

THE RURAL MUNICIPALITY OF WHITEMOUTH

BY-LAW NO. 703/20

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF WHITEMOUTH TO ESTABLISH A FIRE DEPARTMENT

WHEREAS Part I Subsection 3(b) of the Municipal Act states it is the responsibility of the Municipal Council "to provide services, facilities or other things that in the opinion of the Council of the Municipality are necessary or desirable for all or a part of the municipality";

WHEREAS Section 232(1)(a) of the Municipal Act states the Municipality shall provide for "the safety, health, protection, and well-being of people, and the safety and protection of property";

AND WHEREAS Section 232(1)(a)(i) and (ii) of the Municipal Act states it is the responsibility of the Municipality for "preventing and fighting fires."

NOW THEREFORE BE IT RESOLVED THAT the Council of the Rural Municipality of Whitemouth, in open meeting assembled, enacts as follows:

1.0 Purpose

It is the purpose of this by-law to establish the standards for: fire prevention; fire fighting and human 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; and, the operation of fire emergency services.

2.0 Definitions

Unless otherwise provided, or unless the context otherwise requires, words and expressions in this by-law have the same meaning as the same words and expressions in The Municipal Act, and in the Manitoba Fire Code.

All references to "he" and its derivatives shall include "she" and its derivatives unless the context thereof requires otherwise.

In this by-law:

- 2.1 "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 therefore, municipal Fire Prevention Officers and Fire Inspectors.
- 2.2 "MUNICIPALITY"** means Rural Municipality of Whitemouth or the area contained within the boundaries thereof.
- 2.3 "CODE"** means the Manitoba Fire Code being Regulation No. 212/92 of The Fire Prevention Act, RSM 1987, c.F80, as amended from time to time, or any subsequent Manitoba Fire Code which may be enacted.
- 2.4 "COUNCIL"** means the Council of the Rural Municipality of Whitemouth.

2.5 "EMERGENCY SERVICE" means equipment and personnel used to prevent and fight fires, but does not include ambulance or police services.

2.6 "FIRE CHIEF" means the Fire Chief for the Municipality and any one acting or authorized to act on his behalf.

2.7 "FIRE DEPARTMENT" means the Rural Municipality of Whitemouth Fire Department.

2.8 "FIREFIGHTER" means any member of the Rural Municipality of Whitemouth Fire Department.

2.9 "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.

3.0 Administration

3.1 Application

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 distinct hazard to life or adjoining property.

3.2 Adoption of Fire Code

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.

3.3 Recovery of Costs

Pursuant to any agreements to the contrary, where any type of emergency services have been taken within or outside the Municipality, including responding to a false alarm, the Municipality may at the discretion of Council, 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 of which the action was taken.

4.0 Establishment of the Fire Department

4.1 Establishment and Membership

4.1.1 There is hereby established a Fire Department for the Rural Municipality of Whitemouth, to be comprised of: a Fire Chief; a Deputy Fire Chief; 2 Captains; 14 fire fighters. Council may authorize an increase or decrease or vary the above stated complement upon recommendation of the Fire Chief.

4.1.2 The members of the Fire Department shall be on call and whose ability to respond to a call shall be voluntary and depend on each member's ability to respond.

4.1.3 Appointments and dismissals for personnel to the Fire Department shall be made by a resolution of Council. The appointment and dismissal of personnel for the Fire Department shall follow the hiring and dismissal policies of the Municipality.

4.2 Responsibilities of the Fire Chief

The Fire Chief, and the Deputy Fire Chief in the Fire Chiefs absence, shall be responsible for the following:

4.2.1 to administer and enforce the provisions of this by-law, subject always to such direction as may from time to time be given by the Council;

4.2.2 to establish an Officers Committee consisting of the Fire Chief, Deputy Fire Chief, Captains, and any other department member the Fire Chief may chose;

4.2.3 in consultation with the Officers Committee, to make such general orders and department rules as may be necessary for the care and protection of the Fire Department, provided that such orders and rules do not contravene the by-laws of the Municipality;

4.2.4 to take all proper measures for the prevention, control and extinguishment of fires and for the protection of life and property against fires;

4.2.5 to exercise the powers imposed on him by the Manitoba Fires Prevention and Emergency Response Act;

4.2.6 for reporting all fires to the Fire Commissioner as required by the Manitoba Fires Prevention and Emergency Response Act;

4.2.7 with the assistance of the Officers Committee and the Council Standing Committee on Fire Management, provide annual estimates for the Department;

4.2.8 submitting an annual report, before December 31 in each year, regarding the activities and any changes to Department policies and procedures.

4.3 Qualifications for Members of the Fire Department

4.3.1 All members shall be at least 18 years old.

4.3.2 All members shall be medically fit as certified by a physician designated by the Chief Administrative Officer for the Municipality.

4.3.3 New members shall take training and qualify for membership in the Fire Department as determined by this By-law.

4.3.4 All members shall be on probation until they have completed one year of service and their basic fire fighting training.

4.3.5 All members shall be required to attend a minimum of 12 Fire Department meetings/training sessions per year. Should a member fail to comply with this requirement, that member's membership in the Fire Department shall be first reviewed by the Officer's Committee and then the Council Standing Committee on Fire Management. If it is found the member does not have sufficient cause for not attending the yearly minimum number of meetings/training sessions, the Council Standing Committee on Fire Management shall recommend to Council the member be dismissed.

4.4 Remuneration for Members of the Fire Department

Remuneration of all members of the Fire Department shall be determined by Council.

5.0 Services Provided by the Fire Department

5.1 Services

The Fire Department shall provide the following services:

- 5.1.1** prevent and extinguish fires;
- 5.1.2** protect persons and property from injury or destruction by fire;
- 5.1.3** provide motor vehicle extraction, rescue, excepting those rescues listed in 5.2, first aid, and emergency lift assist for the Emergency Measures Services;
- 5.1.4** provide preliminary investigations on the cause of a fire; and,
- 5.1.5** make recommendations to Council for purchasing equipment necessary for fulfilling the services listed in 5.1.

5.2 Services Not Provided by the Fire Department

The Fire Department shall not provide water rescue, high angle rescue, or trench rescue.

5.3 Agreement for Fire Department Services

The Municipality may elect to enter into an agreement with another municipality to provide or have provided Fire Department services.

5.4 Response Outside the Municipality

The Fire Department will not respond to any call with respect to a fire or an emergency outside the Rural Municipality of Whitemouth boundaries except with respect to a fire or emergency:

- 5.4.1** 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;
- 5.4.2** in a municipality with which an agreement has been entered into to provide fire protection;

5.4.3 in a municipality which forms part of a mutual aid agreement for which the Rural Municipality of Whitemouth is a member;

5.4.4 on property with respect to which an agreement has been entered into with any person or corporation to provide fire protection therefor;

5.4.5 for which the Head of Council has first authorized such attendance; or

5.4.6 motor vehicle extraction in the Northern part of the Whiteshell Provincial Park and in those areas in the RM of Lac du Bonnet and the RM of Reynolds immediately adjacent to the Municipality most easily served by the Fire Department.

6.0 General Requirements

6.1 Interference an Offence

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. Any person(s) caught turning on or interfering with any fire hydrant in any manner whatsoever, shall pay a fine of \$1,000 plus cost to repair any damage to fire hydrant.

6.2 Tampering an Offence

It shall be an offence for any person, other than the authority having jurisdiction or a fire fighter in the course of duty, 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. Any person(s) caught tampering with such apparatus shall pay a fine of \$1,000 plus any costs to repair the damage to any apparatus.

6.3 Use of Personal Vehicles

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 or to the location of the fire or emergency call, provided that the vehicle is operated in accordance with the provisions of the Highway Traffic Act. If the firefighter is claiming mileage, then that vehicle shall have All Purpose insurance from the Manitoba Public Insurance Company.

6.4 Requiring Additional Assistance

The Fire Chief, or in his absence, the most senior officer of the Fire Department present at any fire, shall have the right and authority to request any able-bodied adult person to assist in extinguishing fires and to assist in the control of spread of fire and any such person, while acting under the direction of the Fire Chief, and shall be deemed an employee of the Municipality.

6.5 Commandeering Equipment

The Fire Chief, or in his absence, the most 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.

7.0 REPEAL AND ENACTMENT

7.1 By-law No. 47/81, together is hereby repealed.

7.2 The repeal of the By-law No. 47/81 in 7.1 shall not revive any by-law or any provision of any by-law repealed by it, 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.

7.3 The repeal of By-law No. 47/81 shall not affect:

7.3.1 any penalty, forfeiture or liability incurred before the time of such repeal, or any proceeding for enforcing the same had, done, completed or pending at the time of such repeal;

7.3.2 any action, suit, judgement, 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;

7.3.3 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;

7.3.4 any office, appointment, commission, salary, allowance, security, duty, or any matter, or thing appertaining thereto at the time of such repeal; or

7.3.5 any bond, note, debenture, debt, or other obligation made, executed, or entered into by the City at the time of such repeal.

7.4 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.

7.5 Enactment

This by-law shall come into full force and take effect upon the passage thereof.

7.6 Validity of By-law

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

DONE, PASSED AND ENACTED by the Council of Rural Municipality of Whitemouth in regular session assembled, this 9th day of June A.D., 2020.



Reeve



Chief Administrative Officer

Read a first time this 26th day of May, A.D., 2020

Read a second time this 9th day of June, A.D., 2020

Read a third time this 9th day of June, A.D., 2020