

The Rural Municipality of Mountain

BY-LAW NO. 01/19

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF MOUNTAIN TO ESTABLISH AND REGULATE A FIRE DEPARTMENT, PROVIDE FOR FIRE FIGHTING, 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 RM OF MOUNTAIN AND TO BE KNOWN AS THE FIRE PREVENTION AND EMERGENCY SERVICES BY-LAW.

WHEREAS Division 3 of The Municipal Act R.S.M. provides in part as follows:

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 well-being of people and the safety and protection of property;
- (b) Preventing and fighting fires; ...
- (c) 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 266 of The Act provides that for the purpose of providing fire protection services, a municipality may enter into an agreement with a person, another municipality or an agency or department of the Government of Manitoba or the Government of Canada;

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 relief of illness and injury and the preservation of life and property;

AND WHEREAS section 270 of The Act provides that a fire protection force may take such action as it considers reasonably necessary, including using any real or personal property, entering a building or upon land and demolishing or removing a building, tree, structure or crop to provide fire protection services and, subject to the council's approval under section 268, to prevent injury and preserve life and property;

AND WHEREAS the Council of the Rural Municipality of Mountain has established the Mountain North and Mountain South Fire Departments with the objective of fire prevention, suppression, and the protection of life and property within the limits of the R.M. of Mountain;

AND WHEREAS Council is desirous of providing rules and regulations to govern the operation of the Fire Department;

NOW THEREFORE the Council of the Rural Municipality of Mountain, in open session assembled, enacts as follows:

1. INTERPRETATION AND DEFINITIONS

Interpretation

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 RM of Mountain, the operation of Emergency Services and the transportation and storage of flammable and combustible substances.

Definitions

(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:

‘ACT’ means The Municipal Act S.M. 1996, c.58, C.C.S.M. c. M225 as amended from time to time.

‘AUTHORITY HAVING JURISDICTION’ means the District Fire Chief, 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.

‘CODE’ means the Manitoba Fire Code being Regulation No. 163/98 of The Fire Preventions Act, RSM c. F80, C.S.S.M. c.80, as amended from time to time, or any subsequent Manitoba Fire Code which may be enacted.

‘COUNCIL’ means the council of the Rural Municipality of Mountain.

‘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.

‘FIRE CHIEF’ means the Fire Chief for any RM of Mountain Fire Department and one acting or authorized to act on his behalf.

‘FIRE DEPARTMENT’ means the Mountain North or Mountain South Fire Departments, part-time fire departments.

‘FIRE FIGHTER’ means any member of the Fire Department while their services are actually engaged by the RM of Mountain for the purpose of providing Emergency Services or otherwise enforcing the provisions of this by-law.

‘FIRE INSPECTOR’ means the person or agency employed by or acting for the RM of Mountain and partially or wholly responsible for fire safety within the RM of Mountain.

‘RURAL MUNICIPALITY OF MOUNTAIN’ means the RM of Mountain or the area contained within the boundaries thereof.

2. ADMINISTRATION

- 2.1 There is hereby created the Mountain North and Mountain South Fire Departments for the RM of Mountain, to be comprised of a Fire Chief, Deputy Fire Chief and such other Fire Department personnel as from time to time may be deemed necessary by the Fire Chief, and as more particularly set annually by Council Resolution; provided however, the Fire Department shall not be comprised of less than six (6) or more than twenty (20) 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.
- 2.2 The Council, or a Committee thereof struck for the purpose shall be responsible for the review and approval of all rules and regulations governing the operation of the department.
- 2.3 The RM of Mountain is hereby authorized to enter into agreements or contracts with nearby incorporated communities or governing bodies of other organizations to provide the members of such communities or organizations with fire protection, or to establish a mutual aid system.
- 2.4 The Fire Chief and all persons acting under his direction or control shall be deemed to act at all times during the course of training, firefighting, or other departmental activities as agents of the RM of Mountain, and the RM of Mountain shall indemnify and save harmless the Fire Chief and any persons acting under his direction and authority from any action or suit, and the cost of defending such action or suit, arising out of any action of any such person, save only with willful misfeasance or nonfeasance of such person.
- 2.5 The RM of Mountain shall maintain such insurance for compensation or payment of any firefighter that shall be required to indemnify any such person from loss, injury or damage suffered in the course of their firefighting duties.
- 2.6 The RM of Mountain 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, 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.

- 2.7 Subject to any agreements to the contrary, where any type of Emergency Services have been taken within the RM of Mountain, including responding to a false alarm, the RM of Mountain 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 RM of Mountain 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 RM of Mountain.
- 2.8 The Fire Department will not respond to any call with respect to a fire or an emergency outside the municipal boundaries and no apparatus shall be hired out or permitted to leave the RM of Mountain limits except with respect to a fire or emergency:
- i) that in the opinion of the Fire Chief threatens property in the municipality or property situated outside the RM of Mountain that is owned or occupied by the RM of Mountain;
 - ii) or in a municipality with which an agreement has been entered into to provide fire protection services or Emergency Services;
 - iii) or in a municipality which forms part of a mutual aid agreement for which the RM of Mountain is a member;
 - iv) or on property with respect to which an agreement has been entered into with any person or corporation to provide fire protection thereof;
 - v) or which the reeve and/or council has first authorized such attendance;
 - vi) or under such circumstances as it appears human life is in jeopardy;
 - vii) or upon request for assistance from the Office of the Fire Commissioner or some other properly designated office of the Province of Manitoba;
 - viii) or in response to a call from the Royal Canadian Mounted Police or the 911 Operator to respond to a call for assistance at a motor vehicle accident for fire protection and suppression and/or victim extrication.
- 2.9 The mandate of each Fire Department is to provide the specific Emergency Services as described in Schedule 'A' to this By-Law.

3. DEPARTMENTAL MEMBERSHIP, STRUCTURE AND DUTIES

- 3.1 Each Fire Department for the RM of Mountain, shall be comprised of a Fire Chief, Deputy Fire Chief and such other Fire Department personnel as from time to time may be deemed necessary by the Fire Chief, and as more particularly set by Council resolution.
- 3.2 Membership in the department shall be able-bodied adults residing within the RM of Mountain and its environs.
- 3.3 Council may require that any applicant submit to a medical examination prior to being considered for appointment or reappointment to the Department.
- 3.4 Members of the department shall hold a valid class IV drivers licence with air brake endorsement or obtain such within one year of appointment to the department, and compensation will be provided for obtaining such.
- 3.5 The officers of the Fire Department shall consist of a Fire Chief and Deputy Fire Chief and such other officers as the Fire Chief and Council may deem necessary and appoint, from time to time, for the effective operation of the department.
- 3.6 The District Fire Chief shall recommend to the CAO appointments to the Department, disciplinary actions within the Department, and where necessary removal of members from the Department. All such actions shall be enacted by Resolution of Council.
- 3.7 All members shall report to the Fire Chief but shall be accountable to the CAO, but subject to removal only by Council. No member shall be dismissed, without a hearing before Council, at which time all complaints and charges against such member should be heard.
- 3.8 All motor equipment and all personal vehicles of the department members shall have right of way over all other traffic when responding to an alarm. Each member of the department driving a vehicle shall be issued a suitable insignia to be attached to his/her vehicle. Members responding to an alarm shall not drive in a manner dangerous to the safety of other vehicles or pedestrians. Complaints regarding the driving habits of department members may result in suspension by the District Fire Chief or CAO.
- 3.9 Council shall appoint the Fire Chief for an indefinite time and his tenure of office shall depend on his good conduct and efficiency. He shall be removed, only for just cause, and after a hearing before the Council.
- 3.10 The Fire Chief shall be a person technically qualified by training and experience and shall have the ability to command brigade members and hold their respect and confidence.
- 3.11 It shall be the responsibility of the Fire Chief 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.
- 3.12 The Fire Chief shall have the power to delegate all rights, powers and privileges hereby granted to any regular member of the department. In the absence of the Fire Chief, the senior officer of the Fire Department present, shall assume the duties of the Fire Chief.

- 3.13 The Fire Chief, with the approval of Council, may establish minimum training requirements for candidates for membership in the department.
- 3.14 The District Fire Chief along with the local Fire Chief shall, not less than six and not more than twelve times per year, conduct suitable drills or instruction in the operation and handling of equipment, a study of buildings in the RM of Mountain and fire prevention, water supply, rescue work and first aid and all other matters generally considered essential to good fireman ship and safety of life and property from fire.
- 3.15 The Fire Chief shall see that complete records are kept of all fires, inspections, apparatus, and minor equipment, personal and other information on or about the department. Such records shall be kept at the Municipal Office.
- 3.16 The District Fire Chief shall make such reports as Council may require, but shall, in any event, make a complete annual report within one month after the close of the fiscal year, such report to include a record of all fires, inspections, apparatus and equipment, personal and other information respecting the work of the department, together with comparative data for the previous year and any recommendations for improvements to the department.
- 3.17 The Fire Chief shall submit the required reports of incidents to the Office of the Fire Commissioner within seven days. Copies of such reports shall be filed with the Municipal Office.
- 3.18 The Fire Chief shall have sole authority in any actions taken to suppress fire, or to prevent the spread of fire, except where Federal or Provincial authority takes precedence, in which case the Fire Chief or in his absence, the senior officer of the Fire Department present shall cooperate fully and under the direction of the applicable Federal or Provincial authority.
- 3.19 The Fire Chief is hereby empowered to enter any and all buildings and premises at all reasonable times for the purpose of making an inspection, and empowered to serve either a warning or written notice [see Schedule B] upon the owner or occupant to abate, within a specified time, any and all fire hazards as may be found. Any person so served with a First Offence Notice to abate any fire hazard or hazards shall comply therewith within a period of time specified by the Fire Chief. The time period set by the Fire Chief shall be reasonable giving consideration to the nature and seriousness of the hazard and the difficulty involved with its abatement. A Second Offence Order shall follow, if the owner or occupant refuses or neglects to remedy the By-Law contravention mentioned in the order.
- 3.20 The Fire Chief shall have the right and authority to enter upon any private property, 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, where the spread of fire would cause greater injury, death or severe property damage or limit the safe and efficient performance of the duties of the department.

- 3.21 The Fire Chief shall have the authority to incur damage to any structure or to any part of a structure where such action is essential to suppress fire or to prevent the spread of fire, or to safely and efficiently carry out any other duty of the department.
- 3.22 The Fire Chief may, if necessary, require the assistance of the Royal Canadian Mounted Police, for the purpose of directing traffic or guarding the perimeter of the emergency.
- 3.23 The Fire Chief shall have the authority, in the absence of adequate police assistance, to regulate or prohibit vehicular traffic in the vicinity of the emergency.
- 3.24 The Fire Chief shall have the authority to move privately owned vehicles, by the most expeditious means possible, to gain access to the site, for the purpose of executing emergency response.
- 3.25 The Fire Chief may set a perimeter around the fire hazard and refuse access beyond said perimeter to all persons.
- 3.26 The Fire Chief shall have the authority to evacuate persons at risk of harm due to the emergency.
- 3.27 The Fire Chief at any fire or while providing any other Emergency Service, shall have the right and authority to appoint temporarily 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 RM of Mountain and shall be covered for insurance and liability as a temporary member of the department.
- 3.28 The Fire Chief at any fire or while providing any other Emergency Service, 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 providing any other Emergency Service.
- 3.29 The Fire Chief shall have the authority to prevent interference with the efforts of persons engaged in the implementing an emergency response, by regulating the conduct of the public at, or in the vicinity of an emergency, and any person impeding or interfering with such efforts of persons engaged in the implementation of emergency response shall be guilty of an offense and subject to penalty as hereinafter set forth.
- 3.30 The Fire Chief shall have the authority to require the property owner of a fire damaged building, including but not limited to boarding up and securing of such building, and making recommendation to council for its demolition. The time line for such shall give consideration to the nature and seriousness of the hazard and the difficulty involved.

4. PROVISION AND CARE OF EQUIPMENT

- 4.1 The department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and ability to properly protect life and property. Recommendations of apparatus and equipment required shall be made by the District Fire Chief to the Rural Municipality of Mountain, and

upon approval by Council will be purchased in such a manner and times as directed by Council.

- 4.2 All equipment in the department shall be safely and conveniently housed in such places as may be designated by Council. Such places shall be heated during the winter season.
- 4.3 Citizens shall turn in an alarm by calling 911 by phone.
- 4.4 Suitable arrangements and equipment shall be provided for notification of all members of the department so that they may properly respond to an alarm.
- 4.5 No persons shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the department.
- 4.6 No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by or having the special permission of an Officer or authorized member of the department.

5. REGULATORY PROVISIONS AND FIRE PREVENTION STANDARDS

- 5.1 All buildings and properties shall be adequately maintained in order to guard against fire or the risk of fire.
- 5.2 The use of bales as insulation on the outside of buildings is prohibited.
- 5.3 No home-based business shall be operated which could create or be a fire hazard to adjacent residences.
- 5.4 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 thereof shall be the responsibility of the owner.
- 5.5 Barbecue pits or approved burning barrels shall be constructed in such a manner as to ensure that they do not constitute a fire hazard.
- 5.6 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 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, kept away from any source of ignition and removed forthwith if determined to constitute a fire hazard by the Authority Having Jurisdiction to such location as authorized by the Authority Having Jurisdiction.
- 5.7 Ashes or combustible refuse shall be stored in fireproof containers.

- 5.8 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.
- 5.9 No explosives shall be stored within the RM of Mountain, unless the person so storing explosives has obtained a permit for storage of said explosives from an applicable provincial or federal office.
- 5.10 No person shall commit any act, or use any material in such a manner as to create the possibility of causing or promoting a fire.
- 5.11 No person or persons shall kindle any fire without first obtaining a burning permit from the local Fire Chief, or his designate. Such permits shall be in accordance with Section 6 of this By-Law and submitted accordingly to the Municipal Office.
- 5.12 The setting off of fireworks, except for domestic fireworks, shall be under the supervision of a person possessing the appropriate pyrotechnical authority.
- 5.13 Property owners shall provide, locate, maintain and/or hydro-statically test portable fire extinguishers in accordance with the requirements of The Code.
- 5.14 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.
- 5.15 Where the Fire Department attends in response to a fire alarm call, which is an apparent false alarm, 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-watch 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.
- 5.16 A person or persons, or owner of a fire alarm system that causes a false fire alarm shall be liable for the costs for responding to the alarm and any other penalties as prescribe for this offence.
- 5.17 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.
- 5.18 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.
- 5.19 No person shall drive any vehicle over a fire hose except upon the specific orders of the Fire Chief or any Officer in charge.
- 5.20 No person shall park any vehicle or otherwise cause any obstruction to be placed within seven (7) meters of the entrance to any Fire Station or other place where fire apparatus is stored, or within four (4) meters of any fire hydrant or cistern.

- 5.21 No unauthorized person with any vehicle shall follow within two hundred (200) meters of any apparatus belonging to the department, nor park any vehicle within one hundred (100) meters of any fire.

6. BURNING PERMIT SYSTEM

- 6.1 All burning within the Municipality shall be subject to the following provisions:
- i. The Fires Prevention and Emergency Response Act and the regulations;
 - ii. The Wildfires Act and the Manitoba Crop Burning Residue Regulation; and
 - iii. Any terms and conditions as set forth in this By-Law or the Burning Permit including any safeguards or restrictions prescribed by the District Fire Chief or Fire Chief.
- 6.2 No person shall set on fire any stumps, trees, logs, brush, grass, straw, shavings, or refuse without first obtaining a Burning Permit from the District Fire Chief or the appropriate Fire Chief.
- 6.3 The District Fire Chief or Fire Chief, at his/her discretion may issue or refuse to issue the burning permit to which the application was made.
- 6.4 The District Fire Chief or Fire Chief may prescribe the safeguards that he/she deems necessary and shall be used for the control of fires that may be caused directly or indirectly, by an operation, and he/she may limit the period under which the burning operation may be carried out.
- 6.5 The permittee shall observe the following precautions before lighting the fire;
- a) No person shall set a fire that spreads or is likely to spread so as to danger forests or property;
 - b) Fires shall be supervised at all times and a sufficient means of fire suppression capable of extinguishing the fire based on its fuel loading and size shall be available on site;
 - c) All fires shall be extinguished when unsupervised;
 - d) No person shall set fires when wind conditions exceed 20km/hr;
 - e) No person shall set fires for the purpose of guarding property, burning crops or stubble, or clearing land, unless the land on which the fire is started is completely surrounded by:
 - i. a ploughed fireguard not less than twenty feet wide; or
 - ii. a strip of land not less than twenty feet wide, free from all flammable material or on which all flammable material is covered by snow or water;
 - f) No person shall:
 - i. set a fire that runs at large on any land, which is not his own property;
 - ii. permit or fail to prevent fire from passing from his own land or land occupied by him to the injury of the property of any other person.
- 6.6 Any burning permit may be cancelled or suspended at any time by the Reeve, Council, District Fire Chief, Fire Chief or Chief Administrative Officer.
- 6.7 Upon receiving notice of the cancellation or suspension of a burning permit, the permittee shall refrain from setting further fires, and shall extinguish any existing fires.

- 6.8 The possession of a burning permit does not exempt or excuse a person from the responsibility, consequences, damages, or injuries resulting from the authorized burning and does not excuse a person from complying with other applicable laws, ordinances or regulations.
- 6.9 Any burning permits shall be documented and be kept on record at the municipal office, and there shall be no fee for the issuance of a burning permit.
- 6.10 Any person who has been refused a burning permit may within five days of the refusal, submit a written appeal to the Council of the Rural Municipality of Mountain. Upon consideration of the appeal by Council at its next regular meeting, the Council's decision is final and subject to no further appeal.

BURNING BANS

- 6.11 If conditions exist where fires are extremely high risk and Manitoba Sustainable Development or such an authority has determined that a burning ban shall be set then no permits shall be issued by the Municipality. Any permit issued prior to the burning ban shall be thereby cancelled. Any persons who have received a burning permit have the responsibility to ensure that there is no current burning restrictions in place.

EXEMPTION FROM BURNING PERMITS

- 6.12 Any person may, in an emergency, without a burning permit, set a fire for the purpose of cooking or obtaining warmth therefrom.
- 6.13 Fires that are set in an outdoor fire pit or solid fuel burning appliance, set for cooking or warmth and would normally be considered a campfire, are for the purposes of this By-Law, exempt from a Burning Permit, but must adhere to the following conditions:
- a) Any fire that is set in a fire pit or solid fuel appliance shall be enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other noncombustible materials;
 - b) The fire pit or solid fuel appliance shall be covered with a non-combustible grate or mesh. If the fire pit or solid fuel appliance is equipped with a chimney, it shall have a noncombustible mesh or spark arrester installed;
 - c) The fire pit or solid fuel appliance shall be located on a flat, level and noncombustible base clear of overhangs, such as roofs, tree branches or utility wires;
 - d) A minimum clearance of 10 meters, measured from the nearest fire pit edge is maintained from any structures or any combustibles (ie. fences, trees, hydro poles) and property lines;
 - e) Solid fuel appliances shall be installed to manufacturer's specifications with any required distance to a structure or combustible of at least 10 meters.

7. OFFENCES AND PENALTY PROVISION

- 7.1 An order made under this By-Law shall be in writing and signed by the Authority Having Jurisdiction.
- 7.2 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.
- 7.3 Any order made under this By-Law shall be served personally upon the person to whom it is directed or by registered or regular mail or 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.
- 7.4 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.
- 7.5 Any person who contravenes this By-Law or refuses or neglects to obey an order made under this By-Law is guilty of an offence as follows:
Noncompliance of a 1st Offence Order – A Fine of \$250.00
Noncompliance of a 2nd Offence Order – A Fine of \$500.00
Any person served with a fine shall have a maximum of 10 business days to appeal such charges. A hearing shall be scheduled in front of Council in which all evidence shall be heard. The decision of Council is final and not subject to appeal.
- 7.6 Any fees or fines imposed under this By-Law shall be invoiced by the RM of Mountain, and payable within 30 days. All invoices not paid after 30 days are subject to interest as per outstanding accounts receivable policy. Any outstanding invoices, fines or penalties are an amount owing to the Municipality and may be collected by the Municipality in the same manner as a tax may be collected or enforced under *The Municipal Act*.
- 7.7 The Summary Convictions Act shall govern all proceedings, under this By-Law.
- 7.8 The Chief Administrative Officer of the RM of Mountain shall be deemed to be a Magistrate for the purpose of accepting voluntary payment of fines or penalties as hereinafter set forth.
- 7.9 Each day that a contravention continues after the first day of the contravention may be considered to be a separate offence.
- 7.10 In addition to the penalties set forth in the foregoing clause of this By-Law, the cost of attendance of the Fire Department at a fire kindled in contravention of this By-Law shall be payable by the persons responsible for kindling the fire, in accordance with the current Fire Department Rates policy.
- 7.11 In addition to the penalties hereinbefore set out, the cost of a call out by the Fire Department in response to a false alarm shall be payable by the persons or person responsible for causing the false alarm.
- 7.12 In the event that the person referred to in the preceding Sections of this By-Law is a person under the age of majority, the fines levied, and any Fire Department costs incurred shall be payable by the parents/legal guardian of the juveniles involved.

8. REPEAL AND ENACTMENT

That By-Law 05/15, 04/16 and any other By-Laws inconsistent herewith be hereby repealed.

The repeal of the By-laws 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.

The repeal of the said By-Law should not affect:

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

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

Or any bond, note, debenture, debt, or other obligation made, executed, or entered into by the RM of Mountain at the time of such repeal;

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.

This By-Law shall come into full force and take effect upon the passage thereof.

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 as a By-Law of The Rural Municipality of Mountain, at Birch River, in the Province of Manitoba, this 13th day of March, A.D. 2019.

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Robert Hanson
Reeve

Read a first time this 13th day of February, A.D. 2019.

Read a second time this 27th day of February, A.D. 2019.

Schedule 'A' to By-Law No. 01/19
Emergency Services Provided by Fire Department

The RM of Mountain Fire Departments will provide the following Emergency Services:

1. Fire prevention and fire extinguishing, which includes structural fire fighting for rescue, fire control and property conservation.
2. Operation of apparatus and equipment for extinguishing fires or preserving life and property.
3. Investigation of the causes of fire and origin determination.
4. Preservation of life and property and protection of persons and property.
5. Hazardous material responses [**Limited to anhydrous and potential fire suppression. Hazmat trailer out of Dauphin or Brandon**]
6. Vehicle extrication.
7. Farm accident rescue.
8. Fire prevention inspections [**subject to required training**]
9. Pre-fire planning.
10. Public safety education.
11. Precautionary standby.
12. Extinguishing and prevention of grass fires.
13. Setting controlled burns with authorization of Council.
14. Extinguishing and prevention of urban interface fires.
15. Response to any calls that the Fire Department deems an emergency, including but not limited to, CO alarms, and gas odors.
16. Aircraft rescue and firefighting. [**Assistance only**]
17. Assist in purchasing apparatus and equipment for extinguishing fires or preserving life and property.
18. Assist in ground search and rescue.
19. Assist in urban search and rescue.
20. Assist in rescue, ambulance, and emergency medical services.

SCHEDULE 'B.1'
FIRST OFFENSE ORDER

Owner Identification
Name, Street Address, Telephone No., Property Roll Number

Order to Comply
Pursuant to the Rural Municipality of Mountain
Fire Prevention and Emergency Services By-Law No. 01/19

Order Number: _____ Date Order Issued: _____

Address to which Order applies: _____

Order issued to:

The inspection on or about _____ (date) at the above-referenced address found the following contravention(s) of the Rural Municipality of Mountain Fire Prevention and Emergency Services By-Law No. 01/19.

You are hereby ordered to correct the contraventions itemized below immediately, by the dates listed below, or by _____ (date).

Item	Reference	Description and Location	Compliance Date

In accordance with Section 7.5 of By-Law No. 01/19, non-compliance with a first offence order shall result in a fine of \$250.00 that may be collected in the same manner as property tax.

Order Issued By:

Name: _____ Title: _____

Signature: _____ Telephone No: _____

Note:

- It is illegal to remove a copy of a posted Order unless authorized by the Authority Having Jurisdiction {The Fires Prevention and Emergency Response Act C.C.S.M. c. F80 Section 44(1)(d)}
- An Order may be appealed by _____
- Failure to comply with this Order is an offence which will result in a fine.

SCHEDULE 'B.2'
SECOND OFFENSE ORDER

Owner Identification
Name, Street Address, Telephone No., Property Roll Number

Order to Comply
Pursuant to the Rural Municipality of Mountain
Fire Prevention and Emergency Services By-Law No. 01/19

Order Number: _____ Date Order Issued: _____

Address to which Order applies: _____

Order issued to:

The inspection on or about _____ (date) at the above-referenced address found the following contravention(s) of the Rural Municipality of Mountain Fire Prevention and Emergency Services By-Law No. 01/19.

You are hereby ordered to correct the contraventions itemized below immediately, by the dates listed below, or by _____ (date).

Item	Reference	Description and Location	Compliance Date

In accordance with Section 7.5 of By-Law No. 01/19 non-compliance with a second offence order shall result in a fine of \$500.00 that may be collected in the same manner as property tax.

Order Issued By:

Name: _____ Title: _____

Signature: _____ Telephone No: _____

Note:

- It is illegal to remove a copy of a posted Order unless authorized by the Authority Having Jurisdiction {The Fires Prevention and Emergency Response Act C.C.S.M. c. F80 Section 44(1)(d)}
- An Order may be appealed by _____
- Failure to comply with this Order is an offence which will result in a fine.