

**The Municipality of Emerson-Franklin**  
**Fire Prevention and Emergency Services By-Law**  
**By-Law No. 03-17**

Being a by-law of the Municipality of Emerson-Franklin to provide for fire-fighting, fire prevention, the related regulations of fire and other hazards, the adoption of the Code, and for establishing, continuing and operating an emergency service for the Municipality, and to be known as the "Fire Prevention and Emergency Services By-Law";

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

- (a) The safety, health, protection and well-being of people and the safety and protection of property;
- (b) Preventing and Fighting Fires;
- (c) 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, instruction on fighting fires, the provision of fire-fighting equipment and 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 Municipality of Emerson-Franklin, duly assembled, enacts as follows:

**PART 1: 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 and the transportation and storage of flammable and combustible substances.

**Definitions**

2. In this by-law:
  - (1) "ACT" means the Municipal Act S.M. 1996, c.58, C.C.S.M c.M225 as amended from time to time.

- (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) "CODE" means the Manitoba Fire Code being Regulation No. 163/98 of *The Fire Prevention act*, RSM c.F80, C.S.S.M. s.F80, as amended from time to time, or any subsequent Manitoba Fire Code which may be enacted.
- (4) "COUNCIL" means the council of the Municipality.
- (5) "EMERGENCY SERVICES" included, 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 the origin of fires, provided rescue services, 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, and preventing and mitigating other potential risks to life and property as defined by Council.
- (6) "FIRE CHIEF" means the Fire Chiefs for the Municipality and any one acting or authorized to act on his behalf.
- (7) "FIRE DEPARTMENT" means the 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.
- (8) "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.
- (9) "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.
- (10) "MUNICIPALITY" means (Municipality of Emerson-Franklin) or the area contained within the boundaries thereof

## **PART II: ADMINISTRATION**

### **Adoption of Fire Code**

3. 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.

## **Recovery of Costs**

4. Subject to any agreements to the contrary, where any type of Emergency Services have been taken within 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 to which the action was taken. Further, the Municipality may proceed to collect any costs as against the person by any means available to it in the law for the collection of outstanding taxes, including, without limitation, adding the cost to the realty taxes on a property owned by the person with the Municipality.

## **PART III: CREATION OF FIRE DEPARTMENT as Per Schedule "A"**

### **Creation and Membership**

5. There is hereby created a Dominion City and Emerson Fire Department for the Municipality, 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, however, the Fire Departments 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. The appointment and remuneration of the appointed fire department personnel is provided in **Schedule "B"** to this by-law.

### **Responsibility of Fire Chief**

6. 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**

### **Emergency Services**

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

### **Agreement for Emergency Services**

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

## **Response outside Municipality**

9. 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; or
  - (b) In a Municipality with which an agreement has been entered into to provide fire protection services or Emergency Services; or
  - (c) In a Municipality which forms part of a mutual aid agreement for which the Municipality is a member; or
  - (d) On property with respect to which an agreement has been entered into with any person or corporation to provide fire protection therefor; or
  - (e) For which the head of council has first authorized such attendance; or
  - (f) Under such circumstances as it appears human life is in jeopardy;
  - (g) Upon request for assistance from the Office of the Fire Commissioner or some other properly designated office of the Province of Manitoba.

## **PART V: GENERAL REQUIREMENTS**

### **Interference an Offence**

10. 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**

11. 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.

### **Requiring Additional Assistance**

12. The Fire Chief, or in his absence, the senior officer of the Fire Department present at any fire or providing any other Emergency Services, 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 Municipality.

### **Commandeering Equipment**

13. The fire Chief, or in his absence, the senior officer of the Fire Department present at any fire or provided 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 VI: FIRE PREVENTION STANDARDS**

### **Access for Inspection**

14. 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**

15. The Fire Chief, or in his absence, the senior officer of the Fire Department presents 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 control or prevent the spread of fires or in conjunction with dangerous goods or rescue.

### **Storage of Containers**

16. 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 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**

17. 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**

18. 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 it necessary he may give notice to any owner requiring the cleaning of any chimney or pipes 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**

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

## **Fire Alarm System**

20. (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.

## **Flammable and/or Combustible Liquid Storage and Storage of Hazardous Materials**

21. 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**

22. (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 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 mail.

(c) Any person who contravenes or disobeys, or refuses or neglects to obey:

- (1) Any provision of this by-law, or any provisions 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.

(c) 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 VIII: REPEAL AND ENACTMENT**

### **Repeal**

23. By-Law No. 05-15 is hereby repealed.

### **Enactment**

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

### **Validity of By-Law**

25. Should any provision 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 the 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** by the Council of the Municipality of Emerson-Franklin, duly assembled at Dominion City, in the Province of Manitoba, this 9<sup>th</sup> day of May, 2017.

Read a First time this 27<sup>th</sup> day of April, 2017.

Read a Second time this 9<sup>th</sup> day of May, 2017.

Read a Third time this 9<sup>th</sup> day of May, 2017.

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Reeve Greg Janzen

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C.A.O Tracey French