

RURAL MUNICIPALITY OF CORNWALLIS

PROVINCE OF MANITOBA

BY-LAW NO. 1687/08/2019

BEING A BYLAW of the Rural Municipality of Cornwallis 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 sections 266 of the Act provides that “For the purpose of providing fire protection services, a municipality may enter into an agreement with a person, another municipality or an agency or department of the Government of Manitoba or the Government of Canada”.

AND WHEREAS section 267(1), 267(2) and 268 of the Act provides that “A fire protection force may, with the approval of the council, provide other services, including the prevention and relief of illness and injury and the preservation of life and property”.

NOW THEREFORE the Council of the Rural Municipality of Cornwallis, 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:
  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 Fire Chief(s), acting Fire Chief(s), deputy Fire Chief(s), 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 fire fighting and the preservation of life and property, and preventing and mitigating other potential risks to life and property as defined by Council.
6. “FIRE CHIEF(S)” means the Fire Chief(s) for the Municipality as may be appointed from time to time, or the Fire Chief(s) of a fire department contracted to the municipality under agreement, and any person acting or authorized to act on his behalf.
7. “FIRE DEPARTMENT(S)” means the Fire Department(s) for the Municipality, and includes any contracted, part-time, composite (any combination of full-time, part-time or volunteer) or a volunteer fire Department(s).
8. “FIRE FIGHTER” means any member, including volunteers, of the Fire Department(s) 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.
9. “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.
10. “MUNICIPALITY” means the Rural Municipality of Cornwallis or the area contained within the boundaries thereof.

**PART II: ADMINISTRATION AND APPLICATION**

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, 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. The owner of land shall pay to the municipality on demand the municipality’s cost for carrying out any periodic inspection of premises as required by the Code or for responding to a false alarm. In the event that such cost is not paid by the owner upon demand, such cost may be collected by the municipality in the same manner as a tax may be collected or enforced under the Act.

Application

5. This by-law shall have application to those portions of the municipality designated by the Council from time to time by resolution.

**PART III: CREATION OF FIRE DEPARTMENT(S)**

Creation and Membership

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

Responsibility of Fire Chief(s)

7. It shall be the responsibility of the Fire Chief(s) 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

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

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.

**PART V: GENERAL REQUIREMENTS**

Tampering an Offence

10. 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(s) or for the purpose of extinguishing a fire.

Requiring Additional Assistance

11. The Fire Chief(s), or in his absence, the senior officer of the Fire Department(s) 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 prevention from spreading of fire and to assist in any other required Emergency Service and any such person, while acting under the direction of the Fire Chief(s), shall be deemed a volunteer of the Municipality.

Commandeering Equipment

12. The Fire Chief(s), or in his absence, the senior officer of the Fire Department(s) 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

13. The Authority Having Jurisdiction may, at all reasonable times, enter any commercial 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. Any costs for fire inspections shall be the responsibility of the property owner, at a rate as may be approved by resolution or agreement of council from time to time.

Prevention of Fire Spread

14. The Fire Chief(s), or in his absence, the senior officer of the Fire Department(s) 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.

Storage of Containers

15. 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

16. 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

17. 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(s) 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(s) may cause the work to be done and the cost therefore shall be the responsibility of the owner.

Property Maintenance

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

Fire Alarm Systems

19. (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) Where the Fire Department(s) attends in response to a fire alarm call which is an apparent false alarm, the Fire Chief(s), or in his absence the senior officer of the Fire Department(s) 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 watch duty at the expense of the owner. 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.

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

20. Prior written permission from the Fire Chief(s) 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

21. (a) An order of non-compliance made under this by-law shall be in writing and signed by the Authority Having Jurisdiction. An order of non-compliance 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 of non-compliance made under this by-law shall be served:
- (1) personally upon the person to whom it is directed; or
  - (2) by registered or regular mail; or
  - (3) by posting a copy of the order of non-compliance 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 of non-compliance 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:
- 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 costs and 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 costs and to imprisonment for a term not exceeding fourteen (14) days.

**PART VIII: REPEAL AND ENACTMENT**

Repeal

22. By-Law No. 1586/04/2004 together with amending by-law no. 1597/05/2006 be and the same are hereby repealed.

Enactment

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

DONE AND PASSED by the Council of the Rural Municipality of Cornwallis duly assembled this 20<sup>th</sup> day of August, 2019.

RURAL MUNICIPALITY OF CORNWALLIS

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REEVE

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CHIEF ADMINISTRATIVE OFFICER

Read a first time this 16<sup>th</sup> day of July, A.D. 2019.

Read a second time this 16<sup>th</sup> day of July, A.D. 2019.

Read a third time this 20<sup>th</sup> day of August, A.D. 2019.

**Schedule "A"**

The Fire Department(s) may provide the following Emergency Services:

1. fire prevention and fire extinguishing, which includes structural fire fighting for rescue, fire control and property conservation;
2. investigation of the causes of fire and origin determination;
3. preservation of life and property and protection of persons and property from injury or destruction by fire;
4. rescue, ambulance, and emergency medical services;
5. salvage operations;
6. the ability to enter into agreements with other municipalities or persons for the joint use, control, and management of fire extinguishing apparatus and equipment;
7. purchase and operation of apparatus and equipment for extinguishing fires or preserving life and property;
8. water rescue;
9. rope rescue;
10. low angle rescue;
11. hazardous material responses;
12. vehicle extrication;
13. farm accident rescue;
14. ground search and rescue;
15. urban search and rescue;
16. aircraft rescue and fire fighting;
17. trench rescue;
18. biological and chemical responses;
19. fire prevention inspections;
20. pre-fire planning;
21. public safety education;
22. precautionary standby;
23. extinguishing and prevention of grass fires;
24. extinguishing and prevention of urban interface fires;
25. flood response;
26. response to any request that the Fire Department(s) deems an emergency, including but not limited to, CO alarms, animals in peril and gas odors.