

**The City of Portage la Prairie
Fire Prevention and Emergency Services By-Law**

BY-LAW NO. 05-8266

Being a by-law of the City of Portage la Prairie to provide for fire fighting, fire prevention, the related regulation of fire and other hazards, the adoption of the Code, and for establishing, continuing and operating an emergency service for the City, 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 purpose respecting the following matters:

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

AND WHEREAS Section 264 of The Act provides that every municipality must provide fire protection services within its boundaries to reduce the danger of fire, which may include education programs, inspection of property, the installation of alarms, instructions on fighting fires, the provision of fire fighting equipment and a fire protection force;

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

NOW THEREFORE the Council of the City of Portage la Prairie, 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 or any part of the City; the operation of Emergency Services and the transportation and storage of flammable and combustible substances.

2. Definitions

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 Act and in the Code.

In this by-law, words importing the singular number only shall include the plural and vice versa, and words importing gender shall include all genders.

In this by-law:

- a) **“Act”** means The Municipal Act S.M. 1996, c.58, C.C.S.M. c.M225 as amended from time to time.
- b) **“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.
- c) **“City”** means the City of Portage la Prairie or the area contained within the boundaries thereof.
- d) **“Code”** means the Manitoba Fire Code being Regulation No. 163/98 of The Fire Prevention Act, RSM c.F80, C.S.S.M. c.F.80, as amended from time to time, or any subsequent Manitoba Fire Code which may be enacted.
- e) **“Council”** means the council of the City of Portage la Prairie.
- f) **“Emergency Services”** includes, but is not limited to, all fire protection services and all services provided at the site of an emergency for the purpose of preserving life and property and protecting persons and property from injury or destruction by fire, preventing and extinguishing fires, investigating the cause and origin of fires, providing rescue services, 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.
- g) **“Fire Chief”** means the Fire Chief for the City and anyone acting or authorized to act on his behalf.
- h) **“Fire Department”** means the Fire Department for the City, and includes any combination of full-time and part-time.
- i) **“Fire Fighter”** means any member of the Fire Department while their services are actually engaged by the City for the purpose of providing Emergency Services or otherwise enforcing the provisions of this by-law.
- j) **“Fire Inspector”** means the person or agency employed by or acting for the City and partially or wholly responsible for fire safety within the City.

PART II: ADMINISTRATION

3. Adoption of Fire Code

The City 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.

4. Manitoba Building Code and Manitoba Fire Code

- a) The Manitoba Building Code and the Manitoba Fire Code that are now or might in the future exist are hereby enacted as part of this by-law except that if there is any difference or conflict between the provisions of this by-law and the provisions of the said Codes, the provisions of this by-law shall prevail.
- b) Except as provided in subsection (a) hereof, every section, subsection, paragraph, subparagraph or provision of the said Codes shall be considered a part of this by-law, as fully as if each section, subsection, paragraph, subparagraph or provision had reproduced in this by-law.

5. Recovery of Costs

Subject to any agreements to the contrary, where any type of Emergency Services have been taken within the City, including responding to a false alarm, the City 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 City may proceed to collect any costs as against the person by any means available to it in law for the collection of outstanding taxes, including, without limitation, adding the costs to the realty taxes on any property owned by the person within the City.

PART III: CREATION OF FIRE DEPARTMENT

6. Creation and Membership

There is hereby created a Fire Department for the City, to be comprised of a Fire Chief and such other Fire Department personnel as from time to time may be deemed necessary by Council on the 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, subject always to such direction as may from time to time be given by the Council.

PART IV: EMERGENCY SERVICES

8. Emergency Services

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

9. Agreement for Emergency Services

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

10. Response Outside City

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

- a) in the opinion of the Fire Chief threatens property in the City or property situated outside the City that is owned or occupied by the City; 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 City 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 therefore; 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; or
- 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

11. Interference an Offence

It shall be an offence for any person, other than the Authority Having Jurisdiction, a Fire Fighter, or other authorized civic employees, 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. Requiring Additional Assistance

The Fire Chief, or in his absence, the senior officer of the Fire Department present at any fire or providing any other Emergency Service, shall have the right and authority to require any able-bodied adult person to assist in extinguishing fires, to assist in the control or 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 City.

14. Commandeering Equipment

The Fire Chief, or in his absence, the senior officer of the Fire Department present at any fire or providing any other Emergency Service, shall have the right and authority to commandeer and authorize payment for the possession or use of any equipment for the immediate purpose of fighting a fire or providing any other Emergency Service.

PART VI: FIRE PREVENTION STANDARDS

15. Access for Inspection

The Authority Having Jurisdiction may, at all reasonable times, enter any premises for the purpose of making an inspection, and any person in charge of the premises shall allow the Authority Having Jurisdiction free access thereto.

16. Prevention of Fire Spread

The Fire Chief, or in his absence, the senior officer of the Fire Department present at any fire shall have the right and authority to enter, pull down or demolish any house or building or structure, directly or indirectly affected, where deemed reasonably necessary for the purpose of extinguishing a fire or to control or prevent the spread of fires or in conjunction with dangerous goods or rescue.

17. Storage of Containers

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.

18. Portable Fire Extinguishers

Portable fire extinguishers shall be provided, located, and maintained in accordance with the requirements of the Code.

19. Chimney Pipes

All chimney 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 pipe and where such order is not complied with within ten calendar days, the Fire Chief may cause the work to be done and the cost therefore shall be the responsibility of the owner.

20. Property Maintenance

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

21. Fire Alarm Systems

- a) Every fire alarm system shall be maintained at all times in operating condition and tested by a qualified person in accordance with the requirements of the Code;
- b) 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 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 operation 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.
- c) **Security of Premises – Fire Situation**

Subject to subsection (d), 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 contact a security guard and place him 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.
- d) **Security of Premises – Suspected Arson**

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

in unpaid, these costs may be added to the real property taxes for the premises and collected in the same manner as normal taxes.

22. Flammable and/or Combustible Liquid Storage and Storage of Hazardous Materials

Prior written permission from the Fire Chief shall be required for the storage of flammable and/or combustible liquids or hazardous materials in excess of the amounts permitted in the Code.

23. Wood Piles

- a) It shall be an offence for any person to pile or allow to be piled any lumber or wood on private property within three metres of the exterior of any dwelling;
- b) Subsection (a) shall not apply to lumber in transit or in the process of erection on a construction site.

PART VII: PENALTY PROVISION

[Sec. 249 M.A. and Regulation #50/97]

24. Penalty

- a) An order made under this by-law shall be in writing and signed by the Authority Having Jurisdiction. An order may be directed to the owner, occupier or lessee of the subject building or property in respect of which it is made or to any or all of them.
- b) Any order made under this by-law shall be served:
 - i) personally upon the person to whom it is directed; or
 - ii) by registered or regular mail; or
 - iii) 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.

- c) Any person who contravenes or disobeys, or refuses or neglects to obey:
 - i) any provision of this by-law, or any provision of any other by-law that by this by-law is made applicable to proceedings taken or things done under this by-law; or
 - ii) any provision of any by-law, Regulation or Order enacted or made by Council; or

- d) 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 \$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.
- e) 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 \$1,000.00, and in default of payment of the fine, to imprisonment for a term not exceeding fourteen (14) days.

PART VIII: REPEAL AND ENACTMENT

25. Repeal

- a) By-Law No. 7724, together with any amending by-laws, 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-laws or the application of any of the said by-laws or any other by-law or provision of law formerly in force to any transaction matter or thing anterior to the said repeal to which they would otherwise apply.
- c) And the repeal of the said by-laws should not affect:
 - i) 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;
 - ii) nor 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;
 - iii) nor 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;
 - iv) nor any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal;
 - v) nor any bond, note, debenture, debt, or other obligation made, executed, or entered into by the City at the time of such repeal;

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- vi) nor shall any such repeal defeat, disturb, invalidate, or prejudicially affect any other matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal.

26. Coming Into Force

This By-Law shall come into full force and effect on the day following passage thereof.

27. 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 the by-law and the Code independent of the elimination of any such portion as may be declared invalid.

DONE AND PASSED AS A BY-LAW OF THE CITY OF PORTAGE LA PRAIRIE DULY ASSEMBLED THIS 28th DAY OF FEBRUARY, 2005.

(Original Signed by Mayor Ian MacKenzie)
Mayor

(Original Signed by Marg Loewen)
Manager of Administration

Read a first time this 14th day of February, 2005.
Read a second time this 28th day of February, 2005.
Read a third and final time this 28th day of February, 2005.

SCHEDULE “A”
Emergency Services Provided by Fire Department

The Fire Department will provide the following Emergency Services:

- a) fire prevention and fire extinguishing, which includes structural fire fighting for rescue, fire control and property conservation;
- b) investigation of the causes of fire and origin determination in conjunction with the Office of the Fire Commissioner;
- c) preservation of life and property and protection of persons and property from injury or destruction by fire;
- d) salvage operations;
- e) the ability to enter into agreements with other municipalities or persons for the joint use, control, and management of fire extinguishing apparatus and equipment;
- f) purchase and operation of apparatus and equipment for extinguishing fires or preserving life and property;
- g) water rescue, excluding Lake Manitoba;
- h) low angle rope rescue;
- i) hazardous material responses to the operational level;
- j) vehicle extrication;
- k) farm accident rescue;
- l) fire prevention inspections;
- m) pre-fire planning;
- n) public safety education;
- o) precautionary standby;
- p) extinguishing and prevention of grass fires;
- q) response to any request that the Fire Department deems an emergency.