

# R.M. of ELLICE – ARCHIE

## BY-LAW# 10-2022

### FIRE PREVENTION AND EMERGENCY SERVICES

It is the purpose of this by-law, known as the “Fire Prevention and Emergency Services By-Law” to establish the standards for fire prevention; firefighting and life safety in buildings; the prevention, containment and fighting of fires originating outside buildings which may present a hazard to all or any part of the Municipality; the operation of Emergency Services and the transportation and storage of flammable and combustible substances.

#### 1. DEFINITIONS

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 Interpretation Act and in the Code.

- (a) **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.
- (b) **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.

#### 2. ADMINISTRATION

- (a) **Adoption of the Code.** The Municipality hereby adopts the Code as part of this by-law.
- (b) **Recovery of Cost.** 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 charge any related costs incurred in taking action 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. 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 adding the costs to the realty taxes on any property owned by the person within the Municipality. Rates are as per Schedule “D” of this by-law.

#### 3. CREATION OF FIRE DEPARTMENTS

- (a) **Creation & Membership.** There is hereby created two Fire Departments for the Municipality, the McAuley Fire Rescue and the St. Lazare Fire Department. Each fire department to be comprised of a Fire Chief, a Deputy 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” to this by-law. Each Fire Department shall not be comprised of less than six personnel at any one time. Only council may authorize an increase or decrease in the minimum allowable number of personnel upon recommendation of the Fire Chief.
- (b) **Election of Fire Chief and Deputy Fire Chief.** The Fire Chief and Deputy Fire Chief positions shall be determined by nomination and election by the Fire Department members. Elections shall take place every three years at the December Regular Meeting of the Fire Department.
- (c) **Responsibility of the Fire Chief.** 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. The Fire Chief shall be responsible for completing and submitting a monthly report to the CAO to be presented to the Council.

#### 4. EMERGENCY SERVICES

- (a) **Emergency Services.** The mandate of the Fire Department is to provide the specific Emergency Services as described in Schedule “B” to this by-law.
- (b) **Agreement for Emergency Services.** 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.

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- (c) **Response Outside Municipality.** The Fire Department will not respond to a call with respect to a fire or an emergency outside the municipal boundaries except with respect to a fire or emergency:
- (i) 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
  - (ii) in a Municipality with which an agreement has been entered into to provide fire protection services or Emergency Services; or
  - (iii) in a Municipality which forms part of a mutual aid agreement for which the Municipality is a member; or
  - (iv) on property with respect to which an agreement has been entered into with any person or corporation to provide fire protection therefore; or
  - (v) for which the head of council has first authorized such attendance; or
  - (vi) under such circumstance as it appears human life is in jeopardy;
  - (vii) upon request for assistance from the Office of the Fire Commissioner or some other properly designated office of the Province of Manitoba.
  - (viii) rates for responding to a call outside the Municipality, and outside the mutual aid district or any other agreement exists are noted on Schedule “D” of this by-law.

**5. GENERAL REQUIREMENTS**

- (a) **Interference an Offence.** It shall be an offense for any person, other than the Authority Having Jurisdiction or any Fire Fighter in the course of duty, to turn on or interfere with any fire hydrant or any fire equipment, in any manner whatsoever.
- (b) **Tampering an Offence.** It shall be an offense 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.
- (c) **Requiring Additional Assistance.** 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.
- (d) **Commandeering Equipment.** 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.

**6. FIRE PREVENTION STANDARDS**

- (a) **Access for Inspection.** 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.
- (b) **Prevention of Fire Spread.** The Fire Chief, or in his absence, the senior officer of the Fire Department present at any fire shall have the right an 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.
- (c) **Storage of Containers.** 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:
- (i) 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;
  - (ii) kept away from any source of ignition;

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- (i) removed forthwith if determined to constitute a fire hazard by the Authority Having Jurisdiction to such location as authorized by the Authority Having Jurisdiction.
  
- (d) **Portable Fire Extinguishers.** Portable fire extinguishers shall be:
  - (i) provided and located in accordance with the requirements of the Code;
  - (ii) maintained and/or hydro-statically tested in accordance with the requirements of the Code
  
- (e) **Chimney Pipes.** 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 days the Fire Chief may cause the work to be done and the cost therefor shall be the responsibility of the owner.
  
- (f) **Property Maintenance.** All buildings and properties shall be adequately maintained in order to guard against fire or the risk of fire
  
- (g) **Fire Alarm Systems.**
  - (i) 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;
  - (ii) 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. The total cost of restoration of any fire alarm equipment, and related costs of hiring a security guard or any fire-watch service, shall be the responsibility of the owner or his insurer. If the owner cannot be located to pay this bill then all costs may be added to the real property taxes for the premises and collected in the same manner as normal taxes
  
- (h) **Flammable and/or Combustible Liquid Storage and Storage of Hazardous Materials.** 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

**7. PENALTY PROVISIONS**

- (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:
  - (i) personally, upon the person to whom it is directed; or
  - (ii) by registered or regular mail; or
  - (iii) 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 person who contravenes or disobeys or refuses or neglects to obey:
  - (i) 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
  - (ii) any provision of any by-law, Regulation or Order enacted or made by Council; or
  - (iii) 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 30 days.

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(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 \$1000.00 in addition to rate charges listed in Schedule “D” of this by-law, and in default of payment of the fine, to imprisonment for a term not exceeding 14 days.

**8. VALIDITY OF BY-LAW**

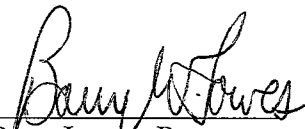
Should any provision of this by-law or the Code hereby adopted be declared to be invalid by a court of competent jurisdiction, it is the intent of Council that it would have passed all other provisions of the by-law and the Code independent of the elimination of any such portion as may be declared invalid.

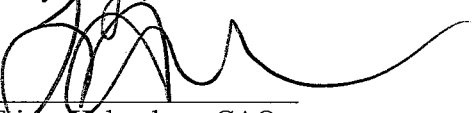
**9. INDEMNITY AND REMUNERATION**

All Indemnity & Remuneration for the Fire Chief and Fire Department Personnel is described in Schedule “C” to this by-law.

By-Law #06-2021 is hereby repealed.

DONE AND PASSED as a by-law of The Rural Municipality of Ellice - Archie at McAuley in the Province of Manitoba this 12<sup>th</sup> day of January, 2023.

  
Barry Lowes, Reeve

  
Trisha Huberdeau, CAO

Read a first time this 8<sup>th</sup> day of December, 2022.  
Read a second time this 12<sup>th</sup> day of January, 2023.  
Read a third time this 12<sup>th</sup> day of January, 2023.

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### FIRE PREVENTION AND EMERGENCY SERVICES

#### SCHEDULE “A”

#### FIRE DEPARTMENT PERSONNEL

##### *McAuley:*

- |                                   |  |
|-----------------------------------|--|
| 1. Scott Webb (Fire Chief)        | 9. Blake Kennedy                         |
| 2. Joel Lewis (deputy Fire Chief) | 10. Brady Istace                         |
| 3. Mike Schoonbaert               | 11. Wyatt Kennedy                        |
| 4. Luke Prynne                    | 12. Sean Warkentin                       |
| 5. Mallory Caesar                 |  |
| 6. Ryan Byers                     | Darlene Barkley – Communications at hall |
| 7. Charles Barkley                | in the event of a call out.              |
| 8. Allan Webb                     |  |

##### *St. Lazare:*

- |                                    |                        |
|------------------------------------|------------------------|
| 1. Owen Jessop (Fire Chief)        | 10. Kyle Fouillard     |
| 2. Ojay Conley (deputy Fire Chief) | 11. Jason Bohemier     |
| 3. Josh Huberdeau                  | 12. Jamie Markert      |
| 4. Julien Fouillard                | 13. Kerigan Plante     |
| 5. Brody Fouillard                 | 14. Carlene Asselstine |
| 6. Jaret Bagley                    | 15. Derrick Asselstine |
| 7. Sandro Markert                  | 16. Marc Selby         |
| 8. Patrick Fouillard               | 17. Robert Dix         |
| 9. Eugene Fouillard                |                        |

#### FIRE EQUIPMENT LIST:

##### *McAuley Fire Rescue:*

- |                                       |   |
|---------------------------------------|---|
| • Truck #1 Main Pumper (1993)         | • 1 – Roof ladder                           |
| • Truck #2 Snuffer (2004)             | • 1 – Extension ladder 3 fly                |
| • Truck #3 Tanker                     | • 1 – Rescue dummy (training)               |
| • Truck #4 Rescue                     | • 1 – Base mount PSCS                       |
| • 6 – STIHL leaf blowers              | • 2 – Handheld PSCS                         |
| • 1 – STIHL chainsaw                  | • 12 – Handheld VHF Radios                  |
| • 1 – Rescue tools (spreader, cutter) | • 1 – 3” trash pump                         |
| • 1 – TIC cam                         | • 1 – 2” trash pump                         |
| • 1 – Gas monitor                     | • 1 – 4” pump mounted permanently on tanker |
| • 1 – Milwaukee 9” cut off saw        | • 1 – Porta tank                            |
| • 1 – Smoke machine                   | • 1 – Pressure washer 2700 psi              |
| • 1 – Honda 5000s generator           | • 6 – SCBA’s                                |
| • 1 – Honda 6500sx generator          | • 12 – SCBA bottles                         |
| • 1 – Positive ventilation fan        |   |
| • 2 – Extension ladders 2 fly         |   |

##### *St. Lazare Fire Department:*

- |                                      |  |
|--------------------------------------|--|
| • Truck #1 Main Pumper – 800 Gallons | • 1 -1” Portable Pump w/attachments                          |
| • Truck #2 Water Tender – 3300 Gal   | • 1 - 5000w Generator  |
| • Truck #3 Mini Pumper – 325 Gal     | • 1 - PPV Fan  |
| • Truck #4 Mini Pumper – 305 Gal     | • 1 – Circular Rescue Saw                                    |
| • 15 NFPA Compliant Turn out Gear    | • 1 – Chainsaw   |
| • 6 - 4500psi MSA SCBA M-5           | • 1 – Vehicle Extrication Hydraulic pack w/Cutter & Spreader |
| • 12 – 4500psi Air Bottles           | • 2 - Extension Ladders                                      |
| • 2 – Water holding tanks            | • 1 - Roof ladder  |
| • 2 – 3” Portable Pump w/attachments | • 1 - Attic ladder   |
| • 3 – 2” Portable Pump w/attachments | • 1 – Base mount PSCS  |
|                                      | • 2 – Handheld PSCS  |
|                                      | • 12 – Handheld VHF Radios                                   |

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**SCHEDULE “B”**  
**EMERGENCY SERVICES PROVIDED BY FIRE DEPARTMENT**

*The Fire Department will 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; with consultation with the office of the fire commissioner;
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. Basic First Aid;
6. Salvage operations;
7. Low angle rescue;
8. Hazardous material responses;
9. Vehicle extrication;
10. Farm accident rescue;
11. Ground search and rescue;
12. Fire prevention inspections;
13. Pre-fire planning;
14. Public safety education;
15. Precautionary standby;
16. Extinguishing and prevention of grass fires;
17. Flood response;
18. Response to any request that the Fire Department deems an emergency, including but not limited to, CO alarms, animals in peril and gas odours.

*With consultation with Council of the R.M. of Ellice – Archie:*

1. The ability to enter into agreements with other municipalities or persons for the joint use, control, and management of fire extinguishing apparatus and equipment;
2. Purchase and operation of apparatus and equipment for extinguishing fires or preserving life and property.

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**SCHEDULE “C”**  
**FIRE DEPARTMENT INDEMNITY & REMUNERATION**

*Fire Chief Monthly Indemnity.* The Fire Chief shall receive an indemnity of **\$125.00 per month**. The Indemnity shall be issued to the Fire Chief once the CAO has confirmed receipt of the monthly report.

*Emergency Response.* Should the Fire Department be called to respond to a fire or an emergency, each member of the Fire Department present at the call shall be eligible to receive an hourly rate of **\$25.00 per hour** spent responding to the call. Each member responding to the call shall receive a guaranteed 3-hour reimbursement.

*Regular Meetings of the Fire Department.* The Fire Department shall meet on a regular basis as deemed necessary by the Fire Chief. Any Fire Department members who attend the regularly scheduled meetings shall be eligible to receive **\$25.00 per meeting**.

*Training For Members.* Should the Fire Chief deem it necessary for members to take part in training, each member shall be eligible to receive **\$25.00 per hour spent in training**.

*Mileage.* Should the Members use their personal vehicle to attend trainings or conferences, mileage will be compensated at a rate of \$0.60 per km, or as the rate noted in the current council indemnity by-law.

**NOTE:** All time sheets must be signed by the Fire Chief before being submitted to the CAO for reimbursement.

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**SCHEDULE “D”**  
**SCHEDULE OF RATES FOR RECOVERY FOR FIRE**  
**PROTECTION SERVICES PROVIDED**

The RM of Ellice – Archie fire departments reserve the right to charge at the following rates when responding to fire or emergency situations, upon discretion of the fire chief:

- (a) Outside the RM of Ellice – Archie where no related agreement exists;
- (b) Out of province vehicles;
- (c) In cases of owner neglect where due diligence was not taken to prevent the situation to which the fire department was called.
- (d) The Municipality reserves the right to charge in cases where insurance coverage is available.

<b>Rural Billings (non MPI rates):</b>	
Pumper Truck - 1st hour	800.00
Pumper Truck - 2nd + hours	400.00
Snuffer Truck - 1st hour	800.00
Snuffer Truck - 2nd + hours	400.00
Tanker - 1st hour	600.00
Tanker - 2nd + hours	300.00
Rescue - 1st hour	600.00
Rescue - 2nd + hours	300.00
<b>Fire Department Personnel</b>	
Each member per hour as required	25.00
(i.e. no equipment required over complement on the apparatus. This cost includes round trip travel time, actual duty work, and quipment clean up.)	
<b>Misc.</b>	
Portable Fire Extinguishers	recharge value
Foam	replacement cost / gallon
Administration	10% of total invoice

When responding to Motor Vehicle Accidents, the current standard MPI rates apply.