

Town of Virden

Fire Prevention and Emergency Services By-Law

By-Law No. 2787

Being a by-law of the Town of Virden to provide for fire fighting, fire prevention, 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 for the Municipality, and to be known as the "Fire Prevention and Emergency Services By-Law";

WHEREAS subsection 232(1) of the Municipal 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, 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 Town of Virden, 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; firefighting 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. (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 Act and in the Code.
- (b) 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.
- (c) 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 WDFD Fire Chief, as appointed by the Wallace District Fire Board, the acting Fire Chiefs, Deputy Fire Chiefs, 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 Preventions Act*, RSM c.F80, C.S.S.M. c.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" 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, providing emergency medical responses, providing transportation for victims (ambulance service), purchasing and operating apparatus and equipment for firefighting and the preservation of life and property, and preventing and mitigating other potential risks to life and property as defined by Council.
- (6) "WDFD FIRE CHIEF" means the Wallace District Fire Department (WDFD) Fire Chief, as appointed by the Wallace District Fire Board and for the Municipality and any one acting or authorized to act on his behalf.
- (7) "WDFD FIRE DEPARTMENT" means the Wallace District Fire Department (WDFD) Fire Department, for the Municipality and the Wallace-District Fire Board, and includes any part-time, composite (any combination of full-time, part-time or volunteer) or paid-on-call fire department.
- (8) "FIRE FIGHTER" means any member, including paid-on-call, of the Fire Department while their services are actually engaged by the Municipality and the Wallace District Fire Board, 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, including the WDFD Fire Chief, and partially or wholly responsible for fire safety within the Municipality.
- (10) "MUNICIPALITY" means The Town of Virden or the area contained within the boundaries thereof.
- (11) "WDFB", means the Wallace District Fire Board which oversees the operations of the Wallace District Fire Departments, and is comprised of members of the Council of the Town of Virden, RM of Wallace-Woodworth and the RM of Pipestone.

## 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 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 Municipality.

## PART III: CREATION OF FIRE DEPARTMENT

### Creation and Membership

5. There is hereby created the WDFD Fire Department for the Town of Virden, to be comprised of the WDFD Fire Chief and such other Fire Department personnel as from time to time may be deemed necessary by the Fire Chief, provided however the WDFD Fire Department shall not be comprised of less than six (6) personnel at any one time.

No changes in the complement of the WDFD Fire Department shall be made without approval of the WDFB, who may authorize an increase or decrease or vary the above stated complement upon recommendation of the WDFD Fire Chief.

6. It shall be the responsibility of the WDFD 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 WDFD Fire Department is to provide the specific Emergency Services as described in Schedule "A" to this by-law. The WDFD Fire Chief or his delegate shall have the authority to enter upon any private or public property and to move privately owned vehicles for the purpose of providing the emergency services listed in Schedule "A".

##### 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 requires 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 during 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 having jurisdiction.

##### 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 Service, 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 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 to a maximum of \$10,000.

## 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 inspecting, 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, 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.

### Fire Damaged Building

16. The owner of any fire damaged building shall ensure that the premises are guarded, or that all opening in the building are kept securely closed and fastened, to prevent the entry of unauthorized persons.

If the owner fails to provide the necessary security to the fire damaged building within a reasonable time, pursuant to the Fire Services Act, then the Fire Chief or alternatively, the Building Inspector, may have the work performed and the owner shall be liable to a charge, at cost, for such work payable to the Town of Virden. If such charge remains unpaid on December 31 of the year in which the charge was levied, the amount so unpaid shall be entered on the real property tax roll in respect of the property receiving the assistance and shall be collected as taxes in arrears for said property.

### Controlled Burns

17. The WDFD Fire Chief, or his delegate(s) has the authority to oversee a controlled burn, within the jurisdiction of the Municipality, when that burn is deemed necessary for the elimination of a fire hazard, or the assistance in the prevention of flooding. All precautions will be taken to reduce any impacted wildlife, small trees and the health of the residents of the Municipality. Burns will occur during daylight hours and only be scheduled when there is enough manpower to safely control and monitor the burn. The WDFD Fire Chief has the authority to decide whether or not the fire department will undertake a controlled burn on private property, at the request of the property owner, and with prior written approval of the Council, and shall have the authority to charge the property owners for all the manpower and equipment used during the controlled burn.

Controlled burns for the purpose of training are allowed within the fenced area designated as the Practical Training Site for use by the fire department only.

### Outdoor Fires/Fire Pits/Outdoor BBQs/Fireworks

18. All outdoor fires are prohibited in the Town of Virden except for an outdoor fire pit, outdoor fireplace or other outdoor solid burning fuel receptacle shall be allowed providing they are enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other non-combustible materials and are equipped with a wire mesh screen or spark arrestor.

A minimum clearance of 3 meters (10 feet) measured from the nearest edge of the receptacle shall be maintained from any combustible buildings, sheds, hydro poles, fences trees or any other combustible structures. A minimum distance of 3 meters must also be maintained from neighbouring property lines. Only seasoned firewood may be burned in fire pits. The burning of grass, leaves, branches and garbage is not permitted. Smoke from solid fuel burning appliances must not be a hindrance or nuisance to neighbouring residents or traffic. If it is the fire must be extinguished immediately.

When in use, outdoor solid burning fuel appliances must be supervised by an adult. A means of extinguishment such as a portable fire extinguisher, pail of sand or water or a charged garden hose shall be readily available. All fires must be completely extinguished before leaving the site.

All Fireworks are prohibited in the Town of Virden unless a permit has been authorized by the Fire Chief having jurisdiction, including written verification that the fireworks are being discharged under the direct supervision of an individual holding a valid Fireworks Operator Certificate issued by the Chief Inspector of Explosives through Natural Resources of Canada.

#### PART VII: PENALTY PROVISION

##### Penalty

18. (a) An order made under this by-law shall be in writing and signed by the WDFD Fire Chief. 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 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 registered mail the order shall be deemed to have been received on the fifth business day after the date it is mailed.

- (c) 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 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 \$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.

- (d) 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

##### Repeal

19. (a) That By-law No. 2778 be hereby repealed.
- (b) The repeal of the by-law(s) in the last preceding subsection mentioned shall not revive any by-law or any provision of any by-law repealed by (it / 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 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) The repeal of the said by-law(s) should not affect:
- (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 by the Town at the time of such repeal.
- (d) The repeal of the said by-law(s) 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.

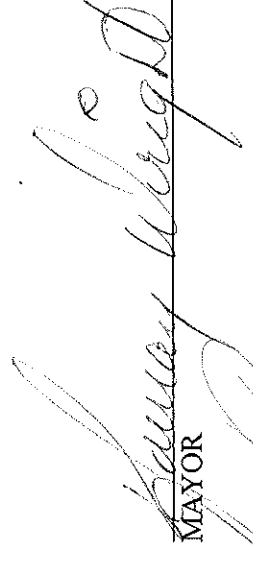
Enactment


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

Validity of By-law

22. 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 by the Council of Town of Virden, in open Council assembled, at Virden, in the Province of Manitoba this 9<sup>th</sup> day of February, 2021.

  
MAYOR

  
CHIEF ADMINISTRATIVE OFFICER

Read a first time this 26<sup>th</sup> day of January, 2021  
Read a second time this 9<sup>th</sup> day of February, 2021  
Read a third time and passed this 9<sup>th</sup> day of February, 2021

**Schedule "A" – Emergency Services Provided by Fire Department**

The Fire Department will provide the following Emergency Services:

		<b>WDFD</b>
a)	fire prevention and fire extinguishing, which includes structural fire fighting for rescue, fire control and property conservation;	Y
b)	investigation of the causes of fire and origin determination;	Y
c)	preservation of life and property and protection of persons and property from injury or destruction by fire;	Y
d)	rescue	Y
e)	salvage operations;	Y
f)	the ability to enter into agreements with other municipalities or persons for the joint use, control, and management of fire extinguishing apparatus and equipment;	Y
g)	purchase and operation of apparatus and equipment for extinguishing fires or preserving life and property;	Y
h)	water rescue;	Y
i)	high and low angle rope rescue;	Y
j)	hazardous material responses	Y
k)	vehicle extrication;	Y
l)	farm accident rescue;	Y
m)	ground search and rescue;	Y
n)	traffic control as per the Manitoba Highway Traffic Act;	Y
o)	aircraft rescue and firefighting;	Y
p)	confined space rescue;	Y
q)	biological and chemical responses;	Y
r)	fire prevention inspections;	Y
s)	pre-fire planning;	Y
t)	public safety education;	Y
u)	precautionary standby;	Y
v)	extinguishing and prevention of grass fires;	Y
w)	extinguishing and prevention of urban interface fires;	Y
x)	flood response;	Y
y)	response to any request that the Fire Department deems an emergency, including but not limited to, CO alarms, animals in peril and gas odors.	Y
z)	Medical care as defined under the Emergency Medical Scope of Practice, which includes: i) Use of AED; ii) Oxygen Therapy; and iii) Airway Management	Y

Schedule "B" -- WD and WW Fire Department Vehicle Charge Out Rates

The Fire Departments will charge the following vehicle rates:

	First Hour	Each Additional Hour
<b>Viriden</b>		
Squad 1	\$900.00	\$300.00
Rescue 1	\$900.00	\$400.00
Engine 1	\$1300.00	\$400.00
Tanker 1	\$900.00	\$300.00
Chief Truck	\$500.00	\$250.00
<b>Elkhorn</b>		
Engine 2	\$1300.00	\$400.00
Rescue 2	\$900.00	\$400.00
Tanker 2	\$900.00	\$300.00
Squad 2	\$500.00	\$250.00
RTV	\$600.00	\$200.00
<b>Kenton</b>		
1 Ton	\$800.00	\$200.00
Engine 1	\$1300.00	\$400.00
Tanker 1	\$900.00	\$300.00
Rescue	\$900.00	\$400.00
Manpower	\$30.00 per man per hour Minimum 2 hours	
Foam Used	\$250.00 per pail	
Incidentals	At cost	