

## RURAL MUNICIPALITY OF RITCHOT

### BY-LAW NO. 4-2024

#### FIRE PREVENTION AND EMERGENCY SERVICES BY-LAW

Being a by-law to provide for firefighting, fire prevention, the related regulation of fire and other hazards, the adoption of the Code, 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 wellbeing of people and the safety and protection of property;
  - (i) Preventing and fighting fires;
  - (o) The enforcement of by-laws;

**AND WHEREAS** Section 236(1) of the Municipal Act provides a By-Law passed under Section 232(1)(o) may include provisions for remedying a contravention of By-Laws, including:

- (i) Creating offences,
- (ii) Subject to Regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the By-Law,
- (iii) Providing that an amount owing under sub-clause (ii) may be collected in any manner in which a tax may be collected or enforced under the Act,
- (iv) Seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention,
- (v) Charging or collecting costs incurred in respect of acting under sub-clause (iv),
- (vi) Imposing a sentence of imprisonment for not more than six months for the commission of offences or non-payment of fines.

**AND WHEREAS** section 264 of the Municipal 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 firefighting equipment and a fire protection force;

**AND WHEREAS** section 268 of the Municipal 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 Rural Municipality of Ritchot, duly assembled, enacts as follows:

#### PART 1. INTERPRETATION AND DEFINITIONS

##### Interpretation

1. It is the purpose of this by-law to establish the standards for fire prevention; 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 storage of flammable and combustible substances.

### Definitions

2. 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.

3. 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.

4. 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) **“APPROVED RECEPTACLE”** means an approved fire pit, approved outdoor barbecue, approved outdoor fireplace and approved outdoor warming receptacle.
- (c) **“CODE”** means the Manitoba Fire Code being Regulation No. 82/2023 of *The Fire Prevention and Emergency Response Act*, C.S.S.M. c.F80, as amended from time to time, or any subsequent Manitoba Fire Code which may be enacted.
- (d) **“DESIGNATED OFFICER”** means the 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 Inspectors.
- (e) **“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 firefighting and the preservation of life and property, and preventing and mitigating other potential risks to life and property as defined by Council.
- (f) **“ENFORCEMENT OFFICER”** means a person authorized to enforce, implement or administer all or part of this By-Law, as well can be a member of the Royal Canadian Mounted Police or any person appointed and employed by the Municipality under resolution to enforce a By-Law for the preservation and maintenance of the public peace and any person lawfully authorized to direct or regulate traffic and to enforce an Act, By-Law, and or Drivers and vehicles Act.
- (g) **“FIRE CHIEF”** means the Fire Chief for the Municipality and anyone acting or authorized to act on his behalf.
- (h) **“FIRE DEPARTMENT”** means the Fire Department for the Municipality, and includes any part-time, composite (any combination of full-time, part-time or volunteer) or a volunteer fire department.
- (i) **“FIRE FIGHTER”** means any member, including volunteers, of the Fire Department while their services are actually engaged by the Municipality for the purpose of providing Emergency Services or otherwise enforcing the provisions of this by-law.

- (j) **“FIRE INSPECTOR”** means the person or agency employed by or acting for the Municipality and partially or wholly responsible for fire safety within the Municipality.
- (k) **“OPEN-AIR FIRE”** means a fire set outdoors for any purpose, including cooking, recreation, generation of heat, the disposal of wood, stubble, or crop residue and for religious or ceremonial purposes.
- (l) **“OWNER”** in relation to real property, includes a person who is the owner of a freehold estate in the real property, including
  - (i) The person identified on the certificate of title as a sole owner, joint tenant, or tenant in common of a freehold estate;
  - (ii) a person who is registered under The Condominium Act as the owner, as defined in the Act, of a unit under that Act;
  - (iii) a real owner, as defined in subsection 1(1) of the Municipal Assessment Act;

AND FURTHER includes a person who is responsible for the real property and any person:

- (i) Managing a building, whether on his or her own account or as agent or trustee of any other person;
- (ii) Who is receiving, is entitled to receive or would receive the rent for the building if the building were rented;
- (iii) Who, despite having sold the real property under an agreement for sale, has paid any real property taxes on the property after the effective date of the agreement;
- (iv) For the time being receiving installments of the purchase price of a property sold under an agreement for sale whether on his or her own account or as an agent or trustee of any other person; and
- (v) Who would receive the installments of the purchase price if such land or premises were sold under an agreement for sale;
- (m) **“PROPERTY”** means the total of all contiguous land described in a single certificate of title;
- (n) **“RESIDENTIAL AREAS”** means the urban communities of St. Adolphe, Ste. Agathe and Ile des Chenes, and the rural community of Grande Pointe with properties under 2 acres, as defined in the maps attached in Schedule A;
- (o) **“RUBBISH”** means combustible items such as rags, boxes, bedding and any wood that contains toxic chemicals to the environment, non-combustibles items such as tin cans, metals, pressurized containers, ceramics, metal foils, plastics and glass;

## **PART 2. ADMINISTRATION**

### **Adoption of Fire Code**

5. 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 is 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**

6. 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 3. CREATION OF FIRE DEPARTMENT**

### **Creation and Membership**

7. The R.M. of Ritchot will receive fire protection through the creation of one Fire Department, overseen by one Ritchot Fire Chief and one Deputy Fire Chief, with three fire stations strategically positioned in St. Adolphe, Ile des Chenes and Ste. Agathe within the Municipality, each station to be comprised of a 2 Fire Captains and such other Fire Department personnel as from time to time may be deemed necessary by the Fire Chief, provided however, the Fire Department shall not be comprised of less than six (6) personnel at any one time. No change in the complement of the Fire Department shall be made without approval of the Council, who may authorize an increase or decrease or vary the above stated complement upon recommendation of the Fire Chief.

### **Responsibility of the Ritchot Fire Chief**

8. The Ritchot Fire Chief works under the broad policy guidance and direction of the Chief Administrative Officer as described in the R.M of Ritchot Fire Department General Operating Guidelines, which includes the position's job description. It shall be the responsibility of the Ritchot Fire Chief to administer and apply the provisions of this by-law, subject always to such direction as may from time to time be given by the Council, through the CAO.

## **PART 4. EMERGENCY SERVICES**

### **Emergency Services**

9. The mandate of the Fire Department is to provide specific Emergency Services as described in the Ritchot Fire Department General Operating Guidelines.

### **Agreement for Emergency Services**

10. 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**

11. The Fire Department will not respond to any call 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 therefore; or
- (e) under such circumstances as it appears human life is in jeopardy;
- (f) upon request for assistance from the Office of the Fire Commissioner or some other properly designated office of the Province of Manitoba.

#### **Requiring Additional Assistance**

12. The Fire Chief or Deputy 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 Deputy 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 5. FIRE PREVENTION STANDARDS**

#### **Access for Inspection**

14. The Fire Chief or Designated Officer 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 Fire Chief or Designated Officer free access thereto.

The Fire Chief or Designated Officer shall conduct fire safety inspections as required by the regulation in The Fires Prevention and Emergency Response Act.

#### **Prevention of Fire Spread**

15. The Fire Chief or Deputy 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.

#### **Interference an Offence**

16. No person shall turn on or interfere with any fire hydrant, in any manner whatsoever other than the Designated Officer or a Fire Fighter in the course of duty, or a municipal employee.

17. No person shall drive over or park on or over a fire hose.

#### **Tampering an Offence**

18. No person shall 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.

### **Storage of Containers**

19. No person shall store 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, unless:

- (a) 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) kept from such location that would constitute a fire hazard.

### **Portable Fire Extinguishers**

20. Portable fire extinguishers shall be:

- (a) provided by owner and located in accordance with the requirements of the Code;
- (b) maintained by owner and/or hydro-statically tested in accordance with the requirements of the Code.

### **Chimney Pipes**

21. All chimneys and pipes for fireplaces or wood stoves shall be installed by owner 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 (10) days the Fire Chief may cause the work to be done and the cost therefor shall be the responsibility of the owner.

### **Property Maintenance**

22. All buildings and properties shall be maintained by owner at all times to guard against fire or the risk of fire.

### **Fire Alarm Systems**

23. Every fire alarm system shall be maintained by owner at all times in operating condition and tested by a qualified person in accordance with the requirements of the Code.

24. Where the Fire Department attends in response to a fire alarm call which is an apparent false alarm, the Fire Chief or Deputy Fire Chief, or in his absence the senior officer of the Fire Department present at the scene, will attempt to contact the property owner or other designated person to attend and secure the premises. Where unable to contact the property owner or designated person, then a security guard may be called in to perform fire duty. The total cost of restoration of any fire alarm equipment, and related costs of hiring a security guard or any fire-watch service, shall be the responsibility of the owner or his insurer. If the owner cannot be located to pay this bill, then all costs may be added to the real property taxes for the premises and collected in the same manner as normal taxes.

25. Where the fire department is called out to a residence, commercial and private business, public occupancies and other property due to a malfunctioning fire alarm system, the Fire Chief or his/her designate may issue a warning to the tenant/owner, either verbally or in writing to have the defective alarm system replaced or repaired.

26. Where the owners/tenants of the property have been warned to replace or repair the defective fire alarm system and have not done so, the property owner may be invoiced by the Municipality for the third response to the same location within a twelve-month period, and each response thereafter.

## **PART 6. REQUIREMENTS FOR APPROVED RECEPTACLES**

### **Fire Pit**

27. An approved fire pit must:
- (a) be enclosed on all sides and constructed of masonry, concrete, heavy gauge metal, or other non-combustible materials acceptable to the Fire Chief;
  - (b) have a spark arrestor, grille, or mesh and constructed of a noncombustible material, which is used to cover the entire area of the fire pit opening; and
  - (c) not be used for commercial or industrial applications.

### **Outdoor Barbecue**

28. An approved outdoor barbecue must:
- (a) be constructed of masonry, concrete, heavy gauge metal or other noncombustible materials acceptable to the Fire Chief;
  - (b) be enclosed on all sides, except for any opening completely covered by a removable, non-combustible spark arrestor, grille, or mesh; and
  - (c) not be used for commercial or industrial applications.

### **Outdoor Fireplace**

29. An approved outdoor fireplace must:
- (a) be constructed of masonry, concrete, heavy gauge metal or mesh or other non-combustible materials acceptable to the Fire Chief;
  - (b) have a chimney designed and constructed as a proportional and integral part of the fireplace to ensure that an adequate draft is created;
  - (c) have its chimney opening entirely covered by a non-combustible spark arrestor, grille, or mesh;
  - (d) have a side opening to the fire chamber which does not exceed 0.84 square meters (9 square feet) in area;
  - (e) has its side opening entirely covered by a non-combustible spark arrestor, grille or mesh; and
  - (f) not used for commercial or industrial applications.

### **Outdoor Warming Receptacle**

30. An approved outdoor warming fire receptacle must be a metal receptacle in good repair that has a maximum capacity of 205 litres (45 gallons). It is strongly recommended that all openings be entirely covered by removable, non-combustible spark arrestors, grilles, or mesh with openings no larger than 12 mm (½ inch).

## **PART 7. FIRE RESTRICTIONS**

31. The Fire Chief and the CAO shall have authority, jointly, to determine and implement fire restrictions to ensure the safety and protection of the municipal residents and their property. The Municipality will use various resources to determine

what level of fire restriction is required. Once determined, the CAO shall make contact with the local media, council, staff, the Office of the Fire Commissioner, and neighboring municipalities. The fire restrictions are communicated via the municipal website. Any change in restrictions will be communicated via Ritchot Connect.

#### **Fire Restriction Levels**

32. Levels of fire restrictions shall be:
- (a) Level I (Low Risk) - Fires are allowed in approved receptacles. Open-air fires are allowed; any person who wishes to cause an open-air fire must submit a request for a burning permit.
  - (b) Level II (High Risk) - Fires are only allowed in approved receptacles. No open-air fires allowed.
  - (c) Level III (Extreme Risk) - No fires of any type are allowed.

#### **Burning Permits**

33. Burning permits shall be submitted to the Fire Chief or Designated Officer a minimum of three days prior to burning for review and approval. The permit may be submitted electronically through the municipal website, via email or in person at the municipal office. The burning permit shall be in the form prescribed by the Municipality.

### **PART 8. RULES REGARDING OPEN-AIR FIRES AND FIRES IN APPROVED RECEPTACLES**

#### **Open-Air Fires**

34. A person in charge of an open-air fire must ensure that:
- (a) the fire is always supervised by a person 18 years of age or older until or unless it is fully extinguished;
  - (b) fire is always kept under control;
  - (c) an adequate supply of water, sand or other means of controlling and extinguishing the fire is readily accessible;
  - (d) the fire is not set or maintained in conditions or locations which could result in:
    - (i) smoke which causes a nuisance or irritation to people on adjacent properties;
    - (ii) reduced visibility on a highway or road;
    - (iii) a rapid spread of fire through grass or brushed area;
  - (e) the fire is not set or maintained when the wind exceeds 25 kilometers per hour;
  - (f) Level II or Level III of the fire restrictions is not in effect.

#### **Fires in Approved Receptacles**

35. An owner or occupier of a property that contains an approved fire pit receptacle must ensure that:
- (a) the fire is maintained within an approved receptacle;

- (b) the fire pit is maintained a minimum of 10 feet from any buildings, fences, trees or combustibles;
- (c) the ground around the enclosed fire pit be maintained and kept free of combustibles that could contribute to fire spread.
- (d) only clean, dry, unpainted and untreated wood is burned not extending beyond receptacle;
- (e) the fire does not impose unnecessary risk to people or property;
- (f) Level III of the fire restrictions is not in effect.

#### **PART 9. GENERAL PROHIBITIONS**

36. No person shall burn garbage or rubbish in the Municipality.
37. No person shall burn leaves, grass clippings or any wet, organic matter in the Municipality's Residential Areas.
38. No person shall burn straw unless that person intending to burn such straw has cultivated or caused to be cultivated a strip of land at least 50 feet in width between the area to be burned and:
- (a) The municipality road allowance; or
  - (b) Any uncultivated lands contiguous to the area to be burned off; or
  - (c) The common boundary shared by the area to be burned off and other lands, whether cultivated or not.
39. Where part of the land upon which burning of grass, underbrush, straw or other waste material is contemplated is occupied by buildings, planted trees, or baled hay or straw, no permit shall be issued unless the applicant therefore has:
- (a) Provided a fire-break between the area where burning will take place, and contiguous areas;
  - (b) Provided for adequate personnel to tend the burning;
  - (c) Provide information of the date when, the period of time during which, and the location where the intended burning will occur.
40. Notwithstanding the granting of a permit for burning or for burning of straw without a permit, or any other open air fires, no person shall light a fire when:
- (a) Wind velocity is in excess of 25 k/h (15 mph).
  - (b) Wind direction is such that smoke from the burning will drift across a Provincial Trunk Highway, Provincial Road or any municipal road in the vicinity and obstruct visibility thereon.
  - (c) Wind direction is such that smoke from the burning will drift over a neighbouring property causing a nuisance to the neighbouring property owner, for more than three consecutive days.

#### **PART 10. FIREWORKS/FLAME EFFECTS DEVICE AND PYROTECHNICS**

41. No person shall set off fireworks of any type in any residential area.
42. No person shall set off fireworks/ flame effects or pyrotechnics without prior approval from the Fire Chief or Designated Officer. Approval can be obtained by

submitting a "Special Events Fireworks Permit" to the Fire Chief or Designated Officer a minimum of three days prior to the event via the municipal website, email or in person at the municipal office. The "Special Events Fireworks Permit" shall be in the form prescribed by the Municipality.

43. No person or company shall set off fireworks/ flame effects devices or pyrotechnics within the Municipality unless done so safely.

44. No person or company shall set off fireworks/flame effects or pyrotechnics without adequate supply of water, sand or other means of controlling and extinguishing if necessary.

45. No person or company shall set off fireworks/ flame effects devices or pyrotechnics on property in the Municipality without the consent of the property owner.

46. No person or company shall set off fireworks/ flame effects devices or pyrotechnics without ensuring that the debris field does not extend beyond the property or onto neighboring properties without the consent of neighboring property owners.

47. No person shall set off fireworks/ flame effects devices or pyrotechnics when wind velocity is in excess of 32 k/h (20 mph).

48. No person shall use or launch flying lanterns within the Municipality.

49. No person shall set off fireworks/ flame effects or pyrotechnics within the boundaries of the Municipality during such a time as when Level II and Level III of the fire restrictions is in effect.

## **PART 11. ENFORCEMENT**

### **Powers of Enforcement Officers and Designated Officers**

50. Designated Officer and Enforcement Officers, including the Fire Chief and their designate, have authority to conduct inspections and take steps to administer and enforce this By-law or remedy a contravention of this By-Law in accordance with the Municipal Act and, for those purposes, have the powers of a designated employee under the Municipal Act. This includes issuing warnings, orders and notices.

### **Interference with enforcement officers prohibited**

51. No person may interfere or attempt to obstruct an enforcement officer who is engaged in his or her duties and enforcing any parts of this By-Law.

52. No person may refuse to provide personal identification when requested to do so by an enforcement for the purpose of issuing a document to initiate a prosecution against an individual for a contravention of this By-Law to establish an individual's name and address.

### **Order to remedy contravention**

53. If an order is made under this by-law, it shall be in writing and signed by the Enforcement Officer.

### **Appeals**

54. A person may appeal an order imposed under this By-Law in the form of a written letter addressed to the Chief Administrative Officer of the Municipality no later than 14 days after the date the order is received.

55. Council has the authority after hearing all evidence from both the Enforcement Officer and the person receiving an order, to make such a ruling as to confirm, vary, substitute, or cancel the order.

#### **Costs**

56. The costs of an action or measure taken by a municipality to remedy the contravention are an amount owing to the municipality by the person who contravened the by-law.

### **PART 12. PENALTY PROVISION**

57. A person who contravenes this By-law or an order is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000.00 and to a penalty equal to the enforcement costs associated with the conduct giving rise to the offence and enforcing this By-law.

An amount owing may be collected in any manner in which a tax may be collected or enforced under the Municipal Act.

### **PART 13. REPEAL AND ENACTMENT**

#### **Repeal**

58. By-Law No. 6-2003 and By-Law No. 7-2003 be hereby repealed.

59. The repeal of the said by-law(s) should not affect:

- (a) 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
- (b) 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.

DONE AND PASSED by the Council of the Rural Municipality of Ritchot duly assembled this 3<sup>rd</sup> day of December, 2024.

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Mayor Chris Ewen

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CAO Mitch Duval

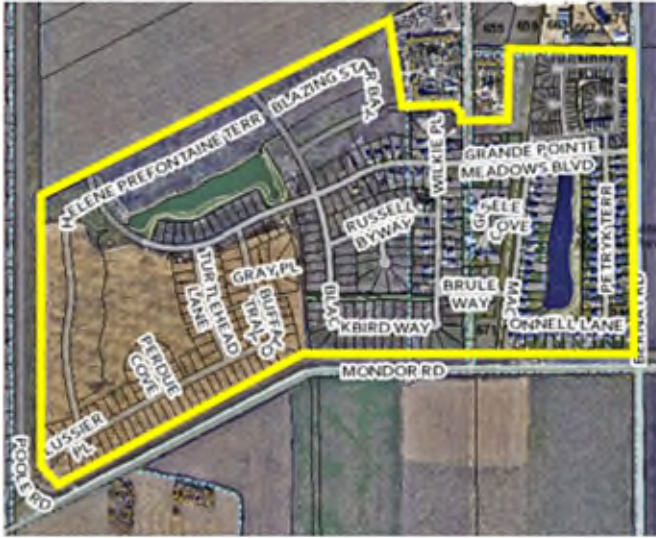
Read a first time this 20<sup>th</sup> day of November, 2024.

Read a second time this 3<sup>rd</sup> day of December, 2024.

Read a third time this 3<sup>rd</sup> day of December, 2024.

Schedule A  
By-Law 4-2024

Grande Pointe Meadows



Ile des Chênes



St. Adolphe



Ste. Agathe

