

## THE RURAL MUNICIPALITY OF MONTCALM

### BY-LAW NO. 766/16

Being a by-law of the Rural Municipality of Montcalm to provide for firefighting, fire prevention, the related regulation of fire and other hazards, the adoption of the Code, and for establishing, continuing and operating an emergency service for the Municipality, and to be known as the “**Fire Prevention and Emergency Services By-Law**”;

**WHEREAS** subsection 232(1) of the Act provides that a council may pass by-laws for municipal purposes respecting the following matters:

- (a) The safety, health, protection and wellbeing of people and the safety and protection of property; . . .
- (i) Preventing and fighting fires; . . .
- (o) 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, which may include education programs, inspections of property, the installation of alarms, instructions on fighting fires, the provision of firefighting equipment and a fire protection force;

**AND WHEREAS** section 265 of the Act provides that fire protection services may be provided by a fire protection force comprises wholly or partly of volunteer;

**AND WHEREAS** section 268 of the Act provides that 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;

**NOW THEREFORE** the Council of the Rural Municipality of Montcalm, 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; firefighting 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 and the operation of Emergency Services.

##### **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) “ACT” means The Municipal Act S.M. 1996, c.58, C.C.S.M. c.M225 as amended from time to time.
  - (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) “CODE” means the Manitoba Fire Code being Regulation No. 163/98 of *The Fire Preventions Act*, RSM c.F80, C.S.S.M. c.F80, as amended from

time to time, or any subsequent Manitoba Fire Code which may be enacted.

- (4) "COUNCIL" means the council of the Municipality.
- (5) "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 firefighting and the preservation of life and property, and preventing and mitigating other potential risks to life and property as defined by Council.
- (6) "FIRE CHIEF" means the Fire Chief for the Municipality and any one acting or authorized to act on his behalf.
- (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 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.
- (9) "FIRE INSPECTOR" means the person or agency employed by or acting for the Municipality and partially or wholly responsible for fire safety within the Municipality.
- (10) "MUNICIPALITY" means (Rural Municipality of Montcalm) or the area contained within the boundaries thereof.

## **PART II: ADMINISTRATION**

### **Adoption of Fire Code**

3. The Municipality hereby adopts the Code as part or this by-law, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, and 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.

### **Recovery of Costs**

4. 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.

## **PART III: CREATION OF FIRE DEPARTMENT**

### **Creation and Membership**

5. There is hereby created a Fire Department for the Village of Letellier, to be comprised of a Fire Chief and such other Fire Department personnel as from time to time may be deemed necessary by the Fire Chief, Fire Chief and personnel job descriptions are set out in Schedule "A" hereto; provided however, the Fire Department shall not be comprised of less than six (6) personnel at any one time. No change in the complement of the Fire Department shall be made without approval of the Council, who may authorize an increase or decrease or vary the above stated complement upon recommendation of the Fire Chief.
6. There is hereby created a Fire Department for the LUD of St. Jean Baptiste, to be comprised of a Fire Chief and such other Fire Department personnel as from time to time

may be deemed necessary by the Fire Chief, Fire Chief and personnel job descriptions are set out in Schedule "A" hereto; provided however, the Fire Department shall not be comprised of less than six (6) personnel at any one time. No change in the complement of the Fire Department shall be made without approval of the Council, who may authorize an increase or decrease or vary the above stated complement upon recommendation of the Fire Chief.

#### **Responsibility of Fire Chief**

7. It shall be the responsibility of the Fire Chief(s) 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.

#### **PART IV: EMERGENCY SERVICES**

##### **Emergency Services**

8. The mandate of the Fire Department is to provide the specific Emergency Services as described in Schedule "B" to this by-law.

##### **Agreement for Emergency Services**

9. The Municipality may elect to enter into an agreement with another Municipality to provide or have provided Emergency Services. Such agreement requires prior authority of the Council.

##### **Response outside Municipality**

10. 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) in a Municipality which 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 therefor; or
  - (e) for which the head of council has first authorized such attendance; or
  - (f) under such circumstances as it appears human life is in jeopardy;
  - (g) upon request for assistance from the Office of the Fire Commissioner or some other properly designated office of the Province of Manitoba.

#### **PART V: GENERAL REQUIREMENTS**

##### **Interference an Offence**

11. 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**

12. 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.

##### **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 of spread of fire and to assist in any other required Emergency Service and any such person, while acting under the direction of the Fire Chief, shall be deemed a volunteer of the Municipality.

#### **Attendance and Training**

14. That all registered members of the department(s) must attend at least 50% of the fire practices and/or training sessions and not miss more than 2 consecutive sessions without a valid reason, or be subject to disqualification by resolution of Council.
15. That all new recruits must participate in a minimum of 5 fire practices prior to attending any fire call and only then under the approval of the Volunteer Fire Chief.
16. That all fire practices are to be held according to a schedule prepared annually and a copy of the said schedule is to be filed with the Municipal office prior to the 1<sup>st</sup> day of said year.

#### **Mandatory Qualifications**

17. It is mandatory for every volunteer firefighter to obtain their class 4 with air brakes license. Any member who loses his/her driving privileges must notify the Fire Chief immediately.

#### **Commandeering Equipment**

18. 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 commandeering and authorize payment for the possession or use of any equipment for the immediate purpose of fighting a fire or providing any other Emergency Service.

### **PART VI: FIRE PREVENTION STANDARDS**

#### **Access for Inspection**

19. 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.

#### **Prevention of Fire Spread**

20. 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.

#### **Storage of Containers**

21. 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) so stacked or piled as to keep them clear of windows and doors to provide for clear ingress and egress to and from any part of the premises or building;
  - (b) kept away from any source of ignition;
  - (c) removed forthwith if determined to constitute a fire hazard by the Authority Having Jurisdiction to such location as authorized by the Authority Having Jurisdiction.

#### **Portable Fire Extinguishers**

22. Portable fire extinguishers shall be:
  - (a) provided and located in accordance with the requirements of the Code;
  - (b) maintained and/or hydro-statically tested in accordance with the requirements of the Code.

### **Chimney Pipes**

23. All chimneys and pipes for fireplaces or wood stoves shall be installed in conformance with the Code and must be cleaned regularly to prevent a buildup of creosote. Where the Fire Chief deems it necessary he may give notice to any owner requiring the cleaning of any chimney or pipe and where such order is not complied with within ten (10) days the Fire Chief may cause the work to be done and the cost therefor shall be the responsibility of the owner.

### **Property Maintenance**

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

### **Fire Alarm Systems**

25. (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) Where the Fire Department attends in response to a fire alarm call which is an apparent false alarm, the Fire Chief, or in his absence the senior officer of the Fire Department present at the scene, will attempt to contact the property owner or other designated person to attend and secure the premises. Where unable to contact the property owner or designated person, then a security guard may be called in to perform fire duty at the expense of the owner. The total cost of restoration of any fire alarm equipment, and related costs of hiring a security guard or any 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.

### **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: PENALTY PROVISION**

#### **Penalty**

27. (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:
- (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.
- (c) Any person who contravenes or disobeys, or refuses or neglects to obey:
- (1) 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
  - (2) any provision of any by-law, Regulation or Order enacted or made by Council; or
  - (3) 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.

#### **PART VIII: ENACTMENT AND VALIDITY**

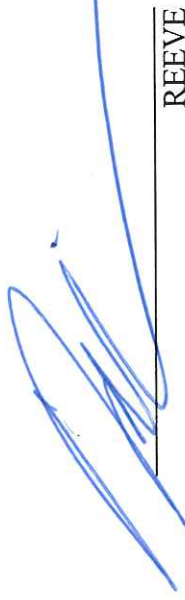
##### **Enactment**

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

##### **Validity of By-law**

29. 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 the by-law and the Code independent of the elimination of any such portion as may be declared invalid.

DONE AND PASSED by the Rural Municipality of Montcalm, in council duly assembled, in the Village of Letellier, in the Province of Manitoba, this 11 day of January, 2017.

  
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REEVE

  
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C.A.O.

**READ A FIRST TIME** this 14 day of December, A.D. 2016.

**READ A SECOND TIME** this 11 day of January, A.D. 2017.

**READ A THIRD TIME AND PASSED** this 11 day of January, A.D. 2017.

## Schedule "A" – Fire Department Personnel

**POSITION TITLE: Volunteer Fire Chief**  
**REPORTS TO: Chief Administrative Officer (CAO)**

### **General Purpose**

Provides profession leadership and administrative management for the Letellier Fire Department and/or the St. Jean Baptiste Fire Department in the Rural Municipality of Montcalm. Ensures the protection of people and property within the municipality and contracted jurisdictions, through and active program of emergency response fire prevention and emergency preparedness. Plans, coordinates and directs all firefighting and related emergency response activities.

### **Supervision Received**

Works under the guidance and direction of the CAO.

### **Supervision Exercised**

Volunteer Deputy Fire Chiefs, Volunteer Captains, Volunteer Fire Fighters and Volunteer Fire Fighter Recruits.

### **Essential Duties & Responsibilities**

#### Administration:

- Provide leadership and management of resources (people, funding, equipment, and materials) to deliver program services within the approved budget and operating guidelines.
- Recommend alternative methods to provide efficient and effective levels of service.
- Inform municipal management and council of issues impacting the Fire Department and its service delivery.
- Maintain communication between the municipal administration and the fire stations.
- Maintain communication between the Fire Department and contracted fire service providers or such RM that the RM of Montcalm has entered into an aid agreement with.
- Maintain open communication and liaison relationship with the Office of the Fire Commissioner
- Prepares reports as required by the administration and council

#### Planning and Coordination:

- Development and management of the annual Fire Department budget.
- Assist in developing strategic plans, goals and objectives for the department.

#### Service Delivery:

- Assist in the development of and make recommendations for annual operating budgets and 10-15 year capital budgets.
- Oversee public awareness and education programs as it relates to fire prevention.
- On occasion if called on scene, may take charge of emergency situations if required at the Incident Command.
- Develops fire prevention and safety programs as required.
- Performs other related duties as assigned.
- Responsible for preparing monthly reports for the CAO of all the calls the Fire Department attended to, including the names of all the volunteer firefighters that attended. These reports are expected no later than the 10<sup>th</sup> of the following month.
- Responsible for a complete annual report for the CAO of all calls the Fire Department attended to. This report is expected no later than January 31<sup>st</sup> of the following year.
- Must attend a minimum of 80% of the fire practices and/or training sessions and not miss more than 2 consecutive sessions without a valid reason, or be subject to disqualification by resolution of Council

#### Human Resource Management:

- Responsible for successful outcomes of human resources management and the effective leadership of the fire department.
- Develop and foster positive work environment and promote a learning environment.
- Responsible to direct the Department's general training program for incumbents and new recruits.
- Responsible to recruit, train, develop, evaluate and discipline Firefighters and other Fire Department Volunteers.
- Ensures quality care is provided by all Fire Department Volunteers.

#### Financial:

- Development and management of the revenue, operating and capital budgets.
- Develop and execute a capital replacement program within available resources.
- Administer Department procurements in accordance with municipal policy and within the allotted Fire Department budget.
- Responsible for appointing a Secretary/Treasurer for the Fire Department and ensuring that all financial records are maintained.

#### **Desired Minimum Qualifications**

- 10 years' experience as a Volunteer Fire Fighter
- 5 years in a supervisory role
- Demonstrated leadership, interpersonal, labour relations, administrative and management skills.
- The incumbent requires a broad knowledge of fire prevention and fire suppression, including the use of apparatus and equipment. The incumbent must have a proven ability to organize and supervise staff and develop a rapport with the public.
- Proven ability to work under own initiative and make sound decisions.
- Strong communication (both oral and written) and organizational skills.
- Proficiency in MS Office (MS Word, Excel, PowerPoint)

#### **Special Requirements**

- WHMIS
- Current standard first aid certificate
- Must possess a valid Manitoba driver's license Class 4 with air
- Satisfactory criminal record check required
- Participate occasionally in EMO meetings and Council meetings

#### **Appointment Process**

The Volunteer Fire Chief for each of the Fire Departments in the RM of Montcalm are appointed by resolution by the Council of the RM of Montcalm. The appointment by council will be made after receiving the recommendation from the Volunteer Deputy Fire Chief and the Volunteer Fire Fighters from each Fire Department.

#### **Compensation**

Each Volunteer Fire Chief will receive an annual honorarium from the RM of Montcalm in the amount of \$4,000 which will be paid out in semi-annual installments on June 30 and December 31 of each year.



**POSITION TITLE: Volunteer Deputy Fire Chief**  
**REPORTS TO: Volunteer Fire Chief**

**Essential Duties & Responsibilities**

- Assists with the administration and control of the annual operating and capital budget of the Department
- Assists with the development of policies, procedures and programs for accomplishing approved activities for the suppression and prevention of fires.
- Assists with the training of firefighters.
- Assists with the development of fire prevention and safety programs.
- Develops an equipment and facility maintenance management program.
- Provides assistance and back-up to the Volunteer Fire Chief in their absence.
- Performs other related duties as assigned.

Experience & Qualifications

The incumbent will perform routine tasks and requires the application of established guidelines in the operation of the fire department. The interpretation of procedures with regard to fire prevention and suppression will be required. These skills would normally be obtained through the completion of Level 1 firefighting training. Valid Class 4 with air is required. Decisions on personnel management and control of fire situations require choice of methods, procedures or sequence.

Accountability & Responsibility

Under the general direction of the Volunteer Fire Chief, the incumbent will assist with the organization, administration and operation of the fire department including fire prevention and suppression. The incumbent will assist the Volunteer Fire Chief in developing and training a highly qualified group of volunteers to assist in the operation of the fire department and be responsible to the Volunteer Fire Chief for any reports or inspections that may be deemed necessary for the Fire Commissioner's Office. The incumbent assumes the duties of the Volunteer Fire Chief in the absence of the Volunteer Fire Chief.

- Experience and knowledge of the rules and regulations governing the activities of a Fire Department is an asset.
- Must attend a minimum of 50% of the fire practices and/or training sessions and not miss more than 2 consecutive sessions without a valid reason, or be subject to disqualification by resolution of Council

Performance Reviews of Volunteer Deputy Fire Chiefs

Performance reviews will be conducted yearly by the Volunteer Fire Chief.

**POSITION TITLE: Volunteer Fire Captain/Fire Lieutenant/Firefighter**  
**REPORTS TO: Volunteer Fire Chief and Volunteer Deputy Fire Chief**

**Essential Duties & Responsibilities**

- Fights fires and carries out operations as directed
- Operates all fire vehicles available to the Department
- Ensures that all information of a personal nature discovered in the provision of the fire related duties is maintained in a confidential and secure manner.
- Maintains proper conduct and discipline on fire related activities.
- Follows safety procedures and practices at all times.
- Performs other related duties as required.

Experience & Qualifications

- Must be at least eighteen (18) years of age.
- Must possess or work towards a valid Class 4 with air Manitoba Drivers license.
- Must have First Aid CPR certification.

The incumbent must possess good written and verbal communication skills and ability to read and follow written instructions. Must be willing to respond at any time and carry a pager when required or have internet access to be able to receive call notifications.

Accountability & Responsibility

- Experience and knowledge of the rules and regulations governing the activities of a Fire Department is an asset.
- Must attend a minimum of 50% of the fire practices and/or training sessions and not miss more than 2 consecutive sessions without a valid reason, or be subject to disqualification by resolution of Council

## **Schedule “B” – 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) Farm accident rescue;
- l) Ground search and rescue;
- m) Urban search and rescue;
- n) Fire prevention inspections;
- o) Pre-fire planning;
- p) Public safety education;
- q) Precautionary standby;
- r) Extinguishing and prevention of grass fires;
- s) Extinguishing and prevention of urban interface fires;
- t) Flood response;
- u) Response to any request that the Fire Department deems an emergency, including but not limited to, CO alarms and gas odours.