

TOWN OF SWAN RIVER

BYLAW 5/2021

**FIRE PREVENTION AND EMERGENCY SERVICES BYLAW**

Being a Bylaw of the Town of Swan River to Establish and Operate an Emergency Fire Fighting Service, for Fire Prevention, for the Related Regulation of Fire and Other Hazards, and for the Adoption of the Fire Code

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WHEREAS Section 232(1) of *The Municipal Act* provides that a council may pass bylaws for municipal purposes respecting the following matters (among others):

- a) the safety, health, protection and well-being of people; and
- b) the safety and protection of property; preventing and fighting fires; and
- c) the enforcement of bylaws

AND WHEREAS Section 232(2) of *The Municipal Act* states that without limiting the generality of subsection (1), a council may in a bylaw passed under this Division:

- a) adopt by reference in whole or in part, with any changes the council considers necessary or advisable, a code or standard made or recommended by the Government of Canada or a Province or a recognized technical or professional organization, and require compliance with the code standard;
- b) establish fees or other charges for services, activities, or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality.

AND WHEREAS Section 233 of *The Municipal Act* states that a bylaw under clause 232(1) may contain provisions only in respect of

- a) the requirement that land and improvements be kept and maintained in a safe and clean condition;
- b) the parking and storing of vehicles, including the number and type of vehicles that may be kept or stored and the manner of parking and storing; and
- c) activities or things that in the opinion of council are or could become a
  - i. Nuisance, which may include noise, weeds, odors, unsightly property,
  - ii. fumes and vibrations.

AND WHEREAS Section 236(1) of *The Municipal Act* states that without limiting the generality of clause 232(1) (o), a bylaw passed under the clause may include provisions:

- a) providing for procedures, including inspections, for determining whether
- b) bylaws are being complied with; and
- c) remedying contraventions of bylaws, including;
  - i. creating offences;
  - ii. subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the bylaw;

- d) providing that the amount owing under sub-clause (ii) may be collected in any manner in which a tax may be collected or enforced under this act;
- e) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to the contravention;
- f) charging and collecting costs incurred in respect of acting under sub-clause (iv);
- g) imposing a sentence of imprisonment for not more than six months for the commission of offences or non-payment of fees.

AND WHEREAS Section 242 of *The Municipal Act* states that

- (1) If a designated officer finds that a person is contravening a bylaw or this or any other Act that the municipality is authorized to enforce, the designated officer may by written order require the person responsible for the contravention to remedy it if, in the opinion of the officer, the circumstances so require
- (2) The Order may;
  - a) direct a person to stop doing something, or change the way in which the person is doing it;
  - b) direct a person to take any action or measure necessary to remedy the contravention of the Act or bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw and, if necessary, to prevent a reoccurrence of the contravention;
  - c) state a time within which the person must comply with the directions, and
  - d) state that if the person does not comply with the directions within a specific time, the municipality will take the action or measure at the expense of that person

AND WHEREAS Section 243 of *The Municipal Act* states that

- (1) If in the opinion of a designated officer, a structure, excavation or hole is dangerous to public safety or property, or because of its unsightly condition is determined to be a nuisance to the surrounding area, the designated officer may by written order:
  - a) in the case of a structure, require the owner:
    - i) to eliminate the danger to the public safety in the manner specified;
    - or
    - ii) remove or demolish the structure and level the site;
  - b) in the case of land that contains the excavation or hole, require the owner,
    - i) to eliminate the danger to public safety in the manner specified;
    - or
    - ii) fill in the excavation or hole and level the site;

- c) in the case of property that is in an unsightly condition, require the owner:
  - i) to improve the appearance of the property in the manner specified, or
  - ii) if the property is a building or other structure, remove or demolish the structure and level the site

(2) The Order May:

- a) state a time in which the person must comply with the order; and
- b) state that if the person does not comply with the order within the specified time, the municipality may take action or measure at the expense of the person.

AND WHEREAS Section 264 of *The Municipal 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 of fighting fires, the provision of firefighting equipment and a protection force;

AND WHEREAS Section 268 of *The Municipal Act* provides that a fire protection force may, with the approval of council, provide other services, including the prevention and relief of illness and injury and the preservation of life and property;

AND WHEREAS By-Law #4/2019 be repealed;

NOW THEREFORE THE COUNCIL OF THE TOWN OF SWAN RIVER, DULY ASSEMBLED, ENACTS AS FOLLOWS:

PART I: INTERPRETATION AND DEFINITIONS

Interpretation

1. The purpose of this bylaw is to:
- a) Continue the Fire Department as an established department of the Town to be known as the “Swan River Fire Department” and the head of the department shall be known as the Fire Chief; and
  - b) Establish the standards for: fire prevention; firefighting and life safety in buildings; the prevention, containment and fighting of all fires originating outside of 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. Unless otherwise provided, or unless the context otherwise requires, words, and expressions in this bylaw have the same meaning as the same words and expressions in *The Municipal Act*, *The Fires Prevention and Emergency Response Act*, and *The Fire Code*.
- a) In this bylaw, words, importing the singular number only shall include the plural and vice versa, and words importing gender shall include all genders.
  - b) In this bylaw:
    - i) “ACT” means *The Municipal Act* as amended from time to time
    - ii) “BILL 30” refers to *The Fire Prevention and Emergency Response Act* as amended from time to time.
    - iii) “AUTHORITY HAVING JURISDICTION” (AHJ) means the 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.
    - iv) “CHIEF ADMINISTRATIVE OFFICER” means the Chief Administrative Officer for the Town of Swan River, or anyone acting or authorized to act on his behalf.
    - v) “CHIEF INSPECTOR OF EXPLOSIVES” means the person designated as Chief of Explosives under *The Explosives Act (Canada)*.2. (c)
    - vi) “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.

- vii) "COUNCIL" means the council of the Town of Swan River
- viii) "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, 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.
- ix) "FALSE ALARM" means the activation of a Security Alarm System or Fire Alarm System as a result of which the Fire Department's fire or emergency response services are provided on behalf of the Town and the providers of the service do not find any evidence of fire, fire damage, smoke in relation to the building, structure, residence or facility, or where there has been no other fire emergency situation. False Alarm incidents but not limited to: (a) the testing an Alarm without notice to the Fire Department which results in a Fire Department response; (b) an Alarm actually or apparently activated by mechanical failure, malfunction or faulty equipment; (c) an Alarm activated by user error; (d) an Alarm reporting a fire or a fire emergency situation occurring on or in relation to the address in which the Alarm System is installed where no evidence exists or where no such event took place; (e) an Alarm actually or apparently activated by atmospheric conditions, excessive vibrations or power failure.
- x) "FIRE ALARM" means an audible alarm signal or an electronic message signaling an Alarm produced by a Fire Alarm System.
- xi) "FIRE ALARM SYSTEM" means a device or devices installed on or in real property and designed to issue a warning of a fire by activating an audible alarm signal or alerting a Monitoring Service.
- xii) "FIRE CHIEF" means the Fire Chief for the Town of Swan River and anyone acting or authorized to act on his behalf.
- xiii) "FIRE DEPARTMENT" means the Fire Department for the Town of Swan River and includes any part-time, composite (any combination of full-time, part-time or paid call) or a paid call fire department.
- xiv) "FIRE FIGHTER" means any member 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 bylaw.
- xv) "FIRE INSPECTOR" means the person or agency employed by or acting for the Town and is partially or wholly responsible for fire safety within the Town.
- xvi) "FIRE PROTECTION/LIFE SAFETY SYSTEM" means the safety elements (alarms, sprinklers, etc.) that the Fire Code,

Building Code, and/or NFPA 101 require a building to have, based on the size or use of the building.

xviii) “MUNICIPALITY” means The Town of Swan River or the area contained within the boundaries thereof.

xviii) “MUTUAL AID” means an agreement between participating municipalities to provide assistance, with no charge, to the other municipalities for emergencies at which the ‘home’ fire department is in attendance and cannot control the incident by itself or where the “home” fire department has resources fully committed and would be unable to respond.

## PART II: ADMINISTRATION

### Application & Amendment of Schedules

3. The provisions of this bylaw shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this bylaw shall be permitted to continue where the exceptions do not constitute a district hazard to life or adjoining property. Council of The Town of Swan River may from time to time by resolution amend each and every schedule attached to this bylaw, which shall form and become part of this bylaw and shall come into force and effect the passing thereof.

### Adoption of The Fire Code and The Fires Prevention Response Act

4. The Town of Swan River hereby adopts the Code and Act as part of this bylaw, and the whole thereof, except such portions as are hereinafter deleted modified or amended, and hereby incorporated as if fully set out at length herein. Any reference to this bylaw shall be construed as a reference to the whole bylaw, including the Code and Act.

### Recovery of Costs

5. Subject to any agreements to the contrary, where any type of Emergency Services have been taken within the Town of Swan River, including those listed in Schedule “A” hereto, and appended to and forming part of this bylaw, and any amendments thereto, the Town of Swan River 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 of Swan River 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 taxes on any property owned by the person within the Town of Swan River.

### PART III: CREATION OF THE FIRE DEPARTMENT

#### Creation and Membership

6. There is hereby created a Fire Department for the Town of Swan River, to be comprised of a Fire Chief and other such department personnel as from time to time may be deemed necessary by the Fire Chief. Any member may be suspended or discharged at any time the Fire Chief deem such action necessary for the good of the department. The Fire department shall not be comprised of less than twelve (12) personnel at any one time. No change in the compliment of the Fire Department shall be made without the approval of the Chief Administrative Officer, who may authorize an increase, decrease, or vary the above stated compliment upon recommendation of the Fire Chief. The Fire Chief shall notify the Chief Administrative Officer immediately of any changes in the membership of the Firefighting Force.
7. The Fire Chief shall be hired by the Town of Swan River and his/her tenure shall depend upon his/her good conduct and efficiency. The Fire Chief shall be technically qualified by training and experience and have the ability to command personnel.
8. The duties of the Fire Chief may be amended from time to time as deemed necessary by the Chief Administrative Officer.

#### Responsibility of Fire Chief

9. It shall be the responsibility of the Fire Chief to administer and enforce the provisions of this bylaw; subject always to such direction as may from time to time be given by the Chief Administrative Officer or Council.
10. The Fire Chief shall be held accountable for the Fire Department only and shall make written and verbal reports thereto, as the Chief Administrative Officer or Council may require.
11. The Deputy Fire Chief and all other department officers shall be appointed by the Fire Chief based on merit. Such officers shall be accountable only to the Fire Chief. Conduct of all officers will be administered in accordance with Swan River Fire Department Policies and Operating Guidelines, as adopted by the administration/management of the Swan River Fire Department and as outlined in Schedule "B" and appended to and forming part of this bylaw and any amendments thereto.
12. The remuneration of all members of the Fire Department shall be approved through council resolution, and may be updated from time to time. Schedule "C" outlines a listing of Swan River Fire Department staff that may be remunerated; the list may change from time to time.

PART IV: EMERGENCY SERVICES

Emergency Services

13. The mandate of the Fire Department is to provide specific Emergency Services as described in Schedule “D” and appended to and forming part of this bylaw, and any amendments thereto. The Fire Department, where deemed reasonably necessary, is hereby authorized to enter, be in, or remain in any building for the prevention or control of fire, rescue or response to hazardous goods.

Agreement for Emergency Services

14. The Town of Swan River 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

15. The Fire Department will not respond to any call with respect to a fire or an emergency outside the municipal boundaries except:
- a) that in the opinion of the Fire Chief threatens property in the Town of Swan River or property situated outside the Town of Swan River that is owned or occupied by the Town of Swan River;
  - b) in a municipality with which an agreement has been entered into provide fire protection services or Emergency Services;
  - c) in a municipality which forms part of a mutual aid agreement for which the Municipality is a member.
  - d) on property with respect to which an agreement has been entered into with any person or corporation to provide fire protection therefore;
  - e) for which the head of council has first authorized such attendance;
  - 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 office of the Province of Manitoba And in accordance with *The Fires Prevention and Emergency Response Act*.

PART V: GENERAL REQUIREMENTS

Tampering & interference Offense

16. It shall be an offence for any person, other than the Authority Having

- Jurisdiction (which includes the Town of Swan River Public Works and Operation Department) or a Firefighter in the course of duty, to turn on or to interfere with any fire hydrant, in any manner whatsoever.
17. No person shall impede, or in any way hinder, an officer or member of the Fire Department while operating in the interest of fire prevention and suppression in the Town.
18. 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.

#### Use of Personal Vehicles

19. Personal vehicle of fire fighters may be used to respond to a fire or emergency call from the point the firefighter received the call to the fire station or the actual location of the call itself within town limits, provided that the vehicle is operated in accordance with the provisions of the *Highway Traffic Act*, (the vehicle is than deemed an emergency vehicle in accordance with sections of the *HTA*).

#### Requiring Additional Assistance

20. The Fire Chief, or in his absence, the Authority Having Jurisdiction 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 Town of Swan River.

#### Commandeering Equipment

21. The Fire Chief, or in his absence, the Authority Having Jurisdiction 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 fire or providing any other Emergency Service.

### PART VI: FIRE PREVENTION STANDARDS

#### Access & Authorization to Enter for Inspection

22. The Authority Having Jurisdiction may, at all reasonable times, enter any premises for purpose of making an inspection, and any person in charge of the premises shall allow the Authority Having Jurisdiction free access thereto ascertain whether:
- a) the requirements of this bylaw are being complied with;
  - b) the premises are in such a state of disrepair that a fire starting in them might spread rapidly to endanger life or other property;
  - c) the premises are so used or occupied that fire would endanger life or property;
  - d) combustible, flammable or explosive conditions exist on the premises so as to endanger life or property;

- e) in the opinion of the Authority Having Jurisdiction a fire hazard exists on or about the premises.
- 23. The Authority Having Jurisdiction may temporarily close a building for the purpose of a fire inspection.
- 24. The Authority Having Jurisdiction can close a building if he/she is of the opinion that there is an imminent threat to public, firefighting or emergency personnel safety.
- 25. The Authority having Jurisdiction may establish, revise and maintain a regular system of fire safety inspections of buildings and premises within the Town. The frequency of such inspections shall be at the discretion of the Authority Having Jurisdiction.

#### Immediate Hazards

- 26. Notwithstanding any other provision of this bylaw, where in the course of an investigation or fire safety inspection under this bylaw, the Authority Having Jurisdiction is of the opinion that a condition exists creating a serious danger to life or property, the Fire Chief may:
  - a) use any means that the Authority Having Jurisdiction considers appropriate to remove or lessen the condition;
  - b) evacuate and close the building, structure, premise or yard where the condition exists or any area surrounding such location for any period that the Authority Having Jurisdiction considers appropriate;
  - c) order the owner or occupier to immediately do anything necessary to remove or lessen the condition;
  - d) placard the building, structure, premise, yard or area as a serious danger to life or property, thereby closing it;
  - e) ensure that no person shall enter, attempt to enter, or tamper with a building, structure, premise, yard or area that has been closed without prior approval of the Authority Having Jurisdiction;
  - f) facilitate such that the costs and expenses incurred under this section as a debt due to the Town and may be recovered from the owner or occupier of the building, structure, premise, yard, or area in or on which works was carried out;
  - g) ensure that the total costs shall be the responsibility of the owner. If the owner or occupier 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.

#### Third-Party Fire Safety Inspections/File Search

- 27. Every person requesting a Third-Party Fire Safety Inspection/File Search On a premise for outstanding violations or infractions or other related Information shall pay the applicable prescribed fee as set in Schedule “A”

#### Failure for Owner/Occupier to attend Specified Fire Inspection

28. Where the owner or occupier, who has been notified of a fire safety inspection to be conducted under this bylaw or any other enactment relating to fire safety, fails to attend at the premise at the date and time specified in the notice to provide access for an inspection, a fee will be for that inspection attempt and each additional inspection attempt required. The owner or occupier shall pay the applicable fee prescribed in Schedule “A”. Failure for the owner or occupier to pay the fee will result in those costs being added to the real property taxes for the premise and collected in the same manner as taxes.

#### Prevention of Fire Spread

29. The Fire Chief, or in his absence, the Authority Having Jurisdiction 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.
30. Following an actual fire situation, where the owner or occupier of the property affected cannot be located or is unable to arrange for securing the property, the Authority Having Jurisdiction will, in accordance with the Operating Guidelines of the Fire Department, contact a security firm and place them on fire-watch duty to monitor for rekindling and to protect the property from vandalism, looting, or other similar action until the owner or occupier can make alternate arrangements. The total cost related to hiring the security guard for fire-watch duty shall be the responsibility of the owner or insurer. If the owner or occupier cannot be located to pay this bill then all costs may be added to the real property taxes for the premise and collected in the same manner as taxes.
31. In the case of suspected arson, the Authority Having Jurisdiction of the Fire Department present at the scene may elect to hire services of a security firm which has sufficient knowledge to secure the premises properly in order to preserve the scene until such time as the investigation can be completed. The total cost related to hiring the security firm for fire-watch duty shall be the responsibility of the owner or insurer. If the owner or occupier 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.
32. Following the activation of a Fire Protection/Life safety system, and where the owner or occupier of a building cannot be located to reset the system, the Authority Having Jurisdiction will, in accordance with the Operating Guidelines of the Fire Department, contact a qualified service person, or will contact a security firm to provide fire-watch service until all Fire Protection/Life Safety Systems have been restored to normal operating conditions. The total cost of restoration of the equipment and the related costs of hiring the qualified service person or fire-watch service shall be the responsibility of the owner. If the owner or occupier 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.

## PART VII: FIRE PROTECTION/LIFE SAFETY SYSTEMS

### Lock Boxes

33. With the discretion of the Fire Chief, all premises that have a fire alarm system or automatic fire sprinkler system is installed, monitored unmonitored, shall have an approved mounted lock box.
34. The style and format of the lock box shall be in conformity with the Fire Department lock box keys. For confirmation and installation instructions of an approved type of lock box, an owner or occupier must contact the Fire Department.

### Fire Protection/Life Safety Systems

35. The owner or occupier of a building must ensure that a Fire Protection/Life safety System is operable at all times, if the Code requires such a system.

### Inoperable Fire Protection/Life safety System

36. During a Fire Protection/Life Safety System shut down for any reason, and where the owner or occupier of a building cannot be located to reset the Fire Protection/Life Safety System, then the Authority Having Jurisdiction will in accordance with the Operating Guidelines of the Fire Department, contact a qualified service person, or will contact a security firm to supply fire-watch until all Fire Protection/Life Safety Systems have been restored to normal operating conditions. The total cost of restoration of the equipment, and related costs of hiring the qualified person or fire-watch service shall be the responsibility of the owner. If the owner or occupier 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.

### Excessive False Alarms Incidents

37. Every owner or occupier of premises containing a fire alarm system, where there has been more than one (1) false alarms within the same calendar year, shall pay the prescribed fee as set out in Schedule “A”. If the owner or occupier does not pay this bill, then all costs may be added to the real property taxes for the premises and collected in the same manner as taxes.

### Inspecting and Testing of Fire Protection/Life Safety Systems Required

38. The owner or occupier of a building must ensure that an existing Fire Protection/Life Safety System is inspected, tested and maintained as required by the Code by a qualified service person listed for that Fire Protection/Life Safety System installation.

### Qualified Service Person

39. Only an individual who meets the qualifications for a particular Fire Protection/Life Safety installation is a qualified service person with respect To that Fire Protection/Life Safety System installation.

#### Proof of Proper Training Permit

40. Any person who attends to inspect, test or maintain a Fire Protection/Life System installation may, at the request of the Swan River Fire Department, be required to submit proof of proper training to the Swan River Fire Department before carrying out any inspections, testing, or maintenance.

#### Authority Having Jurisdiction May Determine Some Qualifications

41. The Authority Having Jurisdiction may establish standards and qualifications that individuals must meet in order to be qualified person.
42. It shall be an offense for any person who does not possess a proof of proper training permit to inspect, test or maintain a Fire Protection/Life Safety System.

### PART VIII: GENERAL FIRE PREVENTION REGULATIONS

#### Waste Materials

43. No person shall permit any accumulation of waste materials including but not limited to paper, hay, grass, straw, weeds, litter or combustible waste or rubbish of any kind to be or to remain upon any roof or in court, yard, vacant lot or open space. All weeds, grass, vines or other growth which catch fire and endanger property shall be cut down and removed by the occupier of the property on which they are located.
44. If an occupier or owner fails to comply with an order of the Authority Having Jurisdiction to remove an accumulation of waste materials or cut down and remove any growth, the Authority Having Jurisdiction shall be authorized to carry out or cause to carry out such removal at the cost of the owner or occupier. The total cost is the responsibility of the owner. If the owner cannot pay this bill, then costs may be added to the real property taxes for the premises and collected in the same manner as taxes.

#### Burning Within Town Limits

45. Subject to section 53 of this Bylaw, all open fires for burning of leaves, straw, stubble, garden, and other refuse, whether on the surface of the ground, in pits, barrels, or other containers/incinerator, is prohibited within the limits of the Town.
46. The operation of enclosed incinerators, constructed in compliance with the Manitoba Building Code, is permitted provided the operation thereof does not create a nuisance within the Town of Swan River.
47. Campfires (within burning pits) and pit barbecues are permitted in Town parks provided the public follow park regulations.
48. The Fire Chief may issue under special circumstances, a conditional Public Space Special Occasion Fire Permit.
49. Subject to sections 48, 52, 53 it shall be an offence for any person to light, ignite, start, allow, or cause to be lighted, ignited, or start a fire of any kind whatsoever in the outdoors within the boundaries of the Town of Swan

River.

50. Applications for Public Space Special Occasion Fire Permits shall be made to the Fire Chief or his Designate at the Swan River Fire Department station.
51. The permit is not valid until endorsed by the Fire Chief or Designate.
52. A person shall not leave any fire unattended at any time while it is burning or smoldering and shall ensure that sufficient appliances and equipment to prevent the fire from getting beyond control, causing damage, or becoming dangerous are at the fire site.
- a) An outdoor fire pit, outdoor fireplace (chimney), or outdoor solid fuel receptacle shall be allowed providing they are enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other noncombustible materials and providing they are equipped with a spark arrestor (wire mesh spark screen).
  - b) The outdoor fire pit shall not exceed 46cm (18 inches) in depth when measured from the bottom of the pit to the top of the pit opening and shall be at least 15cm (6 inches) in height when measured from the surrounding grade to the top of the pit opening.
  - c) The outdoor fire pit, outdoor fire place (chimney) or solid fuel receptacle opening shall not exceed 750mm (2.5 feet) in diameter or an area of 56m<sup>2</sup> (6.5 feet) and the width or length shall not be greater than 750mm (2.5 feet).
  - d) The outdoor fire pit, outdoor fire place (chimney) or outdoor solid fuel receptacle shall be located on a flat, level, noncombustible base and in no case shall the appliance be located under any overhead combustible construction or over hanging foliage. (In accordance with NFPA 54 Section 10.20.2)
  - e) A noncombustible spark arrestor, grill or mesh with openings no larger than 12 mm (1/2"X1/2") shall be used to cover the entire area of the outdoor fire pit. An outdoor fireplace (chimney) and an outdoor solid fuel chimney shall be equipped with a noncombustible spark arrestor. With openings no larger than 12mm (1/2"X1/2") and cover the entire surface of the chimney opening.
  - f) A minimum clearance of 3 meters (10 feet) measured from the nearest fire pit edge shall be maintained from any combustible buildings or sheds or other combustible structures such as fences, trees, hydro poles. A minimum distance of 3 meters (10 feet) shall also be maintained from neighboring property lines.
  - g) Outdoor solid fuel receptacles shall be installed as per manufacture's instructions if available and shall conform to all required clearances to combustible structures or materials. In no instance shall the required clearance be less than 3 meters (10 feet).
  - h) When in use, outdoor fire pits and outdoor solid fuel receptacles shall be continuously supervised by an adult. All fires must be limited in size so that they are readily controllable. A means of extinguishment such as a portable fire extinguisher, pail of water, sand or garden hose shall be readily available on site. All fire must be completely extinguished before leaving the site.

- i) Outdoor fire pits, outdoor fireplaces (chimney), and out door solid fuel receptacles shall not be utilized during wind conditions exceeding 25 kilometers per hour (15 miles per hour) or during extreme drought conditions whereby such utilization may cause an undue fire hazard.
- J) Only clean, dry wood or charcoal briquettes may be burned in outdoor fire pits, outdoor fireplaces (chimney), and outdoor solid fuel receptacles. Outdoor fire pits, outdoor fireplaces (chimney), or outdoor solid fuel receptacles may not be utilized for the burning of garbage, rubbish, debris, previously painted or treated wood or any other fuel which when burned, may result in the release of dense smoke, or obnoxious odors.
- k) Smoke from outdoor fire pits and outdoor solid fuel receptacles shall not negatively impact neighboring properties. Do not burn wet or damp wood which may contribute greatly to heavy smoke propagation.

53. Notwithstanding section 52 above, no permit shall be required to light, ignite, or start or allow or caused to be lighted, or started a small contained fire in a barbeque, grill or similar devise used to cook food.

#### Barbecuing

54. Every person who uses a barbeque or similar device shall:

- a) use the barbeque in a reasonable and safe manner; and
- b) comply with all federal and provincial regulations governing the use and storage of propane cylinders

55. If any person uses a barbeque or similar device on a balcony, the following provisions shall apply:

- a) solid fuel barbeques or similar cooking devices shall not be used;
- b) any type of barbeque prohibited on wooden balconies shall not be used;
- c) propane cylinders shall not exceed the 20-pound size;
- d) if a building has a freight or service elevator, propane cylinders shall be delivered to and from the dwelling units within the building using that elevator. If a building has a passenger elevator only, propane cylinders may be delivered to and from the dwelling units within the building using that elevator as long as no passengers other than the person who owns the tank or maintenance or delivery person are on the elevator at the time of delivery.

#### Wood Piles

56. It shall be an offence for any person to pile or allow to be piled any lumber or wood on private property within three meters of the exterior of any dwelling. This shall not apply to lumber in transit or in the process of erection on an active construction site.

### Storage of Containers

57. All boxes, crates, petroleum barrels and other containers, empty or otherwise, packing materials or other material 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 a location as authorized by The Authority Having Jurisdiction

### Portable Fire Extinguishers

58. 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 requirement of the code

### Chimney Pipes

59. All chimneys and pipes for fireplace or wood stoves shall be installed in conformance with 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 10 days, the Fire Chief may cause the work to be done and the cost therefore shall be the responsibility of the owner. Failure for the owner or occupier to pay these costs will result in these costs being added to the real property taxes of the premises and collected in the same manner as taxes.

### Fire Hydrants

60. The location and spacing of public and private fire hydrants shall be subject to approval of the Town of Swan River Public Works and Operations and Swan River Fire Department and shall follow National Fire Protection Association (NFPA) 1 Fire Code section 18 Fire Department Access and Water Supply.

### Private Hydrants

61. private hydrants shall be maintained by the Town's Public Works Department at the cost and expense of the owner.
62. The type and color of privately-owned fire hydrants shall conform to the standards set out by Swan River Public Works and Operations.
63. Every owner shall ensure that an area within a radius of one meter (3 feet) is maintained clear and unobstructed around each fire hydrant or fire department connection, and in clear view from the roadway when

approached from either direction. No equipment, facilities, or landscaping shall be placed adjacent to any hydrant outlet.

Fire Department Connections

64. Every Fire Department connection shall meet the following specifications and requirements:
- a) Shall be installed at a height of 457 mm (18 in.) to 1219 mm (48 in.) above the street or ground level;
  - b) shall be located remotely from the building face and away from any hazards and at least 1500 mm (60 inches) away from any ornamental light standard, utility pole, electrical kiosk or driveway; and
  - c) shall be installed in a location accessible to Fire Rescue Vehicles as approved by the Fire Chief

Property Maintenance

65. All buildings and properties shall be adequately maintained, free from debris and combustibles or flammable substances, and able to keep all openings to the buildings securely closed and fastened to prevent entry of unauthorized persons and to guard against fire or the risk of fire.
66. If the owner fails to secure a vacant building within a reasonable time or on notice by the Fire Chief, the Fire Chief may enter on the property and cause the necessary work to be conducted by employees, agents, or contractors of the Town. The total cost shall be the responsibility of the owner. If the owner does not pay, the costs shall be added to the real property taxes for the premises and collected in the same manner as taxes.
67. If any building is vacant, abandoned, unoccupied, or fire damaged and poses a hazard to public, firefighting, or emergency personnel safety, in accordance with Section 12(1) of The Fires Prevention and Emergency Response Act, the Swan River Fire Department may, in writing, order the owner, the occupant or both, to remove the building and/or structure within 60 days.
68. If a vehicle, trailer and/or article of machinery is deemed by the Swan River Fire Department to pose as a hazard to public, firefighting, or emergency personnel safety. It shall be referred to the Town of Swan River to be dealt with under the current Property Standards Bylaw.
69. If any property contains any combustible and/or explosive materials and/or unsightly piles of rubbish and/or garbage that are deemed by the Swan River Fire Department to pose a hazard to public, firefighting, or emergency personnel safety, it shall be referred to the Town of Swan River to be dealt with under the current Town bylaw and enforced in accordance with Section 12(1) of *The Fires Prevention and Emergency Response Act*.

Charges for False Alarms

70. Charges shall be payable by the owner of the property causing a false alarm as stated in Schedule “A”.
71. Where any fees remain unpaid at December 31 of each year (and the invoice is more than 30 days in arrears), the said fees imposed by the Municipality may be collected in the same manner as a tax may be collected or enforced under *The Municipal Act*.

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

72. 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.

#### Storage and Disposal

73. The storage of fireworks and the disposal of unused fireworks shall be in compliance with *The Explosives Act (Canada)*.

#### Right of Appeal

74. An applicant denied authorization by the Fire Chief or Authority Having Jurisdiction, pursuant to this part, may appeal to Council, so long as such appeal is made in writing and directed to the municipal office with seven days of a refusal by Fire Chief.

### PART X: ORDERS/PENALTIES

75. If the Authority Having Jurisdiction finds that any provision of the code or this Bylaw has been contravened or has not been complied with improperly or only in part or that conditions exist in or upon a building to which the Code or this Bylaw applies, which, in his opinion, constitutes a fire hazard or otherwise constitutes a hazard to life, property, or both, he may make such Order to ensure full and proper compliance, with the Code or this Bylaw and. In particular, but without limiting the generality of the foregoing, he may:

- a) make the owner/occupier of the building or property such recommendation as he deems necessary to correct the contravention or to ensure compliance with the Code or this Bylaw, or to remove the hazards referred to in;
- b) make such Orders as he deems necessary with respect to any of the matters referred to in the Code or Bylaw;

An Order made under this bylaw shall be in writing (signed by the Authority Having Jurisdiction) and may be directed to the owner and/or Occupier of the building or property in respect of which the Order is made.

76. Notwithstanding any other provision of the Code, or by this Bylaw, where An order under this section has been made and not complied with within the time limits prescribed by the Authority Having Jurisdiction in the notice issued pursuant to this section, then the Town or its agent may undertake such action as authorized by Council to clean-up the problems identified in this notice. The total costs shall be the responsibility of the owner. If the owner does not 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.

Any Order made under this bylaw shall be served:

- a) Personally, upon the person to whom it is directed; or
- b) By registered or regular mail; or
- c) By posting a copy of the order in a conspicuous place on the building or property if the person to whom it is directed cannot be found, is not known or refuses to accept service of said order.

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.

77. Any person who contravenes, disobeys, refuses, or neglects to obey:

- a) Any provisions by this bylaw, or any provisions of any other bylaw that by this bylaw is made applicable to proceedings taken or things done under this bylaw; or
- b) Any provisions of any bylaw, Regulation or Order enacted or made by Council; or
- c) Any Order made by this bylaw or any condition attached to a permit or to which the permit is subject;

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 if in default of payment of the fine, to imprisonment for a term not exceeding 30 days.

78. 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 and if in default of payment of the fine, to imprisonment for a term not exceeding 14 days.

79. Notwithstanding the provision of Section 78, any person who contravenes, disobeys, refuses, or neglects to obey the provisions of this bylaw, shall have committed an offence. Without restricting the generality of the foregoing, Schedule "I", "Instant Violations" appended to and forming part of this bylaw and any amendments thereto contains a listing of offences which qualify as compliance violations.

80. Everyone who commits an offence under Section 79 is guilty of that offence and liable to a fine as set out in the Offence Notice, Schedule "I" appended to and forming part of this bylaw and any amendments thereto, and when issued by the Fire Chief or other designated officer, be levied a penalty as set in the Town of Swan River's Bylaw Enforcement Bylaw.

81. Any person receiving an Offence Notice shall pay to the Town the amount set out on the Offence Notice as a fine within 14 days of the alleged offence.

82. Any person receiving an Offence Notice may pay said penalty outlined

on the said Offence Notice, voluntarily at the Swan River Town Office, 439 Main Street, Swan River, Manitoba between the hours of 8:30 A.M. and 4:30 P.M., Monday thru Friday, except statutory holidays.

83. Upon payment for such contravention, the employee of the Town of Swan River authorized to receive any fine stated in Section 100 shall issue a receipt.
84. Upon payment of the penalty, he/she shall not be liable to prosecution for contravention in respect to which the payment is made.

#### Appeal

85. Any person claiming to be injuriously affected by a decision or order issued under this bylaw may appeal to the Fire Commissioner (as outlined in *The Fires Prevention and Emergency Response Act*).

### PART XI: REPEAL AND ENACTMENT

#### Repeal

86. That bylaws 04/2019 be hereby repealed.

The repeal of the said bylaws should not affect:

- a) any penalty, forfeiture or liability incurred before time of such repeal or any proceedings for enforcing the same had, done, completed or pending at the time of such repeal; or
- b) any action, suit, judgment, decree, certificate, execution, process, order, rule or any proceedings, matter or thing whatever, respecting the same had, done, made, entered, granted, completed, pending, existing or in force at the same time of such repeal: or
- c) 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
- d) any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal; or
- e) any bond, note, debenture, debt, or other made, executed, or entered into by the City at the time of such repeal.

The repeal of the said bylaws shall also not defeat, disturb, invalidate, or prejudicially affect any matter of thing whatsoever had, done, completed, existing or pending at the time of such repeal.

Validity of Bylaw

87.           Should any provision of this bylaw 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 bylaw 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 Swan River in open Council assembled this     day of           20

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

Read a first time this \_\_\_\_ day of \_\_\_\_\_ 20

Read a second time this     day of \_\_\_\_\_ 20

Read a third time this \_\_\_\_ day of \_\_\_\_\_ 20

Schedule A  
Fees

Fees shall be those as set out in the Town of Swan River's Fee Schedule

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## SCHEDULE “B”

### Structure, Policies, Job Descriptions, & Operating Guidelines Of the Swan River Fire Department

1. Full strength of the SRFD shall be 25 frontline members; this number may increase at any time necessary, plus any number of recruits.
2. Auxiliary Firefighters will be recognized but are not included as “frontline” firefighters.
3. Officer positions below the Fire Chief will be filled only by qualified SRFD members appointed by merit.
4. The administration, training, and operation of the department shall follow National Fire Protection Association (NFPA), Occupational Safety and Health Association (OSHA), Manitoba Workplace Health and Safety Standards, as well as the Manitoba Department of Labour. Provincial standards for training and fire department operations are set out by the Manitoba Office of the Fire Commissioner (OFC).
5. Policies and Operating Guidelines of the department will be adhered to. The establishment and creation of Policies and Operating Guidelines shall be done by **Officers** of the “Frontline Firefighters”. However, if **Officers** of the “Frontline firefighters” are not interested in establishing or don’t have time to commit to Policy and Operating Guidelines creation, the Fire Chief will assure Policies and Operating Guidelines are written for the operation of the department.
6. The Fire Chief and Officers of the SRFD recognizes the creation of an Independent Firefighters Association for the membership. This association Will be operated by the firefighters themselves under their own constitution and bylaws’

SCHEDULE “C”

List of Remunerated Positions of the  
Swan River Fire Department

Fire Chief

Deputy Fire Chief

Assistant Deputy Fire Chief

Captains

Lieutenants

Auxiliary

Firefighter

List of Other Items for Which Swan River Fire Department May Be Remunerated

Training

Training Officer

By resolution of Council, the remuneration rates may be amended from time to time as deemed necessary by Council and/or the Chief Administrative Office

SCHEDULE “D”  
Emergency Services Provide by Fire Department

The Fire Department Administration will determine what form of emergency response Swan River Fire Department will provide to the public. In determining types of emergency response, consideration will be given concerning the level of training of firefighting personnel and/or the type of equipment and/or resources available to Swan River Fire Department. As the scope of training progresses, the types of emergency response may grow.

With the current level of training and equipment /resources available, the Swan River Fire Department is able to provide the following services:

- a) Fire prevention and fire suppression, which includes structural fire fighting for rescue, fire control, and property conservation;
- b) Investigation of the cause of a fire and origin determination
- c) Preservation of life and property and protection of persons and property from injury and destruction by fire;
- d) Rescue and emergency medical services;
- e) Salvage operations;
- f) The ability to enter into agreements with other municipalities or persons for the joint use, control, and management of fire extinguishing apparatus and equipment;
- g) Purchase and operation of apparatus and equipment for extinguishing fires or preserving life and property;
- h) Water, Ice and Low angle rescue;
- i) Off road vehicle accidents;
- j) Hazardous materials response;
- k) Vehicle extrication;
- l) Ground Search and Rescue;
- m) Farm accident response;
- n) fire prevention inspections and public safety education;
- o) Aircraft rescue and firefighting;
- p) Pre-fire planning;
- q) Precautionary standby;
- r) Extinguishing and prevention of grass fires;
- s) Extinguishing and prevention of urban interface fires;
- t) Flood response;
- u) Response to any request that the Fire Department deems an

emergency but not limited to, Carbon Monoxide alarms, animals in peril and gas odors.

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Swan River Fire Department  
700 1<sup>st</sup> Street North  
Swan River, MB R0L1Z0  
(204) 734-4403  
(204) 281-3079

Public Space Special Occasion Fire Permit

The undersigned hereby applies for a permit to burn in accordance with this application, all the Bylaws, Regulations, and Acts applicable thereto, and all conditions stated on this document and appendices

Purpose of Burn (include description of material to be burned) \_\_\_\_\_

Location of Proposed Burn: \_\_\_\_\_

Owner of Property: \_\_\_\_\_

Address of Owner: \_\_\_\_\_ Phone no: \_\_\_\_\_

Person or Firm Conducting Burn: \_\_\_\_\_

Address:(if other than owner) \_\_\_\_\_

Phone no: \_\_\_\_\_

Burn Shall Commence-Date: \_\_\_\_\_ Time: \_\_\_\_\_

Burn shall be Extinguished-Date: \_\_\_\_\_ Time: \_\_\_\_\_

- Approval to the above described burn shall be subject to the following conditions:
1. The person/firm conducting the burn shall place the material to be burned in an area located in a reasonable distance, which will be determined on site by the Fire Chief and/or Fire Inspector, away from all other combustible materials on the property.
  2. The fire shall be supervised and kept under control at all times.
  3. The fire shall be completely extinguished upon completion of the burn and site returned to state as Found before burn.
  4. The person or firm conducting the burn shall have readily available, at this site, an adequate means of extinguishing the fire if it becomes necessary to do so.
  5. The applicant shall bear responsibility for all damages and injuries which may result from the burning carried out under this permit.
  6. No burning shall commence until the Fire Chief And/or Designate performs an inspection of the site.
  7. No fire shall be set when fire conditions are extreme or hazardous.

Special Conditions: \_\_\_\_\_

I hereby certify that I am the Owner/Agent in this application, and agree to all conditions described above, and have full knowledge of the circumstances connected, and accept responsibility of the burn and all associated costs that may occur.

*Note:* where the applicant is not the owner of the property where the burn is to occur, written approval to burn on the property from the owner must accompany this application.  
Applicant \_\_\_\_\_ Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Note: This permit may be cancelled by the Fire Chief of the Town of Swan River at any time.

When property validated (in this space), this is your permit.

Validated by: \_\_\_\_\_ Date \_\_\_\_\_  
Fire Chief or Designate.

Schedule “H”  
Instant Violations

<u>TICKET CODE</u>	<u>INSTANT VIOLATIONS</u>
01	Exists, Blocked or Defective
02	Defective exit lights or emergency lights
03	Neglect to maintain fire alarm equipment
04	Improper storage waste materials
05	Improper storage flammable/combustible/compressed liquids
06	Blocked fire separation doors
07	Wedge fire separation doors
08	Lumber/wood piled within 3 meters of any dwelling
09	Neglect to provide/maintain fire extinguishing equipment
10	Improper storage of containers.
11	Fire or life safety hazard
12	Storage of excess flammable/combustible/compressed liquids or hazardous materials without a permit
13	Failing to attend a Fire Safety Inspection

1<sup>st</sup> Violation- As set by Town of Swan River’s bylaw Enforcement Bylaw.  
2<sup>nd</sup> Violation- As set by Town of Swan River’s bylaw Enforcement Bylaw.  
3<sup>rd</sup> (and subsequent) Violation- As set by Town of Swan River’s bylaw Enforcement Bylaw.



The undersigned being an Officer, says that (s)he has  
reasonable grounds to believe and does believe that  
at Swan River, Manitoba, on the :

Day:	Month:	Year:	Time: AM/PM	
Owner's Name:				
Owner's Address:				
Location of Violation:				
Ticket Code	Violation	1 <sup>st</sup> Offence	2 <sup>nd</sup> Offence	3 <sup>rd</sup> Offence
01	Exits, Blocked or Defective			
02	Defective exit lights or emergency lights			
03	Neglect to maintain fire alarm equipment			
04	Improper storage waste materials			
05	Improper storage flammable/ combustible/compressed liquids			
06	Blocked fire separation doors			
07	Wedge fire separation doors			
08	Lumber/wood piled within 3 meters of any dwelling			
09	Neglect to provide/maintain fire extinguishing equipment			
10	Improper storage of containers			
11	Fire or life safety hazard			
12	Storage of excess flammable/combustible/compressed liquids or hazardous materials without a permit			
13	Failing to attend a Fire Safety Inspection			

Issued in accordance with the Town of Swan River Fire Prevention and  
Emergency Services Bylaw  
Payable within 14 days of the Offence(s).

SUMMONS

VOLUNTARY PAYMENT OF FINE:

Make cheque or money order payable to  
Town of Swan River  
Box 879  
439 Main Street, Swan River, MB, R0L 1Z0

Payment can be made by mail or  
In person  
Hours: 8:30am-4:30pm Monday to Friday  
OR  
May be dropped off in the after-hours drop box

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