

RURAL MUNICIPALITY OF EAST ST. PAUL

BY-LAW No. 2025-01

Being a by-law of the RURAL MUNICIPALITY OF EAST ST. PAUL to provide for fire fighting, fire prevention, rescue services, the related regulation of fire and other hazards, the adoption of the Fire Prevention and Emergency Response Act, and for establishing, continuing, and operating an emergency service for the Municipality to be known as the “Fire Prevention and Emergency Response By-Law”,

WHEREAS THE RURAL MUNICIPALITY OF EAST ST. PAUL is empowered under The Municipal Act, S.M. 1996, c.58, C.C.S.M. c. M225, sections 232, and 264 to 270, to establish and maintain fire fighting departments; pass by-laws for the prevention of fire; regulate the keeping, storage, and transportation of flammable or dangerous materials; and exercise additional powers, including, but not limited to, authorizing the adoption of The Fires Prevention and Emergency Response Act C.C.S.M. c. F80, as referred to hereinafter;

AND WHEREAS Council is the authority having jurisdiction that may establish, continue, and maintain fire prevention, fire fighting, and emergency services and standards in the RURAL MUNICIPALITY OF EAST ST. PAUL.

THEREFORE, BE IT RESOLVED THAT the Council of the Rural Municipality of East St. Paul enacts:

NAME OF BY-LAW

The name of this By-law, for citation, is “Rural Municipality of East St. Paul, Fire Prevention and Emergency Services By-law”.

PART 1: INTERPRETATION AND DEFINITIONS

Interpretation

- 1.1 It is the purpose of this by-law to establish the standards for fire prevention, fire fighting, life safety, and rescue services in buildings; the prevention, containment, and fighting of fires originating outside of buildings and may present a hazard to all or Part of the Municipality; the operation of emergency services; the transportation and storage of flammable and combustible substances; and the qualifications and standards for firefighters and officers.
- 1.2 Unless otherwise provided, or unless the context otherwise requires, words and expressions in this by-law have the same meaning and effect as they have in The Municipal Act and the Fire Prevention and Emergency Response Act;

Definitions

1.3 “Assistant or Deputy Chief” means the Deputy Chief of the Fire Department who has been selected by a committee consisting of the CAO, the Fire Chief, and the Human Resource Officer and recommended by Council;

“Authority Having Jurisdiction” means the elected Council of the Municipality;

“CAO” means Chief Administrative Officer;

“Chief Inspector of Explosives” means the person designated as the Fire Chief Inspector of Explosives under The Explosives Act Canada R.S.C. 1985, c. E-17;

“Department” means fire station(s) within the Municipality;

“Emergency Services” means the various emergency services determined by Council, and provided to the Municipality by the Fire Department as directed by Council;

“Fire Chief” means the Fire Chief of the Department who has been selected by the CAO, or designate through a written recommendation to an appointment by Council;

“Fire Inspector” means the inspector or any other person or agency employed by or acting for the Municipality and responsible for fire safety and Fire Code enforcement within the Municipality;

“Local Assistant” means the Fire Chief, Acting Chief, Deputy 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;

“Member” means a firefighter employed by the Municipality and includes a Member who is an Officer;

“Municipality” means the Rural Municipality of East St. Paul;

“Mutual Aid Agreement” means a “no-charge” reciprocal system of emergency response and assistance as instituted by the Province of Manitoba Office of the Fire Commissioner and undertaken by the Municipalities;

“Mutual Aid District” means a pre-defined relationship that supports emergency response and training between municipalities;

“Mutual Aid System” means the Provincial Mutual Aid System as per The Municipal Act, Sec. 266;

“NFPA” means National Fire Protection Association;

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

“On Duty” refers to the time elapsed from the time when a Member is paged for an emergency until the Member returns to their place of residence or location where such notice was received. The same shall apply to training sessions, meetings, and public education and events;

“PHIA” means the Personal Health Information Act, S.M. 1997, c.51, C.C.S.M. P33.5;

“Protective Services Committee” means a standing committee established by Council to advise and assist Council with respect to all matters pertaining to the safety and protection of people and property within the Municipality;

“Qualified Persons” means any person who satisfies the criteria contained in and is capable of performing the duties described in authorized job descriptions. The same shall apply to training sessions, meetings, and public education and events.

PART II: ADMINISTRATION

Adoption of Fire Code

- 2.1 The Municipality hereby adopts the Manitoba Fire Regulation 163/98 of The Fires Prevention and Emergency Response Act. C.C.S.M. c. F80, as amended from time to time, or any subsequent Manitoba Fire Code which may be enacted (Manitoba Fire Code) as Part of this by-law, save and accept such portions as are hereinafter deleted, modified, or amended. Any reference to this by-law is a reference to the whole by-law, including the Code.

PART III: ESTABLISHMENT OF FIRE DEPARTMENT(S)

- 3.1 Council acknowledges that there may be a need for multiple fire departments/stations with primary response areas and emergency services provided, which are to be defined, created, and managed by the CAO or designate.

PART IV: EMERGENCY SERVICES

Purpose

- 4.1 Emergency services are established within the Municipality to:
- (1) Prevent, extinguish, and investigate fires;
 - (2) Preserve life, protect property, and the environment from injury or destruction by manmade or natural occurrences through:
 - (a) The provision of Emergency Medical Response.
 - (b) The provision of Automobile Extrication.
 - (c) The provision of Hazardous Materials Response.
 - (d) The provision of Trench, Technical, and Confined Space Rescue.
 - (e) The provision of Surface Water Rescue.
 - (f) The provision of Ground Search and Rescue.
 - (g) Other emergency services as determined by Council during extraordinary emergencies, disasters, or other special circumstances.

Emergency Service Agreements

- 4.2 Emergency Service agreements may be established to enhance service delivery and increase efficiency and sustainability.
- 4.3 The Municipality may elect to enter into an Emergency Service Agreement, pursuant to the authorization granted by Section 266 of The Municipal Act, with another municipality, provincial park, First Nation, or business to provide or have provided emergency services. Such agreements will require the prior approval of Council.
- 4.4 The Municipality retains the right to charge for emergency response or other services provided to any other Municipality, Government Agency, Private Corporation, or Property Owner an hourly rate per apparatus type, as delineated in the schedule of fees determined and approved by Council from time to time.
- 4.5 Where any type of response to an automatic detection system results in Municipal fire services personnel and apparatus being provided either within the Municipality or outside the Municipality pursuant to an agreement, or if repetitive calls for nuisance fires are made without rectification by the owner, warnings, and fees in accordance with the fee schedule established by Council may be levied by the Municipality to the owner or occupant of the property to which the services were provided.
- 4.6 The Department may respond to any emergency service call where there is:
- (a) an Emergency Service Agreement in place, or
 - (b) as directed by the authority having jurisdiction or designate, or

- (c) an immediate threat to life and property as determined by the Fire Chief or designate, or
- (d) a direction from the Provincial Authority related to the relevant acts and legislation, including the Provincial Mutual Aid System.

PART V: GENERAL

Tampering

- 5.1 It shall be an offense for any person other than a Member of the Department to interfere, damage, remove, or discharge any fire prevention, fire suppression, or rescue apparatus or move any such apparatus from its allocated location unless authorized by the Fire Chief, CAO, or designate.

Requesting Additional Assistance

- 5.2 The Fire Chief, or in their absence, the designate of the Department present at any emergency incident, shall have the right and authority to request from any able-bodied adult person assistance during an emergency incident and any such person, while acting under the direction of the Fire Chief or designate shall be deemed a temporary employee of the Department.

Requesting Additional Equipment

- 5.3 The Fire Chief, or in their absence, the designate of the Department present at any emergency incident, shall have the right and authority to authorize payment for the use or possession of any equipment or resource for the immediate purpose of fighting a fire or preserving life.

Personnel

- 5.4 (1) Council of The Rural Municipality of East St. Paul is the "Authority Having Jurisdiction" and will determine the number of personnel in all of the Administrative, Company Officer, and Firefighter ranks.
- (2) Hiring of qualified personnel by the Fire Chief shall be in accordance with relevant Municipal and Department policies and legislation.
- (3) The complement of personnel/staff composing the Department will be reflected in the Firefighter Appointments By-law.

- (4) Remuneration of all Members of the Fire Department will be in accordance with the current Firefighter Appointments By-law.
- (5) The Company Officer rank may consist of Captain(s), Lieutenant(s), and other officers and Firefighters deemed necessary by the Fire Chief in agreement with the CAO and approved by Council:
 - (a) All members promoted to a Company Officer position will be subject to a probationary period of one (1) year for each of the Company Officer ranks of Captain and Lieutenant.
- (6) Firefighters: A member who responds to emergencies for the Municipality on a paid-per-call basis and is trained to a minimum of NFPA 1001 Standard For Professional Firefighter Qualifications – Level 1 fire fighting, as defined by NFPA, and certified by any International Fire Services Accreditation Congress (IFSAC) or ProBoard Accredited Canadian Fire Fighter Training Institution, and who reports to a Company Officer.
 - (a) All Firefighters will be subject to a minimum probationary period of eighteen (18) months.

Qualifications of Members of the Fire Department

5.5 All Fire Department Members, **not including Administrative Officers, Company Officers, or any officer in any supervisory capacity**, will be deemed qualified to perform the duties of a Level I Firefighter if they enter into training and educational programs that will, within one (1) year, lead to certification at NFPA 1001 Standard For Professional Firefighter Qualifications – Level I fire fighting, as defined by NFPA and certified by any IFSAC or ProBoard accredited Canadian Fire Fighter Training Institution. All members not certified to the required NFPA Professional Standard will receive direct supervision and be accompanied by a qualified Officer.

- (a) All Administrative Officers and Company Officers will be deemed qualified to fulfill the role of their position only upon successful completion of the applicable **NFPA 1021: STANDARD FOR FIRE OFFICER PROFESSIONAL QUALIFICATIONS.**

Lieutenant	Fire Officer Level I (Supervisory)
Captain	Fire Officer Level II (Supervisory/Managerial)
Deputy Chief	Fire Officer Level II and municipal requirements
Chief	Fire Officer Level II and municipal requirements

- (b) Any member who has not completed NFPA 1001 Standard For Professional Firefighter Qualifications – Level I will not engage in active firefighting, rescue,

or other emergency response without the direct supervision of a qualified Officer.

General Requirements of Members of the Fire Department

- 5.6
- (1) Members must display or utilize the personal identification and safety equipment provided by the Fire Department while on Duty;
 - (2) All Members shall report for Duty at the time prescribed by departmental rules and shall remain On Duty until they are relieved;
 - (3) All Members will strictly adhere to the requirements of the PHIA. Personal health information of **any individual** shall not be displayed or discussed with any person, agency, or entity outside of the treating Firefighters, Emergency Medical Responders, and Paramedics at the scene for professional emergency care and for accurate records management.
 - (a) Members using any video and/or photo capturing devices must comply with PHIA and Municipal policy.
 - (4) All department personnel must sign a confidentiality statement regarding PHIA compliance.
 - (5) All requests for incident information at the scene of any emergency or call for service shall be referred to the Fire Chief or designate;
 - (6) Incident information is confidential and shall not be shared outside the Department without specific authorization from the CAO or designate;
 - (7) All Members shall comply with the provisions of The Highway Traffic Act, S.M. 1985-86, c.3, C.C.S.M. H60;
 - (8) All Members shall have current certification and licensing to perform any tasks as authorized by Council and adopted by the Fire Chief within their respective Department;
 - (9) Any Member appointed for fire/rescue or prevention duties is subject to a medical examination at such times as the CAO or designate may require.

Duty of the Municipality

- 5.7 The Municipality shall indemnify and save harmless any and all Members of the Department for any loss, damage, or expenses suffered by a Member as a result of the performance of their Duty as a Member of a Department, so long as the Member is not in contravention of any requirements of this by-law:
- (1) The Fire Chief may reprimand, suspend, or recommend dismissal of any Member for insubordination, inefficiency, misconduct, tardiness, or for non-compliance with any of the provisions of this by-law or the general orders and departmental rules;
 - (2) The reasons for the disciplinary action taken shall be stated in writing, and a copy given to the Member against whom the action is being taken;
 - (3) Notification of any action taken by the Fire Chief toward a Member shall be provided to the CAO or designate in writing within 48 hours;
 - (4) The CAO or designate shall inform the Member and the Fire Chief of any recommendation or decision within 48 hours of the notification;
 - (5) A Member shall not be dismissed without being afforded an opportunity for an appeal to the CAO or designate if a written request is made by the Member within seven days after receiving written notice of proposed dismissal.

Fire Chief

- 5.8
- (1) The Fire Chief will take all proper measures for the prevention, control, and extinguishment of fires and for the protection of life and property and shall enforce all municipal by-laws, policies, general orders, and departmental rules and shall exercise the powers and duties so delegated;
 - (2) Through a written recommendation to Council from the CAO or designate, the Fire Chief shall be appointed by Council;
 - (3) The Fire Chief may have their appointment terminated for cause at the recommendation of the CAO;
 - (4) The Fire Chief shall be responsible to the CAO or designate for the proper administration of the Department within established municipal by-laws and acts;
 - (5) The Fire Chief shall be the official Fire Guardian under The Wildfires Act, S.M. 1997, c.36, C.C.S.M. W128.

Deputy Fire Chief(s)

- 5.9 (1) Deputy Chief(s) report to the Fire Chief and, in the absence of the Fire Chief has the responsibility and the authority to perform all duties of the Fire Chief;
- (2) Deputy Chief(s) positions will be selected by a Committee consisting of the CAO, the Fire Chief, and the Human Resource Officer. The selection will be submitted by the CAO to Council as information;
- (3) The Deputy Fire Chief may have their appointment terminated for cause at the recommendation of the CAO.

PART VI: FIRE PREVENTION STANDARDS

Access for Inspection

- 6.1 The Fire Chief or designate may enter any building or premise within the Department's response district at any hour and with or without the consent of the owner or occupant to examine the building or premise where he deems an activity or usage may be conducive to the outbreak or spread of fire and remedy the situation.
- 6.2. The Fire Chief or designate at any fire shall have the right and authority to enter, pull down, demolish, or take whatever action is necessary to any house, building, or structure, directly or indirectly affected, where deemed necessary for the purpose of extinguishing a fire or to control or prevent the spread of fires.
- 6.3 All fires are subject to the Rural Municipality of East St. Paul Fire Prevention and Emergency Services By-law.

Starting a Fire in Open Air

- 6.4
- (1) Burning Permits are required for any burning of a non-agricultural purpose done outside of an approved appliance. It shall be an offense for any person to light, ignite, start, allow, or cause to be lighted, ignited, or started a fire of any kind whatsoever in the open air without first having obtained a Burning Permit from the Fire Chief or designate.
- (2) Any open-air fire that is deemed to be a nuisance or risk by the Fire Chief or designate will be extinguished immediately.

- (3) A person to whom a Burning Permit has been issued shall not;
 - i. burn any substance in open air, including burning barrels, which contain any material other than Class A fuels, which consist primarily of wood, paper, or cellulose.
 - ii. leave the fire unattended at any time while it is burning or smoldering, and ensure that sufficient appliances and equipment are at the fire site to prevent the fire from getting beyond control, causing damage, or becoming dangerous.

- (4) Burning of material for agricultural purposes shall be in accordance with The Wildfires Act C.C.S.M. c. W128 and the Burning of Crop Residue and Non-Crop Herbage Regulation 77/93 of The Environment Act C.C.S.M. c. E125.

- (5) Notwithstanding subsection 6.4(1), 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.

- (6) Notwithstanding subsection 6.4(1), 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 as per this by-law.

- (7) The following requirements must be met for the installation and use of a fire pit or solid fuel appliance:
 - (a) a fire pit must be enclosed with non-combustible material and have a grill on top of it and
 - (b) a fire pit must not be closer than three metres to combustible construction; and
 - (c) solid fuel appliances must be installed to the manufacturer's specifications with the required distance to combustible construction at least 1.5 metres from combustible construction and
 - (d) fire pits or solid fuel appliances must not be used to burn garbage and
 - (e) fire pits or solid fuel appliances must not create a nuisance and
 - (f) all burning must be under constant adult supervision and
 - (g) fires must be limited in size so they can be readily controlled and
 - (h) fire extinguishers or garden hoses must be available on-site and
 - (i) fire must be extinguished before leaving the site.

Fireworks

- 6.5 Sale of Fireworks - No person shall display for sale, sell or offer for sale fireworks within the Municipality.
- 6.6 The storage of fireworks and the disposal of unused fireworks shall be in compliance with The Explosives Act Canada.
- 6.7 No person shall purchase fireworks, set off, or otherwise ignite any fireworks in or above the Municipality.
- 6.8 Permits Requirements:
- (1) The Fire Chief or designate may authorize permits for certified personnel to light fireworks during public displays benefiting the community at large as part of special events.
- 6.9 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 subsection 6.7:
- (1) 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.
- (2) A display under either subsection 6.9 (1) or (2) 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:
- (a) 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
- (b) All proper precautions are being observed in order to protect public and private property; and
- (c) Proper fire extinguishing equipment is available.
- (3) No display shall be held without compliance with the distance restriction as set out in The Explosives Act Canada.
- (4) All unused fireworks and debris shall be removed and disposed of in accordance with the provisions of The Explosives Act Canada.
- (5) 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, or designate:
- (a) 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;
- (b) An insurance policy containing provisions including the amount of liability coverage acceptable to the Council, which provided 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.

6.10 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 Office within seven (7) days of refusal by the Fire Chief.

Storage containers

6.12 All boxes, crates, pallets, 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 so 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; and
- (c) Removed immediately if determined to be a fire hazard by the Fire Chief or designate.

Property Maintenance

6.13 All buildings and properties shall be compliant with relevant by-laws, fire and building codes, regulations, and acts.

False Alarms and Nuisance Calls

- 6.14 (1) Where the Department attends in response to a false alarm, the Fire Chief or designate will attempt to contact the property owner, local authority, or designate to remedy the situation;
- (2) Where any type of false alarm caused by an automatic detection system results in firefighting, rescue, or emergency services being provided either within the Municipality or outside the Municipality pursuant to an agreement or if repetitive calls for nuisance fires are made without rectification by the owner, warnings and fees in accordance with fees established by Council, may be levied by the Municipality to the owner or occupant of the property to which the services were provided.

Fire Alarm System

6.15 (1) Monitored alarm systems shall be maintained at all times in proper operating condition and tested in accordance with the requirements of relevant acts and regulations.

PART VII: PENALTY PROVISION

Fines and Penalties

- 7.1 (1) Non-compliance with this by-law will result in orders, fines, and/or charges.
- (2) Any person who hinders or obstructs the Fire Chief or designates from performing their Duty may be found guilty of an offense and liable to a fine of up to \$1,000.00.

PART VIII: REPEAL AND ENACTMENT

Repeal

- 8.1 By-law No. 2022-18 is hereby repealed.

Enactment

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

Validity of By-law

- 8.3 If any provision of this by-law, or the Act/Regulation it adopts, is declared invalid by a court of competent jurisdiction, the Council intends that the remaining provisions of the by-law and the Act/Regulation shall remain in full effect, independent of any provision deemed invalid.

DONE AND PASSED by Council of the RM of East St. Paul in Manitoba, in open meeting,
duly assembled, this 28th day of January, 2025.



Mayor
Carla Devlin



Chief Administrative Officer
Suzanne Ward

Read a first time this	14th	day of	January, 2025
Read a second time	28th	day of	January, 2025
Read a third time	28th	day of	January, 2025