

Town of Morris
Fire Prevention and Emergency Services By-law
By-law No: 09/12

Being a By-law of the Town of Morris to provide for fire fighting, fire prevention, the related regulation of fire and other hazards, the adoption of the Code, the control of fires within the Town of Morris, and for establishing, continuing and operating an emergency service for the Town, and to be known as the "Fire Prevention and Emergency Services By-law.

WHEREAS subsection 232(10) 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, injury, preservation of life and property;

NOW THEREFORE the Council and the Town of Morris, 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 Town; 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 the 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:

Act: the Municipal Act S.M. 1996, c.58, C.C.S.M. c.M225 as amended from time to time.

Authority Having Jurisdiction (AHJ): the duly appointed agents thereof, including: 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.

Burning Permit: permit issued regulating outdoor and open air burning in burn permit areas.

CAO: the Chief Administrative Officer of the Town of Morris.

Code: 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.

Council: the council of the Town of Morris.

Designate: any person authorized by the AHJ to enforce this By-law on behalf of the AHJ.

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.

Fire Chief: the Fire Chief for the Town and anyone acting or authorized to act on his behalf.

Fire Department: the Fire Department for the Town, and includes any part-time, composite (any combination of full-time, part-time or volunteer) or a volunteer fire department.

Fire Fighter: any member, including volunteers, of the Fire Department while their services are actually engaged by the Town for the purpose of providing Emergency Services or otherwise enforcing the provisions of this By-law.

Fire Inspector: the person or agency employed by or acting for the Town and partially or wholly responsible for fire safety within the Town.

Fire Training Facility: the Morris Fire Department shall have the authority to operate a site designated for the ongoing training, evaluation & education of its' firefighting personnel, operating under the auspices of the National Fire Protection Association (NFPA) 1403.

Town: the Town of Morris, or the area contained within the boundaries thereof.

Officer: the Fire Chief, any member of the Fire Service or any person on behalf of the AHJ, appointed as a fire guardian for purposes of The Wildfires Act.

Outdoor Fire: a fire that is started outdoors including crop residue burning, land clearing and grass burning, but does not include a fire started in, and remains contained within a fire pit or solid fuel burning appliance.

Wildfire Season: means the period in each year commencing on April 1st and ending on November 15th or any other period of time that may be designated by the AHJ.

PART II: ADMINISTRATION

Adoption of Fire Code

3. The Town 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.

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 of 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.

Recovery of Costs

4. Subject to any agreements to the contrary, where any type of Emergency Services have been taken within the Town, including responding to a false alarm, the Town 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 Town 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 real municipal taxes on any property owned by the person within the Town.

Note: False alarms are generally considered nuisance calls and nuisance calls will be dealt with in the following manner:

1st false alarm: Response.

2nd false alarm: Warning.

3rd false alarm: Fine as provided in PART VII PENALTY PROVISION at the discretion of the AHJ.

PART III: CREATION OF FIRE DEPARTMENT

Creation and Membership

5. There is hereby created a Fire Department for the Town, to be comprised of a Fire Chief and such other Fire Department personnel as from time to time may be deemed necessary by the Fire Chief, and as more particularly set out in Schedule A hereto; provided however, the Fire Department shall be comprised of up to 24 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 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 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.

Agreement for Emergency Services

8. The Town may elect to enter into an agreement with another Municipality/Town to provide or have provided Emergency Services. Such agreement requires prior authority of Council.

Response outside Town

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 Town or property situated outside the Town that is owned or occupied by the Town; 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 Town 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; 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

Interference an Offence

10. 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

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.

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 fire spread 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 Town.

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.

PART VI: FIRE PREVENTION STANDARDS

Access for Inspection

14. The Authority Having Jurisdiction may, at all reasonable time, 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

15. The Fire Chief, 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.

Storage of Containers

16. 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 AHJ.

Portable Fire Extinguishers

17. Portable fire extinguishers shall be:
 - (a) provided and located in accordance with the requirement of the Code;
 - (b) maintained and/or hydro-statically tested in accordance with the requirements of the Code.

Chimney Pipes

18. All chimneys and pipes for fireplaces or wood stoves shall be installed in the 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 therefore shall be the responsibility of the owner.

Property Maintenance

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

Fire Alarm Systems

20.
 - (a) Every fire alarm system shall be maintained at all times in operating condition and tested by a qualified person in accordance with the requirement of the Code;
 - (b) 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, a security guard may be called in to perform fire watch service at the expense of the owner. The total cost of restoration of any fire alarm equipment, and related costs of hiring a 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 municipal property taxes for the premises and collected in the same manner as normal taxes.

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

21. 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

22. (a) An order made under this by-law shall be in writing and signed by the AHJ. 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 or regular 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 regular mail the order shall be deemed to have been received on the fifth (5th) 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 \$1000.00 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 AHJ in the exercise of his/her duty is guilty of an offence and liable on summary conviction to a fine of not less than \$100.00 or more than \$1000.00, and in default of payment of the fine, to imprisonment for a term not exceeding fourteen (14) days.
- (e) Where a person is in contravention under this By-law, in addition to imposing a fine, the Town is entitled to be reimbursed by the person(s) for costs incurred by the Town in fire protection and suppression operations that were undertaken as a result of the person(s) acts or omissions that resulted in the costs being incurred. Any unpaid fines will be added to the real municipal property taxes of the individual responsible for the acts or omissions that resulted in the costs being incurred.

PART VIII: REPEAL AND ENACTMENT

Repeal

23. (a) By-law No. 3/62), are 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 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 offence, 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 into 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

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

Validity of By-law

25. Should any provision of this by-law of 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 Morris duly assembled this 20th day of December, 2012.

Mayor

Chief Administrative Officer

Read a first time this 22nd day of November 2012.

Read a second time this 20th day of December, 2012.

Read a third time this 20th day of December, 2012.

Schedule A – Fire Department Personnel

Fire Chief

Deputy Fire Chief

Secretary/Treasurer

3 Lieutenants

Public Education Officer

Safety Officer

Firefighters

Firemedics

Auxiliary Members

Junior Firefighters

Schedule B – 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;
- (h) low angle rope rescue;
- (i) hazardous material responses to the operational level;
- (j) vehicle extrication;
- (k) farm accident rescue;
- (l) ground search and rescue;
- (m) urban search and rescue;
- (n) aircraft rescue and fire fighting;
- (o) trench rescue;
- (p) fire prevention inspections;
- (q) pre-fire planning;
- (r) public safety education;
- (s) precautionary standby;
- (t) extinguishing and prevention of grass fires;
- (u) flood response;
- (v) response to any request that the Fire Department deems an emergency, including but not limited to, CO alarms, animals in peril and gas odors.

Schedule C Burning Permits and Fire Pit Exemption

Burning Permit Requirements:

- (1) No person shall start an Outdoor Fire within the boundaries of the Town of Morris, during the Wildfire Season without first obtaining a Burning Permit (Schedule D) from the Town of Morris or from one of its designated Officers.
- (2) All burning within the Town of Morris shall be subject to the conditions and provisions of the The Wildfires Act, and the Manitoba Crop Burning Residue Burning Regulation – MR 77/93, including but not limited to, the following conditions, and those conditions specifically set out within the Burning Permit.
 - a. Any Outdoor Fire shall be supervised by the owner or occupier of the land or a person authorized by the owner or occupier of the land.
 - b. No person shall start an Outdoor Fire on any land without taking sufficient precautions that are reasonably necessary to protect persons and the property of others from the fire.
 - c. No person shall start an Outdoor Fire unless all precautions are taken to ensure that the fire can be kept under control, or when weather conditions are conducive to a fire burning out of control.
 - d. No person shall cause an Outdoor Fire to be started in order to guard property; clear land or burn debris; burn crop, stubble or grass; unless the land on which the fire is started is completely surrounded by a fire guard consisting of:
 - i. A strip of land free of flammable material, or of sufficient width to control the fire
 - ii. By natural or man-made barriers, water, or
 - iii. By a combination of (i) and (ii).
 - e. The smoke from an Outdoor Fire shall not pose unreasonable hazard to the health of any person or reduce the visibility on any road or highway.
 - f. A sufficient water supply and means of fire suppression capable of extinguishing the Outdoor Fire based on its fuel loading and size shall be available on site.
 - g. All fires must be extinguished when unsupervised.
- (3) The Fire Chief or his designate shall remit copies of all permits, approved or unapproved, to the CAO prior to the date of the planned burn.

Responsibilities of Permit Holder

- (4) AUTHORIZATION to conduct Outdoor Fire burning does not exempt or excuse a person from the responsibility, consequences, damages, or injuries resulting from the authorized burning and does not excuse a person from complying with other applicable laws, ordinances or regulations.

Exemption from Burning Permit

- (5) Fires that are set in an outdoor fire pit or solid fuel burning appliance, set for cooking or warmth and would normally be considered a campfire, are for the purposes of this by-law, exempt from a Burning Permit, but must adhere to the following conditions:
 - a. Any fire that is set in a fire pit or solid fuel appliance shall be enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other non-combustible materials.
 - b. The fire pit or solid fuel appliance shall be located on a flat, level and non-combustible base clear of overhangs, such as roofs, tree branches, or utility wires.
 - c. A maximum clearance of 3 metres (approximately 10 feet), measured from the nearest fire pit edge is maintained from any structures or any combustibles (ie. fences, trees, hydro poles) and property lines.

- d. Solid fuel appliances shall be installed to manufacturer's specifications with any required distance to a structure or combustible of a least 3 metres (approximately 10 feet).
- (6) Public Works shall notify the CAO and the Fire Chief prior to burning of any biodegradable material at Mackenzie Park.
- (7) The Fire Chief shall notify the CAO and/or designate (?) prior to commencing any controlled burns within the Town limits.

Burning Ban

- (8) The Town may, by resolution, at their discretion, ban ALL BURNING (including and Outdoor Fire and fires contained within fire pits and solid fuel burning appliances) in the Town of Morris if conditions exist where, in the opinion of the Town, fires are of extremely high risk, and such a ban would prevent wildfires from occurring.

Offence and Penalties

- (9) It is an offence to contravene any provisions of this Schedule and fines may be levied as per PART VII: PENALTY PROVISION Section 22 subsections (c), (d), and (e).

Schedule D Permit to Burn

PERMIT #: _____

Permit to Burn

AUTHORITY IS HEREBY GRANTED TO _____ OF _____
for the following location(s):

in the Town of Morris, to set fire and burn

Grass_____ Stubble/Crop_____ Brush_____ Other_____

on the above mentioned property between the ___ day of _____ and the ___ day
of _____, 20___,

subject to the following conditions and the provision of The Wildfires Act and
Municipal By-Law #: _____:

1. To keep the fire under control at all times.
2. To bear responsibility for all property damage which may result from burning done under this permit.
3. To fireguard the area as required under the terms of The Wildfires Act.
→ Fire is surrounded by a minimum six meter wide strip of land free of flammable material.
4. No fire to be set out on any day before _____ o'clock ___AM___PM
5. No fire to be set with winds over _____km/h.
6. Yes___ No___ Permittee must call the Crop Residue Information line daily before burning _____.
7. _____.

Issued at _____ Authorized Officer's Signature _____

Fire Chief's (or his designate's) Signature _____

\$25 fee payable to Town of Morris. Payment received Yes___ No___

Date Issued: _____, 20___ Municipal phone #: _____

Declaration of Permittee: I understand the conditions under which this permit is issued and agree to abide thereby.

Permittee's Signature: _____ Phone #: _____