

THE RURAL MUNICIPALITY OF EAST ST PAUL

BY-LAW NO. 96-28

Being a BY-Law of the Rural Municipality of East St. Paul 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, to be known as the "Fire Prevention and Emergency Services By-Law";

WHEREAS the Rural Municipality of East St. Paul is empowered under the Municipal Act, RSM 1988, c.M225, Section 289 and 290, to establish and maintain a fire fighting department, to pass by-laws for the prevention of fire, regulating the keeping, storage and transportation of flammable or dangerous materials, and certain other powers, including authorizing the adoption of the Manitoba Fire Code as referred to hereinafter;

AND WHEREAS Section 297 of The Municipality Act empowers the municipality to regulate the use and sale of fireworks within the municipality;

AND WHEREAS it is deemed expedient and in the public interests to establish, continue, and maintain fire prevention and emergency service standards in the Rural Municipality of East St. Paul;

NOW THEREFORE the Council of the Rural Municipality of East St. Paul, duly assembled, enacts as follows:

PART I: 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 of part o the municipality, 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 Municipal Act, and in the Manitoba Fire Code.
- 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. “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.
2. “Chief Inspector of Explosives” means the person designated as the Chief Inspector of Explosives under The Explosives Act (Canada).
3. “City/Town/Village/Rural Municipality/UVD/LDG” means the Rural Municipality of East St. Paul or the area contained within the boundaries thereof.
4. “Code” means the Manitoba Fire Code being regulations No. 212/92 of The Fire Prevention Act, RSM 1987, c.F80, 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. “Fire Chief “ means the Fire Chief for the municipality and any one acting or authorized to act on his behalf.
7. “Fire Department” means the Fire Department for the municipality, and includes a volunteer fire department.
8. “Firefighter” 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 or enforcing the provisions of this by-law.
9. “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.
10. “High Hazard Fireworks” means any fireworks such as rockets, Serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombaros, waterfalls, fountains, mines and fire crackers as defined in Class 7.2.2 of The Explosives Act (Canada) as High Hazard Fireworks for Recreation.
11. “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.
12. “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.

13. “Static Display” means a display for sale of what appears to be fireworks which contain no explosive materials and have been prepared by a fireworks manufacturer for use as a display.

14. “Nuisance” means an act that is annoying, unpleasant, or obnoxious.

PART II: ADMINISTRATION

3. Application

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 distinct hazard to life or adjoining property.

4. Adoption of Fire Code

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.

5. Recovery of Costs

Pursuant to any agreements 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 uncured 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 is taken.

PART III: CREATION OF FIRE DEPARTMENT

6. Creation and Membership

There is hereby created a Fire Department for the Rural Municipality of East St. Paul to be comprised of a Fire Chief, two Deputy Fire Chiefs, four Captains, 23 Fire fighters and First Responders on a volunteer basis. 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.

7. Responsibility of Fire Chief

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

PART IV: EMERGENCY SERVICES

8. Emergency Services

Emergency services are hereby established for the purpose of:

- a. Preventing and extinguishing fires;
- b. Investigating the cause of fire;
- c. Preserving life and property and protecting person and property from injury or destruction by fire;
- d. Providing rescue and emergency medical services;
- e. Performing salvage operations;
- f. Entering into agreements with other municipalities or persons for the joint use, control, and management of fire extinguishing apparatus and equipment;
- g. Purchasing and operating apparatus and equipment for extinguishing fires or preserving life and property.

9. Agreement for Emergency Service

The municipality may elect to enter into an agreement with another municipality to provide or have provided emergency services. Such agreements require prior authority of the Council.

10. 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 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; 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 thereafter; or
- e. For which the head of council has first authorized such attendance; or
- f. MVA designated area Wenzel Street to Garven Road on PTH #59

PART V: GENERAL REQUIREMENTS

11. 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.

12. 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.

13. Use of Personal Vehicles

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.

14. Requiring Additional Assistance

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 any able-bodied adult person to assist in extinguishing fires and to assist in the control of spread of fire and any such person, while acting under the direction of the Fire Chief, shall be deemed an employee of the municipality.

15. Commandeering Equipment

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.

PART VI: FIRE PREVENTION STANDARDS

16. Access for Inspection

The authority having jurisdiction may, at all responsible 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.

17. 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 or extinguishing a fire or to control or prevent the spread of fires or in conjunction with dangerous goods or rescue.

18. Starting Fire in Open Air

- 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.
- d. 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 an approved fire pit or solid fuel appliance.
- e. The following requirements must be met for the installation and use of a fire pit or solid fuel appliance:
 1. A fire pit must be enclosed with non-combustible material and have a grill on top of it; and
 2. A fire pit shall not be closer than three meters to combustible construction; and
 3. Solid fuel appliances must be installed to manufacturer's specifications with the required distance to combustible construction at least 1.5 meters from combustible construction; and
 4. Fire pits or solid fuel appliances shall not be used to burn garbage; and
 5. Fire pits or solid fuel appliances shall not create a nuisance; and
 6. All burning must be under constant adult supervision; and
 7. Fires must be limited in size so they can be readily controlled; and
 8. Fire extinguishers or garden hose shall be available on site: and
 9. Fire must be extinguished before leaving site.

19. Wood Piles

- a. Any lumber or wood on private property should not be piled within three meters of the exterior of any building.
- b. Subsection (a) shall not apply to lumber in transit or in the purpose of erection on a construction site.

20. Storage of Containers

All boxes, crates, petroleum barrels and other containers, empty or otherwise, packing materials, or other materials used or kept in any buildings 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 from the vicinity of the windows or doors in question to such location as authorized by the authority having jurisdiction

21. Portable Fire Extinguishers

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.

22. Chimney Pipes

All chimney and pipes for fireplaces or woodstoves 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.

23. Property Maintenance

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

24. Fire Alarm System

- a. Monitored fire alarm systems 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 than a security guard may be called in to perform fire duty at the expense of the owner.

25. Smoke Detectors

Appropriate wording will be inserted at a later date.

26. 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 specified in the Code (being Regulation 189/92 of The Fires Prevention Act as amended).

PART VII: FIREWORKS

27. Sale of Fireworks

- a. No person shall display for sale, sell or offer for sale fireworks within the municipality.
- b. Notwithstanding subsection (a), static displays of fireworks, fireworks posters, or other advertising advising of the availability of fireworks shall be allowed.
- c. A person who possesses a valid Fireworks Sales Permit may sell fireworks to any person who presents a valid Fireworks Permit issued by the Fire Chief.
- d. A person selling fireworks pursuant to this section must maintain a copy of each Fireworks Permit presented prior to sale of any fireworks for a twelve month period commencing on the date of sale and present all such Fireworks Permits for inspection by the Fire Chief upon request.

28. Storage and Disposal

The storage of fireworks and the disposal of unused fireworks shall be in compliance with The Explosives Act (Canada).

29. Permit Required

No Person shall purchase fireworks, fire, set off, or otherwise ignite any fireworks in or above the municipality except under a permit issued therefore pursuant to Section 30 and in compliance with the conditions contained in Section 31 hereof.

30. Permit Requirements

- a. The Fire Chief, at his absolute discretion, may authorize permits allowing for the firing or setting off of fireworks in conjunction with a proposed fireworks display.
- b. Any person desiring to purchase, fire, set off, or otherwise ignite any low hazard fireworks, or conduct a fireworks display including low hazard fireworks only shall make application to the Fire Chief for a Fire Works Permit, and such permit application shall state the following:
 1. The name, address and proof of age and identity of the person to whom the permit is to be issued;
 2. Where applicable, the name and address of an executive officer or other person responsible for the person receiving the permit;
 3. The place and date upon which the display is to be held;
 4. The name and address of each person under whose conduct and supervision the display shall be held;

- c. Any person desiring to purchase, fire, set off, or otherwise ignite any high hazard fireworks, or conduct a fireworks display which includes any high hazard fireworks shall make application to the Fire Chief for a Fireworks Permit, and such permit application shall state the following:
1. The name, address and proof of age and identity of the person to whom the permit is to be issued;
 2. Where applicable, the name and address of an executive officer or other person responsible for the person receiving the permit;
 3. The place and date upon which the display is to be held;
 4. Where applicable, the name and address of the owner of the property upon which the display is to be held;
 5. The name and address of each person under whose conduct and supervision the display shall be held;
 6. The name and address of the Supervisor approved by the Chief Inspector of Explosives who shall supervise the fireworks display;
 7. The location and manner in which the fireworks will be stored;
 8. The manner in which unused fireworks will be stored;
 9. The means which will be utilized in order to restrain unauthorized persons from coming into close proximity to the location where the fireworks are to be set off.
- d. Any applicant for a permit as referred to in paragraph (b)(1) or (c)(1) above may prove his identity and age by presenting his driver's license, birth certificate, or other identification satisfactory to the Fire Chief.
- e. No person shall utilize the property of any other person for a fireworks display without the written permission of the owner.
- f. The Fire Chief may, at his discretion, require any applicant to comply with the High Hazard Fireworks standards.
- g. Any person desiring to purchase fireworks for use out of the boundaries of the municipality shall obtain the appropriate permit in accordance with this Division, as determined by the Fire Chief, prior to purchase and shall indicate thereon that the fireworks display will take place beyond the corporate limits of the municipality.

31. Conditions under Permit

The following conditions shall apply to the firing or setting off of fireworks or holding of a fireworks display under a permit issued pursuant to Section 29 thereof:

- (a) (1) The Display of Low Hazard Fireworks shall be carried out under the direct conduct and supervision of at least one responsible person, who shall be designated in the permit, and shall be at least eighteen years of age.
(2) Notwithstanding paragraph (1) above and subsection (d) below, a permit shall not be required for the use of sparklers which may be used in a display so long as such display is conducted by or under the supervision of a person eighteen years

of age or older and the use and sale of Christmas crackers and caps for toy guns shall not be regulated by this by-law.

(b) The display of High Hazard Fireworks shall be carried out under the direct conduct and supervision of a person approved by the Chief inspector of Explosives.

(c) A display under either subsection (a) or (b) above shall be conducted in a manner consistent with all safety procedures specified in regulations issued pursuant to The Explosives Act (Canada), and continue only while:

1. All proper precautions are being observed in order to keep spectators at a safe distance from the location where the fireworks are being set off; and
2. All proper precautions are being observed in order to protect public and private property; and
3. Proper fire extinguishing equipment is available.

(d) No display shall be held without compliance with the distance restrictions as set out in The Explosives Act (Canada)

(e) All unused fireworks and all debris shall be removed and disposed of in accordance with the provisions of The Explosives Act (Canada)

(f) Where the display is to be held on or above municipal property, or on or above property over which the municipality has possession or control, the person to whom the permit is issued shall, prior to holding the display, deposit the following with the Fire Chief:

1. A written undertaking by the person to indemnify the municipality for any liability that the municipality may incur as a result of damages arising out of the fireworks display;
2. An insurance policy containing provisions including the amount of liability coverage acceptable to the Council, which provides for the protection and indemnification of the municipality in respect of any liability that the municipality may incur as a result of damages arising out of the fireworks display.

32. Fireworks sales Permit

(a) Notwithstanding Section 29, a person may have possession of fireworks for the purpose of sale if such person has previously obtained a Fireworks Sales Permit from the Fire Chief.

(b) Fireworks Sales Permits shall only be issued to those persons who, after inspection by the Fire Chief, have been determined to meet all applicable provisions of the Fire Code, Building Code, and The Explosives Act (Canada).

33. Right of Appeal

An applicant denied a permit pursuant to this Part by the Fire Chief may appeal the refusal to Council so long as such appeal is made in writing and directed to the Municipal Officer within seven (7) days of a refusal by the Fire Chief.

PART VIII: PENALTY PROVISION

34. Penalty

- (a) 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 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 or any condition attached to a permit or to which the permit is subjected;

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 therewith and in default of payment of the fine, to imprisonment for a term not exceeding thirty (30) days.

- (b) 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 \$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

35. Repeal

- (a) By-Law No. 76-7 be and the same is hereby repealed.
- (b) The repeal of the by-law in the last preceding subsection mentioned shall not revive any by-law or any provision of any by-law released by it, 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 by-law or provision of law formerly in force to any application, matter or thing anterior to the said repeal to which they would otherwise apply.
- (c) The repeal of the said by-law should not effect:
1. 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, judgment, 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-law 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.

36. Enactment

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

37. Validity of By-Law

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 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.

DONE AND PASSED by the Council of the Rural Municipality of East St. Paul in Council duly assembled at East St. Paul, in Manitoba, this 15th day of October, A.D. 1996.

Originally signed by Phil Rebeck

Reeve

Originally signed by Janet Nysten

Secretary Treasurer

Read a first time this 15th day of October, A.D. 1996
Read a second time this 15th day of October, A.D. 1996
Read a third time this 15th day of October, A.D. 1996

- ***Appropriate forms/permits will be drafted and attached as schedules to this by-law and the by-law will be adjusted to reflect forms/permits as required.***

