

BY-LAW NO. 09-02

- of -

THE RURAL MUNICIPALITY OF SPRINGFIELD

Being a by-law of the Rural Municipality of Springfield to provide for fire prevention, fire fighting, rescue services, emergency services, the regulation of fire and other hazards, the adoption of the Manitoba Fire Code, and for establishing and operating an emergency service for the municipality, to be known as the "Fire Prevention and Emergency Services By-Law".

WHEREAS the municipality is empowered under the Municipal Act to establish and maintain a fire and emergency response service as well to pass by-laws for the prevention of fire, to regulate the keeping, storage and transportation of flammable or dangerous goods including but not limited to authorizing the adoption of the Manitoba Fire Code and its additional powers.

AND WHEREAS it is deemed expedient and in the public interest to establish, continue, and maintain fire prevention, fire suppression and emergency service standards in the municipality.

NOW THEREFORE the Municipal Council of the RM of Springfield, in meeting duly assembled, enacts as follows:

1. The Fire Prevention and Emergency Services By-law consisting of Schedules A, B, C and D is hereby adopted.
2. The RM of Springfield By-Law No. 78-27, 82-8, 05-25 and all amendments thereto, are hereby repealed.

DONE AND PASSED in council assembled in Council Chambers, in Oakbank, Manitoba, this 6th day of May, A.D. 2009.

Peter Skrupski
Reeve

Laurent (Larry) Tetrault
Chief Administrative Officer

Read a First time this 14th day of January, A.D. 2009.
Read Second time this 8th day of April, A.D. 2009.
Read a Third time this 6th day of May, A.D. 2009.

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Schedule A
By-law 09-02

Part 1
Operative and Interpretive Clause

1.0 Title and Contents

1.1 Title.

- 1) This By-law may be cited as the Rural Municipality (RM) of Springfield Fire Prevention and Emergency Services By-law.

1.2 Intent and Purpose

The regulations established by this By-law are deemed necessary in order:

- a) To ensure general conformance with the objectives and policies of the RM of Springfield.
- b) To outline the powers and duties of Council, the Fire Chief and/or responsibility of property owners and residents as they relate to this By-law.
- c) To establish standards for fire prevention on properties and in buildings.
- d) To establish standards for the containment and suppression of fire originating inside buildings.
- e) To establish standards for the containment and suppression of fires originating outside of buildings which may present a hazard to all or part of the municipality and its neighboring communities.
- f) Authorize and set standards for the operation of emergency services as per schedule B to protect life and property.
- g) Set standards for the transportation/storage of flammable and combustible substances.

2.0 Definitions:

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 Fire Code.

In this by-law:

“Administrators” means the Fire Chief, Deputy Fire Chief and Officers of the service.

“Authority” means the administrator(s) of the service, 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.

“Captain” means an officer having authority in the absence of the Fire Chief or Deputy Fire Chief limited to emergency response activities.

“C.A.O.” means the Chief Administrative Officer of the municipality.

“Code” means the latest edition of the Manitoba Fire Code C.C.S.M. c F80.

“Fire Chief” means the administrator of the Fire and Rescue Service appointed by council from time to time.

“Deputy Chief” means the Deputy Fire Chief having authority in the absence of the Fire Chief limited to emergency response activities.

“EMR” means an emergency medical responder commonly known as first responder.

“EMS” means emergency medical services.

“Fire Inspector” means the inspector or any other person or agency employed to act for the municipality partially or wholly responsible for fire safety with the municipality.

“Fire and Rescue Service” means the fire stations and assigned firefighters within the municipality.

“Member” means a firefighter or EMS provider engaged by the municipality and includes a member who is an officer.

“Mutual Aid District” means the district more particularly described on Schedule C.

“On duty” refers to the time elapsed from the time a member is notified of an emergency (paged for a call for service) until such time that is reasonable for him to return back to his/her place of residence or employment.

“Open-Air Fire”-means a fire other than that in a wood burning indoor appliance that could cause or enhance the spread of fire.

“PHIA” means the Personal Health Information Act.

“Protective Services Committee” (PS) mean the members of council who are responsible for public safety and emergency response as appointed by council.

“Safety Officer” means an officer to ensure safe practices and conduct of all the members of the service.

“Service” means the Springfield Fire and Rescue Service

3.0 Fire Code Implementation

3.1 The municipality hereby recognizes and adopts the Fire Code C.C.S.M. c. F. 80 as part of the by-law, save and except such portions as are hereinafter deleted, modified or amended. Any reference to this by-law shall be construed as a reference to the whole by-law, including the Code.

3.2 The municipality hereby recognizes and where necessary relies upon the provisions and authority established in the Wildfires Act. C.C.S.M c. W128.

4.0 Creation of the Fire and Rescue Service:

4.1 The municipality will maintain one Fire and Rescue Service within the municipality comprised of various stations as deemed appropriate by council.

4.2 Emergency services are hereby established for the purposes of:

- a) Prevention of fires through education, inspection and code enforcement.
- b) Preserving life and property as well as protecting persons and property from injury or destruction of fire and other disasters.
- c) Providing rescue and emergency medical services.
- d) Purchasing and operation of fire apparatus/rescue equipment to preserve life and property as determined in Schedule B.

5.0 Response Outside the Municipality

5.1 The service will not knowingly respond to any call with respect to a fire or other emergency outside the municipal boundaries except with respect to a fire or emergency:

- a) That in the opinion of the Fire Chief or his designate threatens the municipality or property situated outside the municipality that is owned or occupied by the municipality;
- b) In the municipality which forms part of the Mutual Aid District for which the municipality is a member;
- c) On property with respect to which an agreement has been entered into with any person or corporation to provide fire protection or;
- d) Under circumstances where human life is in jeopardy.

5.2 The municipality may elect to enter into an agreement, pursuant to the authorization granted by section 266 of the Municipal Act, with another municipality to provide or have provided emergency services to include emergency medical/first responder and rescue service.

5.3 The municipality may elect to enter into an agreement with a company or person to provide fire protection or emergency medical or rescue response.

6.0 Requesting Additional Assistance/Equipment.

6.1 The Fire Chief or administrator of the service present at a fire or other incident shall have the right and authority to request from any member of the North East Mutual Aid District assistance in the control and suppression of fires as well as any other type of emergency. This shall also apply to any other agency with which the municipality has entered into an agreement pertaining to fire and emergency services.

6.2 The Fire Chief or administrator of the service present at an emergency incident shall have the right and the authority to authorize payment for the use of any equipment or resource for the immediate purpose of fighting a fire or persevering life and property.

Part II

Fire Prevention

7.0 Fire Prevention

- 7.1 The Authority may at all reasonable times, enter any premise for the purpose of making an inspection, and any person in charge of the premises shall allow the Authority free access thereto as per the Fire Prevention and Emergency Response Act.
- 7.2 The Authority may at any time enter any premise for the purpose of investigating the cause and origin of a fire, and any person in charge of the premise shall allow the Authority free access to property/premise, to call for the production of all papers, records, and other documents for the purpose of investigating cause and origin of a fire as per the Fire Prevention and Emergency Response Act.
- 7.3 The Authority may deny access to any person to property during an investigation until the investigation of cause and origin to a fire has been determined as per the Fire Prevention and Emergency Response Act.
- 7.4 The Fire Chief or designate of the service present at any fire shall have the authority and right to enter, pull down, demolish or take whatever actions is deemed necessary to any house, 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 fire or in conjunction with dangerous goods and rescue.
- 7.5 All boxes, crates, petroleum barrels and other containers, empty or otherwise, packing material, 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 compliant with the Fire Code.
 - b) Kept away from sources of ignition.
 - c) The Authority can order a company at the owners expense to make safe any premise for any violation of the aforementioned.
 - d) All buildings and properties shall be adequately maintained in accordance with standards established by the Fire Code.

8.0 Open Air Fires

- 8.1 Provisions of the Wildfires Act will be strictly enforced relative to any property within 1.6 kilometers of Birds Hill Provincial Park boundary specifically the following Sections 11 & 12 of Township 12, Range 4E and Sections 7, 8, 9, 10, 15, 22, 27, 28, & 33 in Township 12, Range 5E.
- 8.2 A person who ignites an open-air fire shall not leave the fire unattended at any time while it is burning or smoldering. Persons with an open-air fire shall ensure that sufficient equipment and or water is available to prevent the fire from getting beyond their control.
- 8.3 Persons residing in any area of the municipality zoned residential shall not have an open-air fire unless the provisions/regulations of Schedule D are strictly adhered to.
- 8.4 Any open-air fire that is deemed to be a nuisance by the Fire Chief or designate shall be extinguished.
- 8.5 Any complaints of nuisance burning will be investigated by the Fire Chief or designate or the local Health Officer under the provisions of the Atmospheric Pollution Regulation 320/88 R, of the Public Health Act. C.C.S.M. c. P210
- 8.6 Solid fuel heating systems shall be limited to installation and use as per the municipal zoning by-law.

9.0 Fire Alarm Systems

- 9.1 Fire alarm systems shall be maintained at all times in proper operating condition and tested in accordance with the manufactures recommendation and the Code.
- 9.2 The Authority may by any means gain access to a property where a fire alarm is sounding for the purpose of investigating the cause of such alarm. The Fire Chief or designate present at the scene, will attempt to contact the property owner or other responsible person to attend and disengage the alarm as well as securing the premise. In the event that an owner or responsible person is not available, the Fire Chief or designate will contact additional personnel at the owners expense to deactivate the alarm and secure the premise.
- 9.3 Properties owners or tenants are subject to a fee for a response by the fire service to three or more false fire alarms within a seven-day period. A false fire alarm is a fire alarm that in the opinion of the Fire Chief or designate was caused by poor maintenance of the fire alarm system or in such situations where a reasonable person should have known that human actions or activity would cause a false fire alarm to be generated constituting a response from the fire service. The fee will remunerate the fire service for the response of one engine company and appropriate fire personnel to man that engine company for one hour.

Part III

Duties/General Requirements of Personnel

10.0 Personnel and General Requirements for Members:

10.1 Fire Chief

The C.A.O subject to consultation with council is responsible for the appointment, supervision, evaluation, discipline, suspension or termination of a Fire Chief.

The initial term of office of the Fire Chief will be a probationary period of 1 year.

The Fire Chief shall be responsible for the proper administration of service. He may make such general orders and departmental rules as may be necessary for the care and protection of the property of the service, for the conduct of the members and for the efficient operations of the service, provided the general orders and rules do not conflict with the provisions of any By-Law of the Municipality.

The Fire Chief shall:

- a) Take all proper measures for the prevention, control and extinguishment of fires to protect life and property.
- b) Shall enforce all general orders and departmental rules and regulation, Standard Operating Procedures and provisions of municipal by-laws.
- c) Exercise the powers and duties imposed by the Fire Prevention and Emergency Response Act.
- d) The Fire Chief may prescribe to limits within the vicinity of a fire that any person or vehicle may be permitted to enter, and may authorize any police officers present to close off such portions of highways, streets, road or lanes as deemed necessary.
- e) Submit on a monthly basis to the C.A.O a record of attendance of members at all emergency responses, practices and meeting for the purpose of payroll preparation.
- f) Submit monthly incident and activity reports to the C.A.O.
- g) Prepare and submit to the C.A.O prior to the end of December of each year an annual operating budget including capital expenses and a five-year strategic plan.
- h) Submit to the C.A.O on an annual basis personnel records for all members of the fire and rescue service.
- i) Submit in writing, within 24 hours, accident and Workers Compensation forms to the C.A.O. when any member is injured while on duty.

- j) Review in consultation with the administrators of the service the Standard Operating Procedures, general membership requirements and the Fire Prevention and Emergency Services By-Law annually.
- k) Report all fires to the Office of the Fire Commissioner to meet the requirements of the Fire Prevention and Emergency Response Act.
- l) Ensure maintenance and repair of all equipment and apparatus of the department.
- m) Facilitate and delegate training of members in firefighting, fire prevention, building inspections and Pre-Fire Planning.
- n) Attends all North East Mutual Aid District meetings and provides minutes upon request.
- o) Appointed by council as the Official Fire Guardian under the Wildfires Act.

10.2 Personnel

- a) Department personnel shall consist of a Fire Chief, and a minimum of One (1) Safety Officer, two (2) Deputy Fire Chiefs and six (6) Captains who shall be administrators of the service.
- b) The service will be required to maintain a minimum of thirty members to a maximum compliment as deemed necessary by a resolution of council.
- c) The Fire Chief shall be the only person to engage qualified persons to become members of the service.
- d) All vacant Officer positions shall be posted and will be open to all qualified members who meet the criteria. Selections and interviews shall be based on qualifications, commitment and overall performance in the fire and rescue service. The Fire Chief in consultation with the C.A.O will make appointments. The Protective Services committee reserves the right to interview candidates submitted prior to appointment.
- e) Council shall determine remuneration of all members of the service from time to time.

10.3 Chain of Command

- a) The following Chain of Command will be in force during a fire emergency:
Fire Chief
Deputy / Assistant Fire Chief
Captain
Apparatus Operator / Engineer
Fire Fighter
- b) In the event that no ranking officer is available, seniority according to membership shall be the determining factor in rank. With the absence of a ranking officer, the Driver of the apparatus shall be the OIC, assuming that no other more senior firefighter is available.
- c) All personnel within this Department will show proper respect to and promptly obey the Chain of Command, both during emergency incidents, departmental activities, and in regards to administrative matters. Respect for the ranks of officers is essential for both administrative and operational efficiency. All firefighters and officers are required to be familiar with the Incident Command System and to work within its parameters through the termination of all incidents.

10.4 General Requirements

Members of the service will:

- a) Be at least eighteen years of age with a minimum grade 12 education and pass such aptitude and other tests as may be required by the Fire Chief,
- b) Be physically capable of performing the duties of the position,
- c) Produce a physician's letter at their own expense prior to employment stating that the candidate is capable of performing duties as a member of the fire and rescue service.
- d) Produce at their own expense prior to employment a current (within previous 3 months) drivers abstract and a criminal record check including a criminal record check for a sexual offence for which a pardon has been granted.
- e) Obtain a Class 4 license with air brake endorsement within a reasonable time frame as deemed appropriate by the Fire Chief.
- f) Adhere to the R.M. of Springfield Code of Ethics and the Service's Code of Conduct.
- g) Be on probation for a period of 18 months from the commencement of employment.

- h) Unless currently certified or licensed to perform the duties of a firefighter shall enter into training and education programs that will lead to a minimum Level 1 (NFPA 1001) firefighting provincial certification as defined by the Manitoba Emergency Services College.
- i) Report to duty at the time prescribed by departmental rules and regulations and shall remain on duty until relieved by a commanding officer.
- j) Adhere to the requirements of the PHIA. Personal health information of a patient or an individual member shall not be discussed outside of the service. Incident information shall not be discussed outside of the service without specific authorization from the Fire Chief.
- k) No member shall be permitted to report for, or remain on duty, if his ability is impaired by the use of an intoxicating beverage, or under the influence of any narcotic, prescription drug or any substance that may cause impaired judgment.
- l) Refrain from smoking at emergency scenes or training sessions except for designated areas.
- m) Allow members of the fire service to operate or ride in fire apparatus.
- n) Comply with the provisions of the Highway Traffic Act and the Standard Operating Procedure in the operation of their private vehicle or department apparatus when responding to a call for service. Members of the service will conduct themselves in a professional manner at all times.
- o) Exercise safety procedures at all fire departments activities in accordance with the Standard Operating Procedures (Safety Section) and the Workplace Safety and Health Act.

10.5 Indemnification.

- a) The municipality shall indemnify and save harmless any and all members of the service for any loss, damage or expenses suffered by such member as a result of the performance of his duty as a member of the service, so long as the member is not in contravention of any requirements of this by-law or Standard Operating Procedures.

10.6 Legal Proceedings

- a) Members attending to legal proceeding on behalf of the municipality will be covered for the loss of wages at the rate of the employee's regular wage (actual wage with proof being submitted to the Fire Chief) while the member is away from his regular employment minus any fee paid to the witness by the court. If the member is on a scheduled day off from regular employment during such proceedings, the members will be entitled to payment from the service at their hourly rate as a member of the fire service.

10.7 Suspension and Termination from the Service.

- a) The Fire Chief may reprimand, suspend, or may dismiss any member for insubordination, inefficiency, misconduct, or for non compliance with any of the provisions of this by-law, general departmental orders and Standard Operating Procedures that in the opinion of the Fire Chief would be detrimental to discipline, efficiency and safety within the Fire and Rescue Service.
- b) Following the suspension of any member, the Fire Chief shall report to the C.A.O in writing within 24 hours of the suspension.
- c) A member shall not be dismissed without being afforded an opportunity for a hearing before the C.A.O. The member must make a written request for such a hearing within seven (7) days after receiving notice of dismissal.
- d) All firefighters are required to immediately report to the Fire Chief if they are knowingly unfit or not capable of performing the duties of a firefighters as well as a claim open under the Workman's Compensation or any other type of insurance plan. Members who are unfit for duty shall be granted a leave of absence until such time that they are available to return to perform the duties assigned to them. Prior to commencing firefighting activities, a doctor's note will be provided to the Fire Chief at the employees' expense stating that he/she is fit for full firefighting duties. No light duties will be allowed. Failure to disclose any of the above information will result in the termination from the service.
- e) All members will be reviewed annually on various firefighting and EMS skills, and overall performances including attendance at all activities engaged by the Fire and Rescue Service. If an employee has not met the expectations of the service as set out in the Standard Operating Procedures, this by-law and rules and regulations, an additional review will be scheduled and the member will be afforded one opportunity to improve performance. Failure to meet expectations will result in termination.

Part IV
Offences and Penalties

11.0 Tampering or Interference

- a) It is 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 location unless authorized by the Fire Chief or his designate.
- b) No person shall in any way impede or hinder any member of the service at the suppression and control of a fire or any other incident.
- c) No person engaged in fighting a fire shall neglect or refuse to obey a lawful order of the Fire Chief or his designate.

12.0 Penalties

It is an offence to contravene any provision of this By-Law. Any offence is subject to a penalty of not less than \$100.00 or not more than \$1,000.00.

Schedule B

By-law 09-02

Services provided by the Fire and Rescue Service shall consist of the following;

- 1- Public Safety Education
- 2- Pre-Fire Planning
- 3- Extinguishing and prevention of grass fires
- 4- Extinguishing and prevention of structure fires both rural and urban
- 5- Extinguishing and prevention of urban interface fires
- 6- Flood response
- 7- Vehicle Extrication
- 8- Fire Prevention Inspections
- 9- Farm Accident Rescue
- 10- Ground Search and Rescue
- 10- Hazardous Material Responses
- 11- Aircraft Rescue and firefighting
- 12- Precautionary standby
- 13- Responses to any request that the Fire and Rescue Service deems an emergency, including but not limited to, carbon monoxide alarms, animals in peril and gas odors.

Schedule C

By-law 09-02

North East Mutual Aid District.

Members of the North East Mutual Aid District include:

Springfield Fire and Rescue Service

East St. Paul Fire Department

Narol Fire Department

East Selkirk Fire Department

Pine Falls Fire Department

Whitemouth Fire Department

Bird River Fire Department

Beausejour/Brokenhead Fire Department

Lac du Bonnet Fire Department

East Beaches Fire Department

Pinawa Fire Department

Victoria Beach Fire Department

Schedule D
By-Law 09-02

The following are regulations for the installation and use of outdoor fire pits as well as outdoor solid fuel appliances in residential areas consistent with the zoning by-law.

- 1) The outdoor fire pit or outdoor solid fuel appliance shall be enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other noncombustible materials.
- 2) The outdoor fire pit or solid fuel appliance shall be covered with a noncombustible grate or mesh. If the outdoor fire pit or solid fuel appliance is equipped with a chimney, it shall have a noncombustible mesh or spark arrester installed.
- 3) The outdoor fire pit or outdoor solid fuel appliance shall be located on a flat, level and noncombustible base and clear of overhangs, such as roofs, tree branches, or utility wires.
- 4) A minimum clearance of 10 ft. or 3 m., measured from the nearest fire pit edge is maintained from any structures or any combustibles (i.e. fences, trees, hydro poles) and property lines.
- 5) Outdoor solid fuel appliances shall be installed to manufacture's specifications with any required distance to a structure or combustible of at least (10) feet or three (3) meters.
- 6) Fires shall be supervised and attended at all times by an adult.
- 7) Fires in outdoors fire pits and outdoor solid fuel appliances are not permitted under severe wind conditions or when atmosphere or local circumstances make such fires hazardous.
- 8) Only clean, dry wood or briquettes can be burned in outdoor fire pits or outdoor solid fuel appliances. Fires cannot be used to burn garbage, rubbish, debris, grass, leaves, previously painted or treated wood and any fuel which when burned, may result in the release of dense smoke, or offensive odors.
- 9) A means of extinguishments such as a portable fire extinguisher or garden hose shall be available on site. Fires must be extinguished before leaving the site.
- 10) Smoke from outdoor fire pits and outdoor solid fuel appliances shall not impact on neighboring properties by releasing offensive odors that are annoying, unpleasant or a nuisance.

- 11) All fires must be limited in size so the available firefighting resources at hand may easily control them.