

TOWN OF GILLAM BY-LAW 742.2014

Being a by-law of the Town of Gillam 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 Municipality, 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 purposes 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, 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 Gillam, 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; 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 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:
 - (i) "ACT" means The Municipal Act S.M. 1997, c.53, s.4, S.M. 2001 as amended from time to time.

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- (ii) "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.
- (iii) "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.
- (iv) "COUNCIL" means the council of the Municipality.
- (v) "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 fire fighting and the preservation of life and property, and preventing and mitigating other potential risks to life and property as defined by Council.
- (vi) "FIRE CHIEF" means the Fire Chief for the Municipality and any one acting or authorized to act on his behalf.
- (vii) "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.
- (viii) "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.
- (ix) "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.
- (x) "MUNICIPALITY" means the Town of Gillam or the area contained within the boundaries thereof.

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.

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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 a The Gillam Fire and Ambulance Service, to be comprised of a Fire Chief, Deputy Fire Chief, an Ambulance Co-coordinator and Instructor, together with such other officers and members as the Council may deem necessary for the effective operation of the service and as more particularly set out in Schedule "A" hereto; provided however, the Fire Department shall not be comprised of less than six (6) personnel at any one time.

Responsibility of Fire Chief

6. 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

Emergency Services

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

Ambulance Regulations Established

8. The regulations for operation of the ambulance service shall be those contained in Manitoba Regulation No.62/93 under The Ambulance services Act, C.C.S.M. 1985-86, c.A65, as amended or revised from time to time.

Agreement for Emergency Services

9. 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

10. 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

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- (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

11. It shall be an offence for any person, other than the Authority Having Jurisdiction or a Fire Fighter in the course of duty, to turn on or interfere with any fire hydrant, in any manner whatsoever.

Tampering an Offence

12. 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.

Requiring Additional Assistance

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 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

14. 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

Access for Inspection

15. 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.

Prevention of Fire Spread

16. 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.

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Starting of Fire in Open Air

17. It shall be an offence for any person to light, ignite or start or allow or cause to be lighted, ignited or started a fire of any kind whatsoever in the open air without having first obtained a permit, in the form set out in Schedule C hereto attached.
18. A person to whom a permit has been so issued hereunder shall not leave the permitted fire unattended at any time while it is burning or smoldering and shall ensure that sufficient appliances and equipment to prevent fire from getting beyond control or causing damage or becoming dangerous are at the fire site.
19. Notwithstanding Section 17, no permit shall be required to light or 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, except in apartments with balconies of combustible construction where an electric or propane barbecue shall be the only type permitted.

Storage of Containers

20. 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.

Portable Fire Extinguishers

21. Portable fire extinguishers shall be:
- (a) Provided and located in accordance with the requirements of the Code;
 - (b) Maintained and/or hydro-statically tested in accordance with the requirements of the Code.

Chimney Pipes

22. All chimneys 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 (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

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

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24. Buildings assigned a street address shall post the number on the building. The number assigned shall be posted on the side of the building that is facing the street that the assigned number relates to. All numbers shall be a minimum of four inches (10 cm.) in height and be visible from the street.

Fire Alarm Systems

25. 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.
26. Where the Fire Department attends in response to a fire alarm call, which is an apparent false alarm, the Fire Chief, or in his absence the senior officer of the Fire Department present at the scene, will attempt to contact the property owner or other designated person to attend and secure the premises. Where unable to contact the property owner or designated person, then a security guard may be called in to perform fire duty at the expense of the owner.
27. Following an actual fire situation, the Fire Chief, or in his absence the senior officer of the Fire Department present at the scene, will attempt to contact the property owner or other designated person to attend and secure the premises. Where unable to contact the property owner or designated person, then a security guard may be called in to perform fire duty at the expense of the owner.
28. In the case of suspected arson the Fire Chief, or in his absence the senior officer of the Fire Department present at the scene, shall use whatever means available to secure the scene until an investigation can be completed.

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

29. 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.

PART VII: PENALTY PROVISION

Penalty

30. 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.
31. Any order made under this by-law shall be served:
- (a) Personally upon the person to whom it is directed; or
 - (b) By registered or regular mail; or
 - (c) 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.
32. 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.
33. Any person who contravenes or disobeys, or refuses or neglects to obey:

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- (a) 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
- (b) Any provision of any by-law, Regulation or Order enacted or made by Council; or
- (c) 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

- 34. By-law No. 663.2003 enacted the 23rd day of July, 2003 and By-Law No. 671.2004 enacted the 26th day of May, 2004, be and the same are hereby repealed.

Enactment

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

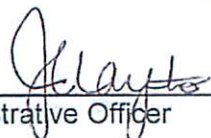
Validity of By-law

- 36. 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 the Town of Gillam duly assembled this 3rd day of January, 2014.



Mayor



Chief Administrative Officer

Read a first time this 10th day of December, 2014.

Read a second time this 10th day of December, 2014.

Read a third time this 7th day of January, 2015.

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SCHEDULE A PERSONNEL

1. The Fire Chief, Deputy Fire Chief and Ambulance Coordinator shall be appointed by resolution by the Council of the Town of Gillam.
2. The Chief shall be responsible to the Chief Administrative Officer for the efficient operation of the Service.
3. THAT the remuneration for the officers and members of the Fire and Emergency Services Department be as follows:

	<u>Monthly Indemnity</u>	Administration, Meetings, Practice and Training Sessions <u>Attended</u>	Fire Inspections, Fire and Ambulance Calls <u>(minimum 2 hour call out)</u>
Fire Chief	\$250.00	\$15.00 per hour	\$25.00 per hour
Deputy Fire Chief	\$250.00	\$15.00 per hour	\$25.00 per hour
Ambulance Co-ordinator	\$250.00	\$15.00 per hour	\$25.00 per hour
Ambulance Attendant		\$15.00 per hour	\$25.00 per hour
Firefighter – Level 1		\$15.00 per hour	\$25.00 per hour
Firefighter		\$15.00 per hour	\$20.00 per hour

4. That all members of the Fire Department be paid an indemnity in accordance with the most current Town of Gillam Indemnity By-Law while attending to Town business beyond the limits of the municipality and authorized by resolution of council.
5. The membership of the Service shall consist of such persons appointed by the Fire Chief who shall be able-bodied citizens residing within the Townsite of Gillam over the age of eighteen years who have telephones in their homes.
6. The members shall observe all general orders and departmental rules as may be necessary for the care and protection of the property of the Service, for the conduct of the membership and general for the efficient operation of the Service, as established by the Fire Chief.
7. The Fire Chief shall formulate a set of rules and regulations to govern the Department, and shall be responsible to the C.A.O. for the personnel, morale and general efficiency of the Department.
8. The Fire Chief shall determine the number and kind of companies of which the Department is to be composed and shall determine the response of such companies to alarms and ambulance calls.
9. The Chief shall at least twice a month conduct suitable drills or instruction in the operation and handling of equipment, a study of buildings in the Townsite, fire prevention, water supplies, rescue work and first aid and all other matters generally considered essential to good firefighting and safety of life and property from fire.

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10. The Chief is hereby required to assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and circumstances of all fires.
11. The Chief shall ensure before permitting equipment outside the townsite that the Townsite itself shall not be in jeopardy should a fire arise.
12. The Chief is hereby empowered to enter any and all buildings and premises at any reasonable hour for the purpose of making inspections and to serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found.
13. Any person so served with a notice to abate any fire hazard or hazards shall comply therewith and promptly notify the Chief.
14. The Chief shall see that complete records are kept of all fires, inspections, apparatus and minor equipment, personnel and other information about the work of the Department.
15. The Chief shall report monthly to the C.A.O. the condition of the apparatus and equipment; the number of fires during the month, their location and cause and date of same and loss occasioned thereby; the number and purpose of all other runs made; and number of members responding to each fire or other run, and any changes in membership.
16. The Chief shall verify and initial all invoices that pertain to the operation of the Department and that these invoices be presented to the C.A.O. to be further presented to the Council of The Town of Gillam for approval.
17. The Chief shall make a complete annual report to the C.A.O. within one month after the close of the fiscal year, such report to include the information specified in Section 15 of Schedule A, together with comparative data for previous years and recommendations for improving the effectiveness of the Department.
18. The Chief shall prepare an annual estimate of expenditures for the operation of the Fire and Ambulance Service and present the same to the C.A.O.

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SCHEDULE B PROVISION OF EMERGENCY SERVICES

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;
- (c) preservation of life and property and protection of persons and property from injury or destruction by fire;
- (d) Rescue, ambulance, and emergency medical services;
- (e) Salvage operations;
- (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;
- (g) Purchase and operation of apparatus and equipment for extinguishing fires or preserving life and property;
- (h) Low angle rescue;
- (i) Hazardous material responses;
- (j) Vehicle extrication;
- (k) Ground search and rescue;
- (l) Urban search and rescue;
- (m) Aircraft rescue and fire fighting;
- (n) Fire prevention inspections;
- (o) Pre-fire planning;
- (p) Public safety education;
- (q) Precautionary standby;
- (r) Extinguishing and prevention of grass fires;
- (s) Extinguishing and prevention of urban interface fires;
- (t) Flood response;
- (u) Response to any request that the Fire Department deems an emergency, including but not limited to, CO alarms, animals in peril and gas odors.

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SCHEDULE C PERMIT APPLICATION

PERMIT TO BURN IN FIREPIT

AUTHORITY IS HEREBY GRANTED TO _____

Owner or Tenant of _____, in the Town of Gillam to set fire and burn wood,

on the above mentioned property between _____ and _____, in the year

20____, subject to the following conditions:

- Fires are to be kept under control at all times and shall not be left unattended.
- Sufficient appliances and equipment to prevent the fire from getting beyond control, causing damage or becoming dangerous are located at the site of the fire.
- Burning is to take place in an approved firepit, as described below.
- Burning is not allowed between the hours of 12:00 p.m. and 5:00 p.m.
- Burning of household waste or garbage is not permitted.
- No fires are allowed during a period of "Extreme Fire Alert" as issued by Manitoba Conservation.

Issued this _____ day of _____, 20____.

TOWN OF GILLAM FIRE CHIEF

APPROVED FIREPIT SPECIFICATIONS:

- Must be constructed of metal, brick or concrete.
- Must be embedded at least six inches (6") into the ground, or on a concrete or brick base which is at least twelve inches (12") larger in diameter than the outside diameter of the pit. If not on a concrete or brick base the pit must be surrounded by sand or gravel at least twelve inches (12") larger in diameter than the pit.
- Must be no more than thirty-six inches (36") from the ground to the top of the pit.
- When burning, the pit must be covered by a metal mesh or screen with a maximum opening of one half inch (1/2").
- (see illustration attached).

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