exit in any building;
 - neglect to maintain a fire exit door or fire exit hardware on a fire exit door, including exit lights or emergency lights, in any building in operating condition;
 - (c) permit combustible waste materials to accumulate in or around any building in quantities or locations that will constitute an undue fire hazard;
 - (d) store flammable/combustible/compressed liquids in any building, structure or open space except in the manner provided in the Code;
 - (e) block open or wedge open a door, shutter, wired glass or glass block in a fire separation in any building;
 - (f) do or continue or permit to be done or continued anything in contravention of the Code which may be considered by the authority having jurisdiction as a fire or life safety hazard.
 - (2) Everyone who commits an offence under subsection (1) hereof is guilty of a summary conviction offence and liable to a fine of \$50.00.

A Fire Inspector may issue a warning ticket on the Information and Summons Offence Notice as set out in Schedule "A" hereto for which no prosecution will be carried out and no fine shall be levied, provided that the person has not previously been charged with an offence pursuant to this by-law.

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- 30. (1) Subject to section 29(1) any person who contravenes, or disobeys or refuses or neglects to obey:
 - (i) any provision of this by-law;
 - (ii) any order made under this by-law or any condition attached to a permit or to which a permit is subject for which no other penalty is herein provided, is guilty of an offence and liable, on summary conviction, to a fine not exceeding One Thousand Dollars (\$1,000.00) in the case of an individual or Five Thousand Dollars (\$5,000.00) in the case of a corporation, or, in the case of an individual, to imprisonment for a term not exceeding six months or to both a fine and such an imprisonment.
 - (2) Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the person is guilty of a separate offence for each day it continues.
- 31. Any person who hinders or obstructs the Authority having jurisdiction or a Bylaw Enforcement Officer under this by-law 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 \$200.00, and in default of payment of the fine, to imprisonment for a term not exceeding fourteen (14) days.

PART IX: REPEAL AND ENACTMENT

Repeal

- 32. (a) By-law No. 673 and amending By-law No. 1089-82 are hereby repealed.
 - (b) The repeal of the by-laws in the last preceding subsection mentioned shall not revive any by-law or any provision of any by-law repealed by them, nor shall the said repeal prevent the effect of any saving clause in the said by-law or the application of the said by-law or any other bylaw or provision of law formerly in force to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply.

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- (c) The repeal of the said by-laws should not affect:
 - any penalty, forfeiture or liability incurred before the time of such repeal, or any proceedings for enforcing the same had, done, completed or pending at the time of such repeal; or
 - (2) any action, suit, judgement, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatever, respecting the same had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal; or
 - (3) any act, deed, right, title, interest, grant, assurance, registry, rule, regulation, contract, lien, charge, matter, or thing had, done, made, acquired, established, or existing at the time of such repeal; or
 - (4) any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal; or
 - (5) any bond, note, debenture, debt, or other obligation made, executed, or entered into by the City at the time of such repeal.
- (d) The repeal of the said by-laws shall also not defeat, disturb, invalidate, or prejudicially affect any matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal.

Enactment

33. This by-law shall come into full force and effect upon the day following the date of final passage.

Validity of By-law

34. Should any provisions of this 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 this by-law and the Code independent of the elimination of any such portion as may be declared invalid.

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59 Elizabeth Drive Shompson, Mankoba

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AVERTISSEMENT

Stive usine payer pas votre amende ou se comparates at pas devent un juge de paia, une action subsidere peut tire introduite contje vous este que le condamnation puis se être este el execution.

INSTANT JUSTICE VIOLATIONS

| Ticket Code | Instant Justice Violation |
|----------------|---|
| 01 | Exits, Blocked or Defective |
| 02 | Defective exit lights or emergency lights |
| 03 | Neglect to maintain fire alarm equipment |
| 04 | Improper storage waste materials |
| 05 | Improper storage flammable/combustible/compressed liquids |
| 06 | Blocked fire separation doors |
| 07 | Wedged fire separation doors |
| 08 | Outdoor burning without permit |
| 09 | Other: Leaving permitted fire unattended |
| 09 | Other: Insufficient fire control at permitted fire site |
| 09 | Other: Lumber/wood piled within 4 feet of any dwelling |
| 09 | Other: Improper storage of containers |
| 09 | Other: Neglect to provide/maintain fire extinguishing equipment |
| 09 | Other: Storage of excess flammable/combustible/compressed liquids or hazardous materials without permit |
| 09 | Other: Fire or life safety hazard |
| 09 | Other: (specify) |
| 10 | Warning ticket |