

THE RURAL MUNICIPALITY OF PINEY

BY-LAW NO. 103/2014

Being a By-Law of The Rural Municipality of Piney to regulate The Rural Municipality of Piney Fire Service, provide remunerations to the fire persons, provide for firefighting, fire prevention and the related regulation of fire and other hazards.

WHEREAS Subsection 232(1) of the Municipal Act provides that:

232 (1) 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;.....
- (b) Preventing and Fighting Fires;.....
- (c) The enforcement of by-laws;.....

WHEREAS Section 264 of The Municipal Act provides that

264 Every municipality must provide fire protection services within boundaries to reduce the danger of fire, which may include education programs, inspections of property, the installation of alarms, instructions on fighting fires, the provisions of firefighting equipment and a fire protection force;

AND WHEREAS section 267(1) of the Municipal Act provides that:

267 (1) A municipality or a party to an agreement under section 266 may fix a fee or other charge, or a method for determining a charge, for responses by the fire protection force to false alarms caused by automatic fire detection systems.

AND WHEREAS section 268 of the Municipal Act provides that

268 A fire protection force may, with the approval of the council, provide other services, including the prevention and release of illness and injury and the preservation of life and property;

AND WHEREAS The Rural Municipality of Piney did establish The Rural Municipality of Piney Fire Service at Piney, Sprague and Woodridge;

AND WHEREAS the Council of The Rural Municipality of Piney considers that it is in the best interest for the Municipality to enhance its regulations respecting the operation of The Rural Municipality of Piney Fire Service;

NOW THEREFORE BE IT RESOLVED that the Council of The Rural Municipality of Piney in open meeting assembled, enacts as follows:

TITLE

1.0 This By-Law be referred as "The Rural Municipality of Piney Fire Protection By-Law:"

DEFINITIONS

2.0 In this By-Law,

- a) ACT" means The Municipal Act S.M. 1996, c.58, C.C.S.M. c.M225 as amended from time to time.
- b) "AUTHORITY HAVING JURISDICTION" means the Fire Chief, acting Fire Chief, deputy Fire Chief, incident command or the responsible municipal, Provincial, or Federal official with legal authority for controlling the subject referred to including, without restricting the generality thereof.
- c) "Boundaries" means the whole area of The Rural Municipality of Piney.
- d) "Council" means the duly elected Reeve and Councillors of The Rural Municipality of Piney.

- e) "Departments" means The Rural Municipality of Piney Fire Districts at Piney, Sprague and Woodridge.
- f) "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.
- g) "Fire Chief" means the Chief of The R.M. of Piney Fire Service.
- h) "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.
- i) "Municipality" means The Rural Municipality of Piney.

INTERPRETATION

In all parts of this By-Law, any word implying the male gender shall include the female gender and vice versa, and any word importing the singular shall include the plural and vice versa, as applicable and unless the context requires a different interpretation.

ADMINISTRATION – Recovery of Costs

- 3.0 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, 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.
- 3.1 Any person who has an Automatic Alarm System that activates a false alarm that is responded to by the RM of Piney Fire Service, shall be charged a fee of \$250.00 each time the RM of Piney Fire Service is called to that property. The first false alarm call will be free and the charges will start with the second call.

FIRE CHIEF

- 4.0 The R.M. of Piney shall have one Fire Chief to oversee all of The R.M. of Piney Fire Service.
- 4.1 Council and CAO will appoint The R.M. of Piney Fire Chief.
- 4.2 A term of office shall be carried out every five years thereafter or as deemed by resolution of Council.
- 4.3 The Chief is responsible to the Municipality for the proper administration and operation of the Departments, for the discipline of its members, and
 - i) may make such general orders and departmental rules as may be necessary for the care and protection of the property of the Department, for the conduct of the members of the Department, and generally for the efficient operation of the Department, provided that such general orders and

rules do not conflict with the provisions of any by-laws of the municipality;

- ii) shall review annually the policies and procedures of the Department and may establish an Advisory Committee consisting of such officers as he may determine from time to time to assist him in his duty;
 - iii) shall develop and annually review standard operating practices (SOP) for the operation of the fire departments within the municipality. A current copy of the SOP's shall remain in the administration office of the municipality;
 - iv) shall take all proper measures for the prevention, control and extinguishment of fires and for the protection of life and property and shall enforce all municipal by-laws respecting fire prevention and exercise the powers and duties imposed on him by the Municipality and Fire Prevention Act;
 - v) is responsible for the enforcement of this by-law and the departmental rules;
 - vi) shall report all fires to the Municipality and the Fire Commissioner within five (5) working days.
 - vii) shall provide Council with a monthly activity report to be submitted by the 15th of each month.
 - viii) shall submit to the Municipality for its approval, as required by the Municipality, the annual requirements of the Departments.
- 4.4
- i) The Fire Chief may reprimand, suspend or recommend dismissal of any member for insubordination, inefficiency, misconduct, tardiness, or for non-compliance with any of the provisions of this by-law or the general orders and departmental rules that in the opinion would be detrimental to the discipline and efficiency of the Department;
 - ii) Following the suspension of any member, the Fire Chief shall report the suspension and his recommendation to the Municipality;
 - iii) A member shall not be suspended or dismissed without being afforded an opportunity for a hearing before the Municipality, if he makes a written request for such hearing within seven days after receiving notice of his proposed dismissal.

DISTRICT FIRE CHIEFS

- 5.0 Piney, Sprague and Woodridge Fire Departments shall each have one District Fire Chief.
- 5.1 The District Fire Chief shall be elected for a term of 2 years by the Department and the name shall be submitted to Fire Chief. The election of the District Fire Chief shall be overseen by the Fire Chief.
- 5.2 The District Fire Chief shall report to The R.M. of Piney Fire Chief on the activities of the Department and carry out the orders of the Chief and, in the absence of the Chief, has all the powers and shall perform all the duties of the Chief as it relates his/her Departments.

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- 5.3 The District 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.

- 5.4 The District Fire Chief or incident command is responsible to make sure that all equipment is picked up after a fire. If some equipment is missing, the Chiefs shall immediately inform the Municipality. In the event the Fire Chief(s) is absent, the District Fire Chief(s) appointed Fire Fighter in Charge assumes the said responsibility.

DISTRICT DEPUTY FIRE CHIEF (OPTIONAL)

- 6.0 Piney Sprague and Woodridge Fire Departments may each have one District Deputy Fire Chief.
- 6.1 The District Fire Chief may appoint a District Deputy Fire Chief and submit the name to the Council.
- 6.2 The District Deputy Fire Chief may report to the District Fire Chief on the activities of the Department and carry out the orders of the District Chief and, in the absence of the District Chief, has all the powers and shall perform all the duties of the District Fire Chief.

FIRE PERSONS

- 7.0 A person qualified to be a member of the Department for fire fighting shall be:
- i) 18 years of age;
 - ii) pass such aptitude and other tests as may be required by the Fire Chief;
 - iii) is physically capable of performing the duties and produces a medical certificate to that effect if requested;
 - iv) is a resident and/or ratepayer of The R.M. of Piney.
- 7.1 A person approved as a member of the Departments for fire fighting duties shall be on probation for a period of six months during which period he/she shall take such training and examinations as may be required by the Fire Chief.
- 7.2 If a probationary member approved for the firefighting duties fails any such examinations, the Fire Chief may recommend to the Municipality that he/she be dismissed.
- 7.3 Each Department shall have a maximum of twenty (20) volunteers which includes the District Fire Chiefs and District Deputy Fire Chief (optional). Council may approve a change to the twenty member maximum upon the recommendation of the Fire Chief/Fire Protection Committee/Council.
- 7.4 Remuneration of all member shall be as per Schedule "A".

MEMBER REQUIREMENTS

- 8.0 All members shall submit their driver's licence to the District Fire Chief by January 31st each year to be verified. The District Fire Chief shall keep a detailed record of the occurrence and results of the verification of the member's valid driver's licenses.
- 8.1 Any member who loses his/her driving privileges, must immediately report this to the District Chief.

- 8.2 All members shall comply with the rules of the road and drive with care and caution while on duty.

- 8.3 All members shall exercise safety procedures at all Department activities in accordance with the Workplace Safety and Health Act.
- 8.4 All fire fighters must take and complete their Level I within a mutually accepted time frame.
- 8.5 All members shall acquire a CPR and Emergency First Aid Certificate within three (3) months of being accepted as a member.
- 8.6 All members shall participate in the training and educational programs provided by the Department.
- 8.7 All members shall acquire certified vehicle extrication training within three years of appointment as a member or a mutually accepted time frame.
- 8.8 All members shall acquire certified hazardous (hazmat) awareness training or equivalent.
- 8.9 All members shall acquire ICS 100 training.
- 8.10 All members shall attend at least sixty percent (60%) of the training or fire practices per calendar year and not miss more than three sessions in a row without a valid reason and shall notify the District Chief, if not able to attend.
- 8.11 All members shall follow the requirements of the Personal Health Information Act (PHIA). Personal health information of any person or member, and incident information shall not be discussed outside of Council and the Department.
- 8.12 No member, while on duty, shall enter any premises where alcoholic beverages are consumed, except in the performance of his duties, or during training courses where meals are consumed in a licensed premise.
- 8.13 No member shall be permitted to report for, or remain on duty, if ability is impaired by the use of any intoxicating beverage or drug.
- 8.14 No member, while on duty, shall consume any intoxicating beverage or drug.
- 8.15 All members shall comply with all provisions of this by-law along with any policies, general orders or departmental rules that are issued by the Fire Chief/ Fire Protection Committee/Council.
- 8.16 Any new member joining the RM of Piney Fire Service must provide the District Fire Chief with their Social Insurance Number before they can be considered an active member.

MEMBER RECRUITS

- 9.0 The Fire Chief shall lead in recruiting qualified individuals to become members. It is understood that member recruitment is a shared responsibility between the District Chiefs and the Fire Chief.

FIRE CALLS AND EMERGENCY SERVICES

- 10.0 The RM of Piney Fire Service shall respond to all fire calls within the boundaries of The Rural Municipality of Piney.

- 10.1 The mandate of the RM of Piney Fire Service is to provide the specific Emergency Services as described in Schedule "B" to this by-law.

SECURING A FIRE SCENE WHEN OWNER IS NOT PRESENT

- 11.0 Once the fire is extinguished or contained in a secured manner, the Fire Department will remain at the scene for one extra hour or at the discretion of the Fire Chief or District Chief.
- 11.1 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.

AGREEMENTS

- 12.0 The Fire Departments are not allowed to leave its municipal boundaries unless the call area is under Agreement with The Rural Municipality of Piney or it is a mutual aid call. However, if a fire department must leave its boundaries, a fire report shall immediately be forwarded to the R.M. office for proper billing.

COMPENSATION-INSURANCE

- 13.0 The Rural Municipality of Piney will provide the necessary coverage for the RM of Piney Fire Services' fire persons.

Further, anyone injured at a fire call and/or training session due to the influence of alcohol will not be covered and The Rural Municipality of Piney will not be responsible for that person's actions and/or behaviour.

CHARGE ACCOUNT

- 14.0 All billings in regards to the fire trucks maintenance and operating expenses, e.g. gas, oil, etc. shall be charged to The Rural Municipality of Piney and signed by the designated fire person. The make of the truck shall be marked on the bill. Any type of expenditures beyond the maintenance cost will require approval as follows:
- a) \$100.00 or less District Fire Chief can approve;
 - b) \$100.00 to \$1,000.00, the Fire Chief can for approval;
 - c) Over \$1,000.00 as per the RM's Purchasing Policy

AREA OF RESPONSIBILITY

- 15.0 The Department shall respond to all fire and emergency calls and ensure all fires, within the 'area of responsibility' as per Schedule "B" (maps) attached are extinguished with the least possible injury to persons and property.
- 15.1 At the discretion of the Fire Chief and emergency personnel, the Districts may respond to an emergency outside the R.M. of Piney's geographical area of responsibility if required, or assist another fire department responding as per the R.M. of Piney fire protection agreements.
- 15.2 When the Department responds to a fire call that is a grass or forest fire on Crown land, the Fire Chief shall contact Manitoba Conservation for their response.

- 15.3 The Fire Chief shall have the right and authority to enter, pull down, demolish or take whatever action is necessary to any house, building structure, vehicle, or equipment directly or indirectly affected, where deemed reasonably necessary for extinguishing a fire or to control or prevent the spread of fires or in conjunction with dangerous goods or rescue.

RESPONSE OUTSIDE MUNICIPALITY

- 16.0 The Department shall not respond to any emergency outside the Piney municipal boundaries except:
- 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 or emergency services; or
 - c) in a Municipality which forms a mutual aid agreement for which Piney Municipality is a part of; or
 - d) on property with respect to which an agreement has been entered into with any person or corporation to provide fire protection or emergency services thereof; or
 - e) for which Council has first authorized such attendance; or
 - f) upon request for assistance from the Office of the Fire Commissioner or some other properly designated office of the Province of Manitoba.

REQUESTING ADDITIONAL ASSISTANCE

- 17.0 The Fire Chief shall have the right and authority to request from any able-bodied adult person, not exempted by law, provided it does not put said person in harm's way or where specialized training and equipment is required, to assist in firefighting or any other emergency service. Any such person, while acting under the direction of the Fire Chief, shall be deemed a volunteer of the Department and be paid by the Municipality for these volunteer services.

REQUESTING ADDITIONAL EQUIPMENT

- 18.0 The Fire Chief shall have the right and authority to commandeer and authorize payment for the possession or use of any equipment and/or operator for the immediate purpose of fighting a fire or providing any other emergency service.

APPARATUS

- 19.0 The apparatus of the Department shall consist of pumper(s), rescue van, and any necessary special apparatus and equipment used to support emergency response. All equipment added to the apparatus shall be done by authority of the Fire Chief
- 19.1 No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the Department.
- 19.2 No person shall wantonly or maliciously damage any apparatus or property of the Department.
- 19.3 (1) No persons shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the Department unless they are:
- a.) a member of the Department;

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- b.) a member of the Local Emergency Response Control Group;
- c.) accompanied by, or have special permission of, a member;
- d.) elected members of council; or
- e.) the CAO or ACAO.

PENALTY

- 20.0 (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 thirty (30) days.
- (d) Any person who hinders or obstructs the Authority Having Jurisdiction in the exercise of his duty is guilty of an offence and liable on summary conviction to a fine of not less than \$100.00 or more than \$1,000.00, and in default of payment of the fine, to imprisonment for a term not exceeding fourteen (14) days.

21.0 This By-Law will take effect on November 1, 2014 and The Rural Municipality of Piney By-Law No. 84/2012 is hereby rescinded effective November 1, 2014.

VALIDITY OF BY-LAW

22.0 Should any provision of this by-law 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 independent of the elimination of any such portion as may be declared invalid.

Martin Van Osch
Chief Administrative Officer

Read a first time this 12th day of August A.D., 2014.
Read a second time this 23rd day of September A.D., 2014.
Read a third time this 23rd day of September A.D., 2014.

DRAFT

Schedule "A"

Remuneration to Fire Persons

Monthly Indemnity for Fire Chiefs and District Fire Chiefs

- Fire Chief – Monthly Indemnity of \$300.00
- District Fire Chief – Monthly Indemnity of \$100.00

Fire Fighting Hourly Indemnity

The Rural Municipality of Piney will pay indemnities as follows:

- i) Day Rate: \$14.00 per hour, minimum 2 hour call out time;
- ii) Night Rate (Midnight to 8:00 A.M.): \$16.00 per hour, minimum 2 hour call out time; and
- iii) Garbage Dump Control Burn: \$12.00 per hour, limit of 4 fire persons per control burn.
- iv) a mileage reimbursement as per municipal rates to attend and return from a fire. The distance will be calculated from the fire hall to the fire or from his residence to the fire, whichever is closer.

Level 1 and 2 Training

- A maximum \$1,000.00 per person indemnity for successful completion of Level 1
- A maximum \$1,000.00 per person indemnity for successful completion of Level 2

Level 1 and 2 indemnities will be deemed earned upon completion of the level. Expenses shall be paid as follows:

- i) Mileage to and from as per municipal rates.
- ii) Motel room(s) to a maximum nightly amount of \$150.00, anything over requires prior Fire Chief approval.
- iii) Maximum nightly private lodging per diem \$60.00
- iii) Meals as per municipal rates.
- iv) Course Fees.

Regular Training Sessions

\$30.00 per session for each session attended

The Fire Department must submit a list of personnel and the number of sessions attended by each member to the R.M. quarterly (March, June, September and December).

Upgrading Courses

The Rural Municipality of Piney will require fire personnel from all Fire Departments to receive the proper upgrading courses.

The following will be paid by the Municipality:

- i) \$50.00 per person for less than 5 hours of training session plus mileage.
- ii) \$100.00 per person for more than 5 hours of training session plus mileage.
- iii) Mileage to and from as per municipal rates.
- iv) Motel room(s) to a maximum nightly amount of \$150.00, anything over requires prior Fire Chief approval.
- v) Meals as per municipal rates.
- vi) Course Fees.

CPR and First Aid Certificates

The following will be paid by the Municipality:

- i) cost of the course
- ii) an hourly indemnity of \$12.00 for the time spent taking the courses

Mutual Aid Meetings

The following will be paid by the Municipality:

- i) mileage at the municipal rate for one vehicle for each Fire Department to attend ongoing Mutual Aid Meetings.

- ii) an indemnity of \$50.00 per meeting per person, one from Sprague, one from Piney and one from Woodridge, for attending Mutual Aid Meetings.

Billing must be submitted to the Municipality indicating who was in attendance, the date and place of the meeting, kilometers, and the name of the person claiming the mileage indemnity.

Special Meetings

The following will be paid by the Municipality:

- i) an indemnities of \$14.00 per hour for attendance at Council Meetings and/or meetings with the Fire Commissioner's Office when requested.
- ii) an indemnities of \$14.00 per hour for attendance at District Fire Chief Meetings and/or meetings regarding Special Projects.
- iii) mileage at the municipal rate to Fire Department Personnel who attends such meetings.

Non-Fire Related

At the discretion of the Fire Chief. All work must be signed and approved by the Fire Chief and must conform to RM policy and procedures.

Meal Allowance

The Rural Municipality will absorb the cost of meals for the Fire Departments' personnel who have fought a fire for (4) hours or more. It will be at the discretion of the Fire Chief or Officer in charge. The names of the Fire Departments personnel shall be listed on the bill and submitted to the Municipal Office.

Class 4 Licence

The following costs will be reimbursed by the Municipality for a fire person to acquire his/her Class 4 Licence:

- i) the cost for the written and driver's tests on a one time basis
- ii) mileage at the municipal rate
- iii) fees for a physical when required for the Class 4

Medical Examination

The Municipality will reimburse the cost of a medical exam performed at the request of Council or the Fire Chief.

Emergency Response Provided by the RM of Piney Fire Service

The RM of Piney Fire Service will provide the following Emergency Service response*:

- (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) operation of apparatus and equipment for extinguishing fires or preserving life and property;
- (f) hazardous material responses;
- (g) vehicle extrication;
- (h) farm accident rescue;
- (i) ground search and rescue;
- (j) biological and chemical responses;
- (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 Service deems an emergency, including but not limited to, CO alarms, and gas odours.

*Only those emergencies for which the members are fully trained can be actioned, all other emergencies will involve the securement of the scene/perimeter and a call for assistance