

**The Rural Municipality of St. Laurent
Fire Prevention and Emergency Response By-Law
By-Law No. 11/2023**

Being a by-law of the Rural Municipality of St. Laurent (the Municipality) to provide for firefighting, 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 Response By-Law";

WHEREAS subsection 232(1) of the Municipal Act provides that a council may pass by-laws for municipal purposes respecting the following matters:

- (a) The safety, health, protection and well being of people and the safety and protection of property;
- (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 relief of illness and injury and the preservation of life and property;

NOW THEREFORE the Council of the Rural Municipality of St. Laurent, 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, Assistant Fire Chief, deputy Fire Chief of the Rural Municipality of St. Laurent, 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) "CAPTAIN" shall have the same meaning as in the Rural Municipality of St. Laurent's Fire Department Operating Guidelines
- (4) "CODE" means the Manitoba Fire Code being Regulation No. 155/2011 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.
- (5) "COUNCIL" means the council of the Municipality.
- (6) "EMERGENCY SERVICES" includes, but is not limited to, all fire protection services and all services provided at the site of an emergency for the purpose of preserving life and property and protecting persons and property from injury or destruction by fire, preventing and extinguishing fires, investigating the cause and origin of fires, providing rescue services, providing emergency medical responses, providing transportation for victims (ambulance service), purchasing and operating apparatus and equipment for firefighting and the preservation of life and property, and preventing and mitigating other potential risks to life and property as defined by Council.
- (7) "FIRE CHIEF" means the Fire Chief for the Municipality as defined in the Rural Municipality of St. Laurent's Fire Department Operating Guidelines
- (8) "FIRE ASSISTANT CHIEF" shall have the same meaning as in the Rural Municipality of St. Laurent's Fire Department Operating Guidelines
- (9) "FIRE DEPARTMENT" means the Fire Department for the Municipality, and includes any part-time, composite (any combination of full-time, part-time or volunteer) persons.
- (10) "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, as defined in the Rural Municipality of St. Laurent's Operating Guidelines
- (11) "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.
- (12) "FIRE SAFETY INSPECTION" means an inspection of land or premises to determine:

- (a) whether the land or premises complies with this Act and the regulations; and
 - (b) what actions or measures are necessary to eliminate or reduce the effects of a fire or other emergency that might occur on the land or premises.
- (13) "MUNICIPALITY" means The Rural Municipality of St. Laurent or the area contained within the boundaries thereof.
- (14) "SAFETY OFFICER" shall have the same meaning as indicated in the Rural Municipality of St. Laurent's Operating Guidelines.
- (15) "OPERATING GUIDELINES" ("OGs") shall mean the set of written guidelines that the fire department operates under once adopted by resolution, includes a wide variety of performance expectations under most circumstances. Job descriptions, discipline etc.

PART II: ADMINISTRATION

Adoption of Fire Code

3. The Municipality hereby adopts the Manitoba Fire Code as part of this by-law, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, and is hereby incorporated as if fully set out at length herein. Any reference to this by-law shall be construed as a reference to the whole by-law, including the Code.

Recovery of Costs

4. Subject to any agreements to the contrary, where any type of Emergency Services have been taken within the Municipality, including responding to a false alarm and fire safety inspections, 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 Fire Department for the Municipality, 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 the Operating Guidelines. 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 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. Furthermore, the Fire Chief shall be responsible to ensuring that all required fire

inspections are conducted as required under the being Regulation No. 208/2014 of *The Fire Preventions Act*, RSM c.F80, C.S.S.M. c.F80. The Fire Chief is responsible in following the direction and implementation of the Operating Guidelines.

- (a) A designated officer may be delegated as a local assistant for enforcement duties if the designation is done in writing by the fire commissioner

Responsibility of Council

7. Council may appoint by resolution a qualified inspector either internally or externally as required under the recommendation of the Fire Chief to assist with inspections.

Remuneration

8. Council may by resolution review and amend the remuneration of members of the fire department for various reasons at their discretion. The CAO shall maintain records of employment, training, and compensation and personnel files of each firefighter.

PART IV: EMERGENCY SERVICES

Emergency Services

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

The RM of St Laurent Fire department has a set of Operating Guidelines that are intended to provide guidance in the day-to-day activities of the fire fighters and the expectations and performance of the department. A guideline may be deviated from, under extenuating circumstances.

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 with respect to a fire or an emergency outside the municipal boundaries except with respect to a fire or emergency:
 - (a) that in the opinion of the Fire Chief threatens property in the Municipality or property situated outside the Municipality that is owned or occupied by the Municipality; or
 - (b) in a Municipality with which an agreement has been entered into to provide fire protection services or Emergency Services; or
 - (c) in a Municipality which forms part of a mutual aid agreement for which the Municipality is a member; or
 - (d) on property with respect to which an agreement has been entered into with any person or corporation to provide fire protection therefor; or
 - (e) for which the head of council has first authorized such attendance; or

- (f) under such circumstances as it appears human life is in jeopardy;
- (g) upon request for assistance from the Office of the Fire Commissioner or some other properly designated office of the Province of Manitoba.

PART V: GENERAL REQUIREMENTS

Interference an Offence

- 12. 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

- 13. 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

- 14. The Fire Chief, or in his absence, the senior officer of the Fire Department that is 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

- 15. The Fire Chief, or in his absence, the senior officer of the Fire Department that is 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

- 16. 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.
 - 16.1 Inspections shall be conducted in accordance with the requirements set out in the Regulation 208/2014 of *The Fire Prevention and Emergency Response Act*.
 - 16.2 The Authority Having Jurisdiction may charge any property owner on which a Fire Safety Inspection is held a fee as established under the Fire Prevention and Emergency Response Fees Regulations, M.R. 47/2013 of *The Fire Prevention and Emergency Response Act*.

Prevention of Fire Spread

- 17. 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.

Rules Regarding Fire Receptacles

18. A person in charge of an open-air fire on the grounds of a property throughout the Municipality must ensure that:
 - a) the fire is maintained within an approved receptacle;
 - b) the fire is maintained on a flat non-combustible base with a screen or a steel lid and at a minimum of 3 meters (10 feet), as measured from, the nearest edge of the fire, from any combustible buildings or structures, combustible fences, trees, property lines and overhead wires;
 - c) must not be located in an area that will cause a nuisance to neighboring properties.

Requirements for Approved Receptacles

19. The following are the requirements for approved receptacles, which may be used as a contained fire pit:
 - a) Outdoor Fire Pits
 - i) Shall be fully enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other non-combustible materials.
 - ii) Shall not exceed eighteen (18) inches in height when measured from the bottom of the pit to the top of the pit opening and is at least six (6) inches in height when measured from the surrounding grade to the top of the pit opening.
 - iii) Shall be located on a flat, level, and non-combustible base and be clear of the overhangs such as roofs, tree branches, or Utility wires.
 - iv) Shall have a spark arrestor, grill, or mesh with openings no larger than 1/2 x 1/2 inches and be constructed of non-combustible material that is used to cover the entire area of the outdoor fire pit.
 - b) Outdoor Barbeques
 - i) must be constructed of masonry, concrete, heavy gauge metal or other non-combustible materials acceptable to the Chief;
 - ii) must be enclosed on all sides, except for any opening completely covered by a removable, non-combustible spark arrestor, grille, or mesh;
 - iii) must not be used for commercial or industrial applications.
 - c) Outdoor Fireplaces

- i) must be constructed of masonry, concrete, heavy gauge metal or other non-combustible materials acceptable to the Chief;
- ii) must have a chimney designed and constructed as a proportional and integral part of the fireplace to ensure that an adequate draft is created;
- iii) must have its chimney opening entirely covered by a non-combustible spark arrestor, grille, or mesh;
- iv) must have a side opening to the fire chamber which does not exceed 0.84 square meters (9 square feet) in area;
- v) must have its side opening entirely covered by a non-combustible spark arrestor, grille or mesh;
- vi) must not be used for commercial or industrial applications.

d) Outdoor Warming Receptacles

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 (1/2 inch).
Chimney Pipes

20. All chimneys and pipes for fireplaces or wood stoves shall be installed in conformance with the Codes (Fire, Building) 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

21. All buildings and properties shall be adequately maintained in order to guard against fire or the risk of fire. All combustible and non-combustible materials stored on a property must be stored in accordance with the MFC, with sufficient spacing so as to not constitute an undue fire hazard.

Wood Piles

22. (a) It shall be an offence for any person to pile or allow to be piled any lumber or wood on private property within three (3) meters of the exterior of any dwelling.
- (b) Subsection (a) shall not apply to lumber in transit or in the process of erection on a construction site.

Fire Alarm Systems

23. (a) very 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;
- (c) 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 Fire Department member or security guard may be called in to perform fire 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 or his insurer. If the owner cannot be located to pay this invoice then all costs may be added to the real property taxes for the premises and collected in the same manner as normal taxes.

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

24. (a) Prior written permission from the Fire Chief shall be required for the storage of flammable or combustible liquids or both or hazardous materials in excess of the amounts permitted in the Code.
- (b) Combustible materials are not permitted to be accumulated in a manner that may constitute a hazard.

Fire Restrictions and Fire Ban

25. (a) The Chief shall recommend to the CAO and Council the implementation of any restriction of any or all burning (including fires contained within fire pits and solid fuel burning appliances) in the Municipality if conditions exist where, in the opinion of the Chief fires are of extremely high risk, and such a ban is necessary for the safety, health and protection of its residents or property. The CAO may implement any restriction related to burning in the Municipality accordingly.
- (b) Fire restrictions will be implemented immediately when the Province of Manitoba declares a fire ban or implements wildfire restrictions. The Municipality will maintain fire restrictions as close as possible to those in place for the Wildfire Region as defined by provincial wildfire bulletins which include possible restrictions on travel, industrial and agricultural burning, fireworks, outdoor fires and campfires.
- (c) Open fires and controlled burns may only be authorized by the Chief. An authorized controlled burn permit will be required by the Property owner.
- (d) When the RM of St. Laurent implements a fire ban, the use of Off-Road Vehicles, as defined by The Off-Road Vehicles Act, C.C.S.M. c. O31, will be prohibited during the period of the ban.
- (e) The RM of St. Laurent will keep residents informed of fire restrictions:
- Via the RM Website;
 - Group email to residents Cottage Associations;
 - The Fire department Facebook page;
26. Compensation for the Fire Department will be reviewed annually by resolution.

PART VII: PENALTY PROVISION

Penalty

27. (a) 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;

- (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 business day subsequent to the date it is mailed.

- (c) Any order made by the fire commissioner shall follow the requirements, including the appellate process set out in *The Fire Prevention and Emergency Response Act*, this includes but is not limited to:

- (1) Any person to whom a designated officer has directed an order, may submit a request to the fire commissioner for a review of the order. The request must be in writing and must include:
 - i. the person's name and address and the reasons for requesting the review; and
 - ii. a copy of the order
- (2) A request for a review of an order must be made in the following times:
 - i. if the order requires compliance in less than 14 days, within the time specified for compliance,
 - ii. in any other case, within 14 days after the person received or is deemed to have received the order.
 - iii. if a request for review is not received within the time specified in subsections i. and ii., the order is final.
- (3) Upon receiving a request for review, the fire commissioner may confirm the original order, or may revoke or vary it if he or she considers that the order
 - i. is improper, impractical or unreasonable; or
 - ii. is inconsistent with the applicable requirements of the *Manitoba Fire Code*.

- (d) Any person who contravenes or disobeys, or refuses or neglects to obey:
- (1) any provision of this by-law, or any provision of any other by-law that by this by-law is made applicable to proceedings taken or things done under this by-law; or
 - (2) any provision of any by-law, Regulation or Order enacted or made by Council; or

- (3) any Order made by this by-law; for which no other penalty is specifically provided is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$100.00 or more than \$1,000.00 for each day's neglect or failure to comply therewith and in default of payment of the fine, to imprisonment for a term not exceeding thirty (30) days.

Or

is subject to a fine not exceeding \$1,000.00 as indicated in the Fees, Fines and Charges By-Law 8/2022 and will subject to the procedures set out in the Administrative Penalty By-Law 9/2021 as authorized under the Municipal By-Law Enforcement Act

- (e) 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.

Refer to schedule (B) for applicable fees.

PART VIII: REPEAL AND ENACTMENT

Repeal

28. (a) By-law No. 2/04 and any and all prior by-laws related to Fire Prevention 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 (it / them), nor shall the said repeal prevent the effect of any saving clause in the said by-law or the application of the said by-law or any other by-law or provision of law formerly in force to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply.
- (c) The repeal of the said by-law(s) should not affect:
- (1) any penalty, forfeiture or liability incurred before the time of such repeal, or any proceedings for enforcing the same had, done, completed or pending at the time of such repeal; or
 - (2) any action, suit, judgment, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatsoever, respecting the same had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal; or
 - (3) any act, deed, right, title, interest, grant, assurance, registry, rule, regulation, contract, lien, charge, matter, or thing had, done, made, acquired, established, or existing at the time of such repeal; or
 - (4) any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal; or
 - (5) any bond, note, debenture, debt, or other obligation made, executed, or entered into by the Municipality 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

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

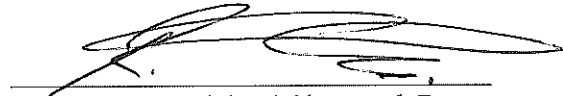
Validity of By-law

30. 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.

Miscellaneous

31. This by-law shall be reviewed no less than once every three rolling years from the date of the enactment of the by-law or any amendments thereto.

DONE AND PASSED by the Council of the Rural Municipality of St. Laurent duly assembled this 6th day of September, 2023.



Richard Chartrand, Reeve



Billie Jean Oliver, CAO

Read a first time this 3 day of August 2023
Read a second time this 3 day of August, 2023
Read a third time this 6 day of September 2023

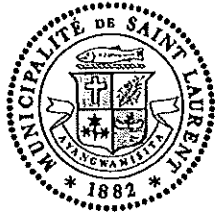
Schedule "A" – Emergency Services Provided by Fire Department

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;
- (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) vehicle extrication;
- (h) farm accident rescue;
- (i) ground search and rescue;
- (j) fire prevention inspections;
- (k) pre-fire planning;
- (l) public safety education;
- (m) precautionary standby;
- (n) extinguishing and prevention of grass fires;
- (o) extinguishing and prevention of urban interface fires;
- (p) flood response;
- (q) response to any request that the Fire Department deems an emergency, including but not limited to, CO alarms, animals in peril and gas odours.

Schedule "B" – Fees and Fines

Fee or Fine	Category	Jurisdiction	First Amount	Subsequent Amount
Fee	Fire Safety Inspections	FPERF Reg., M.R. 47/2013 Section 2(1)	\$125.00 per hour, or part of an hour	\$125.00 per hour, or part of an hour
Fee	Fire Safety Inspections	FPERF Reg., M.R. 47/2013 Section 2(2)	\$2,500.00 per inspection	\$2,500.00 per inspection
Burn Permit	Controlled burns	MA, C.C.S.M c. M225 Section 232(2)(e)	\$1,200.00 up to 3 hours	\$125.00 subsequent hour or part thereof
FPERA Administrative Penalties	Contraventions	FPERAP Reg., M.R. 207/2014	\$2,500.00 first contravention	\$5,000.00 per subsequent contravention



R.M. of St. Laurent RESOLUTION

RECORDED VOTE

Date: September 6, 2023

Resolution #: 386/2023

Moved by:

Tom Perry

Seconded by:

Perry Sandy

BE IT RESOLVED THAT By-Law 11/2023 being a By-law to provide for firefighting, 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 of St. Laurent be given the third reading.

Carried/Defeated

[Signature]

Chairperson

	RICHARD	TOM	YVES	MAURICE	PERRY
FOR:	✓	✓	✓	✓	✓
AGAINST:					
ABSTAIN:					