

THE RURAL MUNICIPALITY OF PINEY

BY-LAW NO. 148/2023

Being a By-Law of the Rural Municipality of Piney to provide for fire fighting, fire prevention, rescue services, the related regulation of fire and other hazards, the adoption of the fires prevention and emergency response act, and for establishing, continuing, and operating an emergency service for the municipality.

WHEREAS the Rural Municipality of Piney is empowered under The Municipal Act, S.M. 1996, c.58, C.C.S.M. c. M225, sections 232, and 264 to 270, to: establish and maintain fire fighting departments; pass By-Laws for the prevention of fire; regulate the keeping, storage and transportation of flammable or dangerous materials; and, exercise additional powers, including, but not limited to, authorizing the adoption of The Fires Prevention and Emergency Response Act C.C.S.M. c. F80 as referred to hereinafter;

AND WHEREAS Council is the Authority Having Jurisdiction may establish, continue, and maintain fire prevention, fire fighting and emergency services and standards in the Rural Municipality of Piney.

THEREFORE, BE IT RESOLVED the Council of the Rural Municipality of Piney enacts the Fire Prevention and Emergency Services By-Law No. 148/2023.

The name of this By-Law, for citation, is "Rural Municipality of Piney Fire Prevention and Emergency Services By-Law".

PART I: INTERPRETATION, ADMINISTRATION AND DEFINITIONS

Interpretation

1.1.0 It is the purpose of this By-Law to establish the standards for: fire prevention, fire fighting, life safety and rescue services in buildings; the prevention, containment and fighting of fires originating outside of buildings and may present a hazard to all or part of the Municipality; the operation of emergency services; the transportation and storage of flammable and combustible substances; and the qualifications and standards for fire fighters and officers.

1.2.0 Unless otherwise provided, or unless the context otherwise requires, words and expressions in this By-Law have the same meaning and effect as they have in The Municipal Act, and in the Fires Prevention and Emergency Response Act;

Definitions

1.3.0 In this By-Law,

"Authority Having Jurisdiction" means the elected Council of the Municipality;

"Local Assistant" means the Municipal Fire Chief, Acting Chief, District Chief, or the responsible municipal, provincial, or federal official with legal authority for controlling the subject referred to, which includes, without restricting the generality thereof, municipal Fire Prevention Officers and Fire Inspectors;

"Boundaries" means the whole area of The Rural Municipality of Piney;

"CAO" means Chief Administrative Officer;

"Chief" means the Municipal Fire Chief of the Municipality as determined and appointed by the Protective Services Committee;

"Department" means a particular fire station or district within the Municipality;

"Emergency Services" means the service provided by the Fire Service and as determined by Council;

"District Chief" means the District Chief of a particular Fire Hall appointed by the Protective Services Committee;

“Fire Inspector” means the inspector or any other person or agency employed by or acting for the Municipality and responsible for fire safety and Fire Code enforcement within the Municipality;

“Member” means a fire fighter employed by the Municipality and includes a Member who is an officer;

“Municipality” means the Rural Municipality of Piney;

“Mutual Aid System” means the Provincial Mutual Aid System as per The Municipal Act, Sec. 266.

“Mutual Aid Agreement” means a “no-charge” reciprocal system of emergency response and assistance as instituted by the Province of Manitoba Office of the Fire Commissioner and undertaken by the Municipalities.

“Mutual Aid District” means a pre-defined relationship that supports emergency response and training between municipalities.

“NFPA” means National Fire Protection Association;

“On Duty” refers to the time elapsed from the time when a Member is paged for an emergency until the member returns to their place of residence or location where such notice was received. The same shall apply to training sessions, meetings, and public education and events;

“PHIA” means the Personal Health Information Act, S.M. 1997, c.51, C.C.S.M. P33.5;

“Protective Services Committee” or “PSC” (herein referred to as the PSC Committee) means a committee appointed by Council to assist and guide fire prevention and response services provided by the Piney Fire Service;

“Qualified Persons” means any person who satisfies the criteria contained in, and is capable of performing the duties described in, the job descriptions: The same shall apply to training sessions, meetings, and public education and events;

Administration – Recovery of Costs

1.4.0 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.

1.4.1 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 false alarm call when within 12 months of the prior false alarm.

Protective Services Committee (PSC)

1.5.0 The R.M. of Piney PSC Committee shall comprise of at minimum two members of council and the CAO. Council shall appointment the specific number council members to the committee by resolution;

1.5.1 The PSC Committee shall provide oversight and assist in the betterment of fire protection services within the RM of Piney.

1.5.2 All disciplinary matters shall be the reviewed by the PSC Committee. Suspension/dismissal of any member shall be the responsibility of the PSC Committee

1.5.3 The PSC Committee may establish recommend policies and/or establish procedures to aid in the development and enhancement of fire protection services.

1.5.4 The PSC Committee may make recommendations to Council on behalf of the fire service.

1.5.5 The PSC shall support each Department having a maximum of twenty (20) volunteers which includes the District Fire Chiefs and District Deputy Fire Chief. PSC may approve a change to the twenty member maximum. Total number of volunteers per hall may be shared to achieve a maximum of sixty (60) volunteers total for the RM of Piney Fire Service.

PART 2: PERSONNEL

Duties of: Municipal Fire Chief (MFC)

2.1.0 The R.M. of Piney shall have one MFC to oversee The R.M. of Piney Fire Service.

2.1.1 The PSC shall appoint The R.M. of Piney Municipal Fire Chief.

2.1.2 The Chief is responsible to the Municipality for the proper administration and operation as defined within the MFC Job Description, 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, 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;
- iii) shall develop and annually review standard operating guidelines (SOG) for the operation of the fire departments within the municipality. A current copy of the SOG's shall remain in the administration office of the municipality;
- iv) shall ensure that the fire departments train to or above a NFPA Level 1 Standard;
- v) shall assist in the development of annual training schedule and budget for special training. The annual plan shall be prepared and presented to the PSC by January 1st of each year;
- 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 to council by the monthly Committee of the Whole meeting by the 5th day of each month;
- viii) shall present to the PSC for its approval, as required by the Municipality, the annual budget requirements of the Departments by January 15th of the current year's Financial Plan;

Duties of: District Fire Chiefs

2.2.0 Piney, Sprague and Woodridge Fire Departments shall each have one District Fire Chief.

2.2.1 The PSC shall appoint one District Fire Chief for each Station. The term of office shall be as deemed by the PSC.

2.2.2 During an extended leave of absence in excess of 28 days, the PSC shall appoint an Acting District Fire Chief to administer for the duration of the leave based on the recommendations provided by the District Fire Chief.

2.2.3 The District Fire Chief is responsible to the Municipality for the proper administration and operation as defined within the DC Job Description;

2.2.4 The District Fire Chief shall take all proper measures for the prevention, control and extinguishment of fires, the preservation of evidence 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;

2.2.5 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.

2.2.6 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 MFC is absent, the District Fire Chief(s) appointed Fire Fighter in Charge assumes the responsibility.

2.2.7 The District Fire Chief recommend the PSC Committee to 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;

Duties of: District Deputy Fire Chief

2.3.0 Piney Sprague and Woodridge Fire Departments must each have one District Deputy Fire Chief.

2.3.1 The District Fire Chief must appoint a District Deputy Fire Chief and submit the name to the Council. During an extended leave of absence in excess of 28 days, the District Fire Chief shall appoint an Acting Deputy Fire Chief to assist for the duration of the leave.

2.3.2 The District Deputy Fire Chief must 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.

Duties of: Volunteer Fire Fighters

2.4.0 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.

2.4.1 Any member who loses his/her driving privileges, must immediately report this to the District Chief.

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

2.4.3 All members shall exercise safety procedures at all Department activities in accordance with the Workplace Safety and Health Act.

2.4.4 All fire fighters must take and complete their Level I within a mutually accepted time frame between the District Chief and member.

2.4.5 All members shall acquire and maintain a CPR and Emergency First Aid Certificate within six (6) months of being accepted as a member.

2.4.6 All members shall participate in the training and educational programs provided by the Department.

2.4.7 All members shall acquire certified vehicle extrication training within three years of appointment as a member or a mutually accepted time frame.

2.4.8 All members shall acquire certified hazardous (hazmat) awareness training or equivalent within a mutually accepted time frame.

2.4.9 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.

2.4.10 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.

2.4.11 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.

2.4.12 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.

2.4.13 No member, while on duty, shall consume any intoxicating beverage or drug.

2.4.14 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 PSC/Council.

PART 3: EMERGENCY RESPONSE

Fire Calls and Emergency Services

3.1.0 The RM of Piney Fire Service shall respond to all emergency service calls requiring the Departments assistance within the boundaries of The Rural Municipality of Piney.

3.1.1 The mandate of the RM of Piney Fire Service is to provide the specific Emergency Services as described in Schedule "A" to this By-Law.

Securing a Fire Scene When Owner is not Present

3.2.0 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 District Chief.

3.2.1 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 DC.

Agreements

3.3.0 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

3.4.0 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.

Area of Responsibility

3.5.0 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 or controlled with the least possible injury to persons and property.

3.5.1 At the discretion of the PSC 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.

3.5.2 When the Department responds to a fire call that is a grass or forest fire on Crown land, the MFC shall contact the Provincial Department responsible for fire suppression services for their response.

Response Outside Municipality

3.6.0 The Department shall not respond to any emergency outside the Piney municipal boundaries except:

- a) that in the opinion of the DCs threatens property in the Municipality or property situated outside the Municipality that is owned or occupied by the Municipality;
- b) in a Municipality with which an agreement has been entered into to provide fire protection or emergency services;
- c) in a Municipality which forms a mutual aid agreement for which Piney Municipality is a part of;
- 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;
- e) for which Council has first authorized such attendance;
- 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

3.7.0 The DC or MFC 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 MFC, shall be deemed a volunteer of the Department and be paid by the Municipality for these volunteer services.

Requesting Additional Equipment

3.8.0 The DC or MFC 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

3.9.0 The apparatus of the Department shall consist of pumper(s), rescue van, and any necessary special apparatus and equipment used to support emergency response.

3.9.1 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.

3.9.2 No person shall wantonly or maliciously damage any apparatus or property of the Department.

3.9.3 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;
- b) a member of the Local Emergency Response Control Group;
- c) accompanied by, or have special permission from the MFC, District Fire Chief or in the absence of the District Fire Chief, the Deputy Fire Chief;
- d) elected members of council;
- e) the CAO or ACAO.

PART 4: GENERAL

Penalty

4.1.0

- (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 \$250.00 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 \$250.00 or more than \$1,000.00, and in default of payment of the fine, to imprisonment for a term not exceeding fourteen (14) days.

Validity of By-Law

4.2.0 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.

Effective

4.3.0 This By-Law will take effect on January 25, 2023 and The Rural Municipality of Piney By-Law No. 140/2022 is hereby rescinded effective January 25, 2023.

DONE AND PASSED as a By-Law of The Rural Municipality of Piney in the Province of Manitoba this 24th day of January A.D., 2023.

Originally Signed
Wayne Anderson
Reeve

Originally Signed
Martin Van Osch
Chief Administrative Officer

Read a first time this 10th day of January A.D., 2023.
Read a second time this 24th day of January A.D., 2023.
Read a third time this 24th day of January A.D., 2023.

Schedule “A”

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) Motor vehicle incidents;
- h) Farm accident rescue;
- i) Ground search and rescue within RM boundaries;
- j) Biological and chemical responses;
- k) Pre-fire planning;
- l) Public safety education;
- m) Extinguishing and prevention of grass fires;
- n) Extinguishing and prevention of urban interface fires;
- o) CO alarm calls;
- p) STARS assistance;
- q) Request for assistance by first responders;
- r) Request dispatched by 911;
- s) Response to any request that the Fire Service deems an emergency in consultation with Council;

*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