

**CITY OF THOMPSON
BY-LAW NUMBER 1699-2004**

[As amended by AM B/Ls 1749-2007 and 1799-2009]

BEING A BY-LAW OF THE CITY OF THOMPSON TO PROVIDE FOR FIRE FIGHTING, FIRE PREVENTION, THE RELATED REGULATION OF FIRE AND OTHER HAZARDS, THE ADOPTION OF THE MANITOBA FIRE CODE, AND FOR ESTABLISHING, CONTINUING, AND OPERATING A MUNICIPAL AMBULANCE AND EMERGENCY SERVICE, TO BE KNOWN AS THE “FIRE PREVENTION AND EMERGENCY SERVICES BY-LAW”.

WHEREAS subsection 232(1) of the Municipal Act, C.C.S.M. c. M225, provides inter-alia, authority for the municipality to pass by-laws for municipal purposes respecting the following matters:

- The safety, health, protection and well being of people and the safety and protection of property;
- Preventing and fighting fires;
- The enforcement of by-laws;

AND WHEREAS section 264 of the Act provides that every municipality must provide fire protection services within its boundaries to reduce the danger of fire;

AND WHEREAS section 268 of the 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;

NOW THEREFORE the Council of the City of Thompson in regular session duly assembled enacts as follows:

PART I: INTERPRETATION AND DEFINITIONS

Interpretation

1. It is the purpose of this by-law to establish the standards for; fire prevention, fire fighting and life safety in buildings the prevention, containment and fighting of fires originating outside buildings which may present a hazard to all or any part of the municipality, the operation of emergency services and the transportation and storage of flammable and combustible substances.

Definitions

2. (a) Unless otherwise provided, or unless the context otherwise requires words and expressions in this by-law have the same meaning as the same words and expressions in the Act and in the code.
- (b) In this by-law, words importing the singular number only shall include the plural and vice versa, and words importing gender shall include all genders.
- (c) In this by-law:
 - (1) "THE ACT" means the Municipal Act, C.C.S.M. c. M225.
 - (2) "AUTHORITY HAVING JURISDICTION" means the Fire Chief, Acting Fire Chief, Deputy Fire Chief, or the responsible Municipal, Provincial, or Federal Official with legal authority for controlling the subject referred to including, without restricting the generality thereof, municipal Fire Prevention Officers and Fire Inspectors.
 - (3) "AUTOMATIC FIRE DETECTION SYSTEM" means a device which detects a fire condition and automatically initiates an electrical signal to actuate an alert signal or alarm signal and includes heat detectors and smoke detectors.
 - (4) "CODE" means the Manitoba Fire Code being Regulation No. 212/92 of The Fire Prevention Act, C.C.S.M. c. F80, as amended from time to time, or any subsequent Manitoba Fire Code which may be enacted.
 - (5) "COUNCIL" means the Council of the Municipality.
 - (6) "EMERGENCY SERVICES" includes, but is not limited to, all fire protection services and all services provided at the site of an emergency for the purpose of preserving life and property and protecting persons and property from injury or destruction by fire, preventing and extinguishing fires, investigating the cause and origin of fires, providing rescue services, providing emergency medical responses, providing transportation for victims (ambulance service), purchasing and operating apparatus and equipment for fire fighting and the preservation of life and property, and preventing and mitigating other potential risks to life and property as defined by Council.

- (7) "FIRE DEPARTMENT" means the Fire Department for the Municipality, and includes any part-time, composite (any combination of full-time, part-time or volunteer) or a volunteer fire department.
- (8) "FIRE INSPECTOR" means a person appointed by the Fire Chief, from time to time, to carry out fire inspections under the provisions of this by-law.
- (9) "INSPECTOR" means Fire Inspector or any other person or agency employed by or acting for the Municipality and partially or wholly responsible for fire safety within the Municipality.
- (10) "FIRE CHIEF" means the Fire Chief for the Municipality and any one acting or authorized to act on his behalf.
- (11) "FIRE FIGHTER" means any member, including volunteers, of the Fire Department or other emergency service team while their services are actually engaged by the Municipality for the purpose of enforcing the provisions of this by-law.
- (12) "MUNICIPALITY" means the City of Thompson and the area contained within the boundaries.
- (13) "PERSON" means an individual, club, organization, firm, association or corporation.

PART II: ADMINISTRATION

Application

3. The provisions of this by-law shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this by-law shall be permitted to continue where the exceptions do not constitute a hazard to life or adjoining property.

Adoption of Fire Code

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

- (b) Where used in the Code or this by-law a reference to the Manitoba Building Code shall be deemed to mean a reference to the Manitoba Building Code being a regulation under the Buildings and Mobile Homes Act C.C.S.M. c. B93.

Creation and Membership

- 5. (a) There is hereby created a Fire and Emergency Services Department for the Municipality, the object of which shall be the prevention and extinguishment of fires, the protection of life and property and the operation of an ambulance service.
- (b) The Fire Department Officers shall consist of a Fire Chief, Deputy Chief, and other officers as the council may deem necessary for the effective operations of the Department.

Responsibility of Fire Chief

- 6. It shall be the responsibility of the Fire Chief to administer and enforce the provisions of this by-law, pursuant to the policies and procedures established by Council.

PART IV: EMERGENCY SERVICES

Emergency Services

- 7. The mandate of the Fire Department is to provide the specific emergency services as described in Schedule "B" to this by-law.

Ambulance Regulations Established

- 8. The regulations for operation of the ambulance service shall be those contained in Manitoba Regulation No. 62/93 under The Ambulance Services Act, C.C.S.M. c. A65, as amended or revised from time to time.

Response Outside Municipality

- 9.1 The Fire Department will not respond to any call with respect to a fire or an emergency outside the municipal boundaries except with respect to a fire or emergency:

- (a) that in the opinion of the Fire Chief threatens property in the Municipality or property situated outside the Municipality that is owned or occupied by the Municipality, or
- (b) in a municipality with which an agreement has been entered into to provide fire protection services or emergency services, or
- (c) that forms part of a mutual aid agreement for which the Municipality is a member; or
- (d) on property with respect to which an agreement has been entered into with any person or corporation to provide fire protection therefore; or
- (e) for which the Fire Chief 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.

Recovery of Costs

- 9.2 Subjects to any agreements to the contrary, where any type of emergency services have been taken outside the Municipality, including responding to a false alarm, the Municipality may charge such municipality, in respect of any related costs incurred in taking such action.

PART V: GENERAL REQUIREMENTS

Interference an Offence

10. It shall be an offence for any person, other than the Authority Having Jurisdiction or a fire fighter in the course of duty, to turn on or interfere with any fire hydrant, in any manner whatsoever.

Tampering an Offence

11. It shall be an offence for any person to tamper with, damage, or discharge any fire prevention, fire suppression, fire alarm, or rescue apparatus, or move any such apparatus from its allocated location, without the permission of the Fire Chief.

Use of Personal Vehicles

12. Personal vehicles of fire fighters may be used to respond to a fire or emergency call from the point where the call was received to the fire hall provided that the vehicle is equipped with an approved beacon ~~and insignia~~ and operated in accordance with the provisions of The Highway Traffic Act C.C.S.M. c H60.
[AM B/L 1799-2009]

Requiring Additional Assistance

13. The Fire Chief, or in his absence, the Senior Officer of the Fire Department present at any fire or providing any other emergency service, shall have the right and authority to require any able-bodied adult person to assist in extinguishing fires, to assist in the control or spread of fire and to assist in any other required emergency service and any such person, while acting under the direction of the Fire Chief, shall be deemed a volunteer of the Municipality.

Commandeering Equipment

14. The Fire Chief, or in his absence, the Senior Officer of the Fire Department present at any fire, shall have the right and authority to commandeer and authorize payment for the possession or use of any equipment for the immediate purpose of fighting a fire or controlling any other emergency service.

PART VI: FIRE PREVENTION STANDARDS**Access for Inspection**

- 15.1(a)The Authority Having Jurisdiction may, at all reasonable times, enter any premises for the purpose of making an inspection, and any person in charge of the premises shall allow the Authority Having Jurisdiction free access thereto.
- 15.1(b)No fee shall be levied by the Authority Having Jurisdiction against the owner of the premises or the owner's agent for the initial inspection; however, the owner of the premises or the owner's agent shall be fined when, upon re-inspection, it is determined that any or all outstanding order(s) made by the Authority Having Jurisdiction have been left un-remedied.
[AM B/L 1799-2009]

Inspections of a solid fuel burning appliance, or chimney or pipe for a solid fuel burning appliance within the Municipality.

- 15.1 The Authority Having Jurisdiction may conduct an inspection of a solid fuel burning appliance, or chimney or pipe for a solid fuel burning appliance, within the Municipality, at the request of an owner of the premises or the owner's agent.
- 15.2 No fee shall be levied by the Authority Having Jurisdiction against the owner of the premises or the owner's agent for the initial inspection; however, the owner of the premises or the owner's agent shall be fined when, upon re-inspection, it is determined that any or all outstanding order(s) made by the Authority Having Jurisdiction have been left un-remedied.
[AM B/L 1799-2009]
- 15.4 *Repealed*
[AM B/L 1799-2009]
- 15.5 *Repealed*
[AM B/L 1799-2009]
- 15.6 The Authority Having Jurisdiction may conduct an inspection of a solid fuel burning appliance, or chimney or pipe for a solid fuel burning appliance outside of the Municipality at the request of an owner of the premises or the owner's agent if:
- (1) there is no fire department which services the area in which the premises is located, or;
 - (2) there is a fire department which services the area in which the premises is located however there is no person in the said fire department who is qualified to perform the inspection(s), or;
 - (3) with the consent of the fire department which services the area in which the premises is located.
- 15.7 *Repealed*
[AM B/L 1799-2009]
- 15.8 *Repealed*
[AM B/L 1799-2009]
- 15.9 *Repealed*
[AM B/L 1799-2009]

Third Party Inspection Within The Municipality

15.10 The Authority Having Jurisdiction may conduct inspections of premises, within the Municipality, at the request of a third party for the following purposes:

- (1) verification of outstanding order(s) on premises which have been inspected within the previous three months of the date the inspection was requested;
- (2) verification of outstanding order(s) on premises which have not been inspected in the past three months of the date of the request;
- (3) re-inspection required if a defect of any work order is not completed within the time ordered by the Authority Having Jurisdiction and if the owner and/or his agent have not requested an extension of time to complete the work or correct the defect.

15.11 *Repealed*

[AM B/L 1799-2009]

15.12 *Repealed*

[AM B/L 1799-2009]

15.13 *Repealed*

[AM B/L 1799-2009]

Prevention of Fire Spread

16. The Fire Chief, or in his absence, the Senior Officer of the Fire Department present at any fire shall have the right and authority to enter, pull down or demolish any house or building or structure, directly or indirectly affected, where deemed reasonably necessary for the purpose of extinguishing a fire or to control or prevent the spread of fires or in conjunction with dangerous goods or rescue.

Starting Fire In Open Air

17. (a) It shall be an offence for any person to light, ignite or start or allow or cause to be lighted, ignited or started a fire of any kind whatsoever in the open air without first having obtained written permission to do so from the Fire Chief. This shall also include but not be limited to open and contained type fire pits and/or burning containers. (Examples:

outdoor chiminea, outdoor fireplace, and any other commercially or homemade appliance).

- (b) A person to whom a permit has been so issued hereunder shall not leave the permitted 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 or causing damage or becoming dangerous are at the fire site.
- (c) Notwithstanding subsection (a), no permit shall be required to light, ignite, or start or allow or cause to be lighted, ignited, or started a small contained fire in a barbecue, grill or similar device used to cook food, except in high-rise buildings and apartments with balconies of combustible construction or insufficient space where an electric barbecue shall be the only type permitted.

Storage of Containers

- 18. All boxes, crates, petroleum barrels and other containers, empty or otherwise packing materials, or other materials used or kept in any building or on any lot, shall be:
 - (a) stacked or piled in a manner as to kept 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.

Portable Fire Extinguishers

- 19. Portable fire extinguishers shall be:
 - (a) provided in conformance with the requirements of the Code and located as indicated in further requirements; and
 - (b) maintained and/or hydrostatically tested in accordance with the requirements of the Code.

Chimney Pipes

20. All chimneys and Pipes for solid fuel burning appliances shall be installed in conformance with the Code and Canada/CSA B365-M1 and must be cleaned regularly to prevent a buildup or 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 within ten (10) days the Fire Chief may cause the work to be done and the cost therefore shall be the responsibility of the owner.

Property Maintenance

21. All buildings and properties shall be adequately maintained in order to guard against fire or the risk of fire.

Addressing

22. (a) Buildings assigned a street address shall post the number on the building.
- (b) The number assigned shall be posted on the side of the building that is facing the street that the assigned number relates to.
- (c) All numbers shall be a minimum of four inches (10 cm.) in height and be visible from the street.

Fire Alarm System

23. (a) Every fire alarm system shall be maintained at all times in operating condition and tested by a qualified person in accordance with the requirements of the Code.
- (b) During a fire alarm or sprinkler system shut-down for any reason, and where the owner or authorized agent of a building cannot be located and the fire alarm or sprinkler system will not reset under normal conditions by the Fire Department, then the Authority Having Jurisdiction will, in accordance with the General Operating Guidelines of the Fire Department, contact a qualified electrical contractor, or will place a security guard on duty or such other person as the Fire Chief may appoint, to provide fire-watch service until all fire alarm or early warning or protection systems have been restored to normal operating conditions. The total cost of restoration of the equipment, and related costs of hiring the electrical contractor or fire-watch service, shall be the responsibility of the owner or his insurer. If the owner cannot be

located to pay this bill then all costs may be added to the real property taxes for the premises and collected in the same manner as normal taxes.

False Alarms Caused By An Automatic Fire Detection System

24. Subject to any agreements to the contrary, where the Fire Department for the Municipality has responded to a false alarm caused by an automatic fire detection system, the Municipality, may, in respect of any related costs incurred in taking such action, charge such costs to the person who caused the false alarm, 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.

Security Of Premises – Fire Situation

- 25.1 Subject to section 25.2, following an actual fire situation, where the owner or authorized agent of the property affected cannot be located or is unable to arrange for securing of the property, the Authority Having Jurisdiction will, in accordance with the General Operating Guidelines of the Fire Department, contact a security guard or such other person as the Fire Chief may appoint and place them on fire-watch duty to monitor for rekindling until the owner/agent can make alternate arrangements. The total cost related to hiring the security guard or the person as appointed by the Fire Chief for fire-watch duty shall be the responsibility of the owner. If the owner cannot be located to pay this bill then all costs may be added to the real property taxes for the premises and collected in the same manner as normal taxes.

Security Of Premises- Suspected Arson

- 25.2 In the case of suspected arson the Fire Chief, or in his absence the Senior Officer of the Fire Department present at the scene, may elect to hire the 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 associated costs are the responsibility of the property owner or insurer and if the bill is unpaid these costs may be added to the real property taxes for the premises and collected in the same manner as normal taxes.

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

26. Prior written permission from the Fire Chief shall be required for the storage of flammable and/or combustible liquids or hazardous materials in excess of the amounts permitted in the Code.

PART VII: HAZARDS TO BE REMOVED**Order**

27. (a) If the Authority Having Jurisdiction finds that any provision of this by-law has been contravened or has not been complied with or has been complied with improperly or only in part or that conditions exist in or upon a building or property, to which this by-law applies, which, in his opinion constitutes a fire hazard or otherwise constitutes a hazard to the safety, health or well being of any person or property he may make an order requiring full and proper compliance with this by-law and the elimination of any hazards to the safety, health or well being of any person or property.
- (b) 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.
- (c) An order made under this by-law shall be served:
- (1) personally upon the person to whom it is directed; or
 - (2) by registered or regular mail; or
 - (3) by posting a copy of the order in a conspicuous place on the building or property if the person to whom it is directed cannot be found, is not known, or refuses to accept service of said order.

In the case of service by regular mail the order shall be deemed to have been received on the fifth business day subsequent to the date it is mailed.

- (d) Notwithstanding any other provisions of this by-law of the Code, where an order under this section has been made and not complied with in the time limits prescribed in the order issued, the Municipality or its

agent may undertake such action as it deems necessary to remove any hazards, conduct any clean-up or rectify any violation of or non-compliance with this by-law as stated in said order and to charge the costs for any or all of the foregoing to the person responsible for the building or property; or order the closure of any building or premises as provided for by the Act.

- (e) In the event that the costs referred to in (d) are not paid within the time limits prescribed in any notice given by the Municipality requesting payment thereof, all costs, shall then be added to the real property taxes for the current year and collected as prescribed by the Act.

General Offences

28. (1) It shall be an offence for any person to:
- (a) block an exit or access to an exit in any building;
 - (b) neglect to maintain a fire exit door or fire exit hardware on a fire exit door, including exit lights or emergency lights, in any building in operating condition;
 - (c) permit combustible waste materials to accumulate in or around any building in quantities or locations that will constitute an undue fire hazard;
 - (d) store flammable/combustible compressed liquids in any building, structure or open space except in the manner provided in the Code;
 - (e) block open or wedge open a door, shutter, wired glass or glass block in a fire separation in any building;
 - (f) do or continue or permit to be done or continued anything in contravention of the Code which may be considered by the Authority Having Jurisdiction as a fire or life safety hazard.
- (2) Everyone who commits an offence under subsection (1) is guilty of a summary conviction offence and liable to a fine as established in the City of Thompson Fee and Fine Schedule as it exists, or as it may be amended.
- [AM B/L 1799-2009]

- (3) Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the person is guilty of a separate offence for each day it continues.

A Fire inspector may issue a warning ticket on the information and Summons Offence Notice as set out in Schedule "A" hereto for which no prosecution will be carried out and no fine shall be levied, provided that the person has not previously been charge with an offence pursuant to this by-law.

29. (1) Any person who contravenes, or disobeys or refuses or neglects to obey:
- (i) any provision of this by-law; or
 - (ii) any order made under this by-law or any condition attached to a permit or to which a permit is subject; for which no other penalty herein provided is guilty of an offence and liable on summary conviction, to a fine not exceeding One Thousand Dollars (\$1,000.00) in the case of an individual or Five Thousand Dollars (\$5,000.00) in the case of a corporation, or, in the case of an individual, to imprisonment for a term not exceeding six months or to both a fine and such an imprisonment.
- (2) Penalties will be assessed in accordance with the terms and provisions of the City of Thompson Compliance By-law no. 1735-2007.
[AM B/L 1749-2007]
30. Any person who hinders or obstructs the Authority Having Jurisdiction or a By-Law Enforcement Officer under this by-law in the exercise of his duty is guilty of an offence and liable on summary conviction to a fine as established in the City of Thompson Fee and Fine Schedule as it exists, or as it may be amended, and in default of payment of the fine, to imprisonment for a term not exceeding fourteen (14) days.
[AM B/L 1799-2009]

PART IX: REPEAL AND ENACTMENT**Repeal**

31. (a) By-Law No. 1681-2003 is hereby repealed.
- (b) The repeal of the by-law in the last preceding subsection mentioned shall not revive any by-law or any provision of any by-law repealed by them, nor shall the said repeal prevent the effect of any saving clause in the said by-law or the application of the said by-law or any other by-law or provision of law formerly in force to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply.
- (c) The repeal of the said by-law should not affect:
- (1) any penalty, forfeiture or liability incurred before the time of such repeal, or any proceedings for enforcing the same had, done, completed or pending at the time of such repeal, or
 - (2) any action, suit, judgment, decree, certificate, execution, process, order, rule or any proceeding, matter or thing, whatever, respecting the same had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal; or
 - (3) any act, deed, right, title, interest, grant, assurance, registry, rule, regulation, contract, lien, charge, matter, or thing had done, made, acquired, established, or existing at the time of such repeal; or
 - (4) any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal; or
 - (5) any bond, note, debenture, debt, or other obligation made, executed, or entered into by the Municipality at the time of such repeal.
- (d) The repeal of the said by-law shall also not defeat, disturb, invalidate, or prejudicially affect any matter or thing whatsoever had, done, completed, existing, or pending at the time of such repeal.

Enactment

32. This by-law shall come into full force and effect upon the day following the date of final passage.

Validity of By-Law

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

Read a first time this 13th day of September, 2004 A.D.

Read a second time this 27nd day of September, 2004 A.D.

Read a third time this 27nd day of September, 2004 A.D.

Done and passed this 27nd day of September, 2004 A.D.

The City of Thompson

**Per: Bill Comaskey
Mayor**

**Per: Lynne Taylor
City Manager**

INSTANT JUSTICE VIOLATIONS

Ticket

Code	Instant Justice Violation
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	Wedged fire separation doors
08	Outdoor burning without permit
09	Other: leaving permitted fire unattended
09	Other: Insufficient fire control at permitted fire site
09	Other: Lumber/wood piled within 4 feet of any dwelling
09	Other: Improper storage of containers
09	Other: Neglect to provide/maintain fire extinguishers equipment
09	Other: Storage of excess flammable/combustible/compressed liquids or hazardous materials without permit
09	Other: Fire and life safety hazard
09	Other Other: (Specify)
15	Warning ticket

EMERGENCY SERVICES PROVIDED BY FIRE DEPARTMENT

The Fire Department will provide the following emergency services:

- (A) Fire prevention and fire extinguishing, which includes structural fire fighting for rescue, fire control and property conservation;
- (B) Investigation of the causes of fire and origin determination;
- (C) Preservation of life and property and protection of persons and property from injury or destruction by fire;
- (D) Rescue, ambulance, 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 rescue;
- (I) Hazardous material responses;
- (J) Vehicle extrication;
- (K) Fire prevention inspections;
- (L) Pre-fire planning;
- (M) Public safety education;
- (N) Precautionary standby;
- (O) Extinguishing and prevention of grass fires;
- (P) Extinguishing and prevention of urban interface fires;
- (Q) Response to any request that the Fire Department deems an emergency, including but not limited to, CO alarms, animals in peril and gas odors.