

**Municipality of Pembina
By-law No. 3/2023**

Being a by-law of the Municipality of Pembina to 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 Municipality.

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

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

AND WHEREAS the Council of the Municipality of Pembina deems it expedient and advisable to pass a by-law to provide generally for the protection of life and property from damages by fire and to regulate burning within the Municipality of Pembina;

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 fire fighting equipment and a fire protection force;

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 Municipality of Pembina duly assembled enacts as follows:

INTERPRETATION AND DEFINITIONS

Interpretation

1. **THAT** this by-law shall be known as the "Fire Prevention and Emergency Services By-Law";
2. **THAT** 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; the operation of Emergency Services and the storage of flammable and combustible substances.
3. **THAT** all burning within the municipality shall be subject to the conditions and provisions of *The Wildfires Act*, *The Manitoba Crop Burning Residue Regulation – MR 77/93*, *The Fire Preventions Act* and *The Municipal Act*.

Definitions

4. **THAT** 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*.

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.

"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 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.F80, as amended from time to time, or any subsequent Manitoba Fire Code which may be enacted.

"Council" means the council of the Municipality of Pembina.

"Designate" means any person authorized by the Authority Having Jurisdiction to enforce this by-law on behalf of the Authority Having Jurisdiction.

"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, 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.

"Enforcement Officer" means a person authorized to enforce, implement or administer all or part of this By-Law as well can be a member of the Royal Canadian Mounted Police or any person appointed and employed by the Municipality of Pembina under resolution to enforce a By-Law for the preservation and maintenance of the public peace and any person lawfully authorized to direct or regulate traffic and to enforce an Act, By-Law, and or Drivers and vehicles Act,

"Fire Board" means a board that is made up of the Council Representative to the Fire Departments, the CAO, the Fire Chiefs and one alternate member from each Fire Department.

"Fire Chief" means the Fire Chief for the Darlingford, La Riviere and Manitou Departments; or any one acting or authorized to act on his/her behalf.

"Fire Departments" means one of the Volunteer Fire Departments in the Municipality.

"Fire Fighter" means any volunteer members of the Fire Departments 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.

"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.

"Municipality" means the Municipality of Pembina or the area contained within the boundaries thereof.

"Officer" means the Fire Chiefs, or any member of the Fire Service or any person on behalf of the Authority Having Jurisdiction, appointed as a fire guardian for the purposes of *The Wildfire Act*.

"Outdoor Fire" means a fire that is started outdoor including crop residue burning, land clearing and grass burning; does not include outdoor solid fuel appliances.

"Owner" in relation to real property, includes a person who is the owner of a freehold estate in the real property, including

- (a) The person identified on the certificate of title as a sole owner, joint tenant, or tenant in common of a freehold estate;
- (b) a person who is registered under The Condominium Act as the owner, as defined in the Act, of a unit under that Act;
- (c) a real owner, as defined in subsection 1(1) of the Municipal Assessment Act;

And further includes a person who is responsible for the real property and any person:

- (a) Managing a building, whether on his or her own account or as agent or trustee of any other person;
- (b) Who is receiving, is entitled to receive or would receive the rent for the building if the building were rented;

- (c) Who, despite having sold the real property under an agreement for sale, has paid any real property taxes on the property after the effective date of the agreement;
- (d) For the time being receiving installments of the purchase price of a property sold under an agreement for sale whether on his or her own account or as an agent or trustee of any other person; and
- (e) Who would receive the installments of the purchase price if such land or premises were sold under an agreement for sale;

"Person" includes a firm or corporation.

"Rubbish" means combustible items such as paper, rags, boxes, bedding and any wood that contains toxic chemicals to the environment, non-combustibles items such as tin cans, metals, pressurized containers, ceramics, metal foils, plastics and glass, and vegetative wastes, such as pruning's, grass clippings, weeds, leaves and general garden waste.

ADMINISTRATION

Adoption of the Fire Code

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

6. **THAT** 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. Fines will be determined by the Fire Board.

CREATION & RESPONSIBILITY OF FIRE DEPARTMENT

Creation and Membership

7. **THAT** there is hereby three (3) Fire departments created for the Municipality, each 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, and as more particularly set out in Schedule "A" hereto; provided however, each Fire Department shall not be comprised of less than six (6) and up to a maximum of Twenty Five (25) personnel at any one time.

Creation of the Fire Board

8. **THAT** the Municipality of Pembina creates a Municipal Fire Board that consists of an appointed member of Council, and all three (3) Fire Chiefs and a delegated representative from each department. It shall be the responsibility of the Fire Board 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.

This Fire Board will also oversee the basic operation of the 3 Fire Departments and assist in financial guidance.

EMERGENCY SERVICES

9. **THAT** the mandate of the Fire Department is to provide the specific Emergency Services as described in Schedule "B" to this by-law.
10. **THAT** 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.
11. **THAT** 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.

GENERAL REQUIREMENTS

Interference an Offence

12. **THAT** 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

13. **THAT** 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

14. **THAT** 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.

Commandeering Equipment

15. **THAT** 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 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.

FIRE PREVENTION STANDARDS

Access for Inspection

16. **THAT** 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

17. **THAT** 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

18. **THAT** 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

19. **THAT** 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.

Wood-Fired Boiler

20. **THAT** the operations of enclosed incinerators, constructed in compliance with The Manitoba Building Code, are permitted provided the operation thereof does not create a nuisance.
21. **THAT** a wood-fired boiler shall be installed and used in the Municipality of Pembina in accordance with the following provisions:
- (a) The wood-fired boiler unit shall be in compliance with a certified appliance by the Canadian Standards Association (CAN/CSA B415.10 Performance Testing of Solid-Fuel-Burning Heating Appliances).
 - (b) The outdoor wood-fired boiler shall not be used to burn waste.
 - (c) The outdoor wood-fired boiler shall be used to burn only clean dry wood or biomass materials.
 - (d) No person operating a wood-fired boiler shall create an adverse effect and the owner or operator of a wood-fired boiler is responsible for making a reasonable effort to eliminate said adverse effect in response to any local residents' complaints.

Chimney Pipes

22. **THAT** 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.

Property Maintenance

23. **THAT** all buildings and properties shall be adequately maintained in order to guard against the risk and/or spread of fire.

Fire Alarm Systems

24. **THAT** 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.

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 there is a situation that there are three (3) false alarms in one (1) week from a single source, a fire inspection will be required to verify the alarm is in proper working order.

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.

Burn Barrels and the Burning of Rubbish and Plant Material

25. **THAT** the use of burn barrels to burn garbage and rubbish will not be permitted in the municipality's Urban and Rural Residential areas.

Persons are not permitted to burn leaves, grass clippings or any wet, organic matter or any form of rubbish which will cause the material to not properly combust and emit smoke, in the municipality's Urban and Rural Residential areas.

In the municipality's Rural and Agricultural areas, the burning of materials other than materials approved in this bylaw must comply to the regulations and acts as implemented and overseen by Manitoba Conservation.

26. **THAT** authorization to conduct Outdoor Fire burning 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.

- (a) Any outdoor fire shall be supervised by the owner or occupier of the land or a person authorized by the owner or occupier of the land.
- (b) No person shall start an outdoor fire on any land without taking sufficient precautions that are reasonably necessary to protect persons and the property of others.
- (c) No person shall start an outdoor fire unless all precautions are taken to ensure that the fire can be kept under control.
- (d) No person shall cause an outdoor fire to be started in order to guard property; clear land or burn debris; burn crop, stubble or grass; unless the land on which the fire is started is completely surrounded by a fire guard consisting of:
 - i) a strip of land free of flammable material or sufficient width to control the fire.
 - ii) by natural or man-made barriers, water or
 - iii) by a combination of (i) and (ii)
- (e) The smoke from an outdoor fire shall not pose unreasonable hazard to the health of any person or reduce the visibility on any road or highway.
- (f) A sufficient water supply and means of fire suppression capable of extinguishing the outdoor fire based on its fuel loading and size shall be available on site.
- (g) All fires must be extinguished when unsupervised.

Fire Advisory Level

27. **THAT** the Municipality may set a Fire Advisory Level according to Schedule "C" attached to this bylaw.

ADMINISTRATION AND ENFORCEMENT

Interference with enforcement officer

28. **THAT** no person may interfere or attempt to obstruct an enforcement officer who is engaged in his/her duties and enforcing any parts of this By-Law.

29. **THAT** no person may refuse to provide personal identification when requested to do so by an enforcement for the purpose of issuing a document to initiate a prosecution against an individual for a contravention of this By-Law to establish an individual's name and address.

Powers of Enforcement Officers and Designated Officers

30. **THAT** designated Employees and Enforcement Officers have authority to conduct inspections and take steps to administer and enforce this By-law or remedy a contravention of this By-Law in accordance with the Municipal Act and, for those purposes, have the powers of a designated employee under the Municipal Act.

COMPLAINTS AND APPEALS

Complaints

31. **THAT** any person who makes a complaint alleging an offense under this bylaw against another person shall provide to the Municipal Office their name, address, and telephone number. It shall be at the discretion of the Municipal Office whether to proceed or not on any complaint or information.

Appeals

32. **THAT** a person or corporation may appeal a fine or Order imposed under this By-Law in the form of a written letter addressed to the Chief Administrative Officer and the Fire Board of the Municipality for an offence, no later than 14 days after the date of the offence.

33. **THAT** the Chief Administrative Officer and the Fire Board have the authority after hearing all evidence from both the Enforcement Officer/Designated Officer and the person or corporation receiving a fine or order, to make such a ruling as to cancel the fine or order, decrease the fine or order, or demand the fine or order to be paid or the Order be remedied as instructed,

PENALTY PROVISION

Penalty

34. **THAT** 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.
35. **THAT** any order made under this by-law shall be served:
- (a) personally upon the person to whom it is directed; or
 - (b) by registered or regular mail; or
 - (c) 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.
36. **THAT** any person who contravenes or disobeys, or refuses or neglects to obey:
- (a) 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
 - (b) any provision of any by-law, Regulation or Order enacted or made by Council; or
 - (c) 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 not exceeding \$2,500.00.

37. **THAT** all fines are imposed are a debt owed by the person who set a fire and/or the owner of the property on which the fire was located, to the Municipality of Pembina and may be recovered by the municipality in a court of law or may be collected by the municipality in the same manner as a tax which may be collected or enforced under the Municipal Act.

ENACTMENT & REPEAL

Enactment

38. **THAT** 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.

Repeal

39. **THAT** By-law No. 9/2021 passed on the 13th day of January, 2021 and By-law 4/2019 passed on the 13th day of June 2019, be hereby repealed.

DONE AND PASSED by Council of the Municipality of Pembina duly assembled in Manitou, in the Province of Manitoba, this 22nd day of February, 2024.



Glenn Shiskoski, Reeve



Kat Bridgeman, Chief Administrative Officer

Read a first time this 8th day of February, 2024.
Read a second time this 22nd day of February, 2024.
Read a third time this 22nd day of February, 2024.

SCHEDULE A TO BY-LAW 3/2023

**FIRE PREVENTION AND EMERGENCY SERVICES BY-LAW
MUNICIPALITY OF PEMBINA**

Fire Department Personnel

**** See the rosters located at the Municipal Office for member information. ****

SCHEDULE B TO BY-LAW 3/2023

FIRE PREVENTION AND EMERGENCY SERVICES BY-LAW MUNICIPALITY OF PEMBINA

Emergency Services Provided by the Municipality of Pembina Fire Departments

All three (3) Fire Departments within the Municipality will provide the following Emergency Services unless otherwise listed:

- (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) salvage operations;
- (e) the ability to enter into agreements with other municipalities or persons for the joint use, control, and management of fire extinguishing apparatus and equipment, upon direction of Council and the Fire Board;
- (f) operation of apparatus and equipment for extinguishing fires or preserving life and property;
- (g) low angle rescue (Darlingford Only);
- (h) vehicle extrication;
- (i) farm accident rescue;
- (j) ground search and rescue;
- (k) small aircraft rescue and fire fighting;
- (l) fire prevention inspections;
- (m) pre-fire planning;
- (n) public safety education;
- (o) precautionary standby;
- (p) extinguishing and prevention of grass fires;
- (q) extinguishing and prevention of urban interface fires;
- (r) flood response;
- (s) response to any request that the Fire Department deems an emergency, including but not limited to, CO alarms, animals in peril and gas odours;
- (t) Water shore rescue

SCHEDULE C TO BY-LAW 3/2023

**FIRE PREVENTION AND EMERGENCY SERVICES BY-LAW
FIRE ADVISORY LEVEL
MUNICIPALITY OF PEMBINA**

Fire Advisory Level	Natural Resources Weather Calculation Report (Deerwood/Pilot Mound Station Report - FFMC)	Controlled Ag Burn (crop residue, shelterbelts, etc.)	Fireworks	Manitou Inert site	Recreational Use (fire pits)	Outdoor Fires (leaves, branches, burn barrels)
1	0 – 85.9	Yes	Yes	Yes	Yes	Yes
2	86.0 – 89.9	Yes	No	No	Yes	Yes
3	90.0 – 92.9	No	No	No	Yes	No
4	93.0 - 100	No	No	No	No	No

Natural Resources Weather Calculation Report

1. The Municipality and/or Fire Board may utilize the Weather Calculation Report as listed by Natural Resources Manitoba to determine the appropriate Fire Advisory Level.
2. A municipal staff member shall check the above-mentioned website on a regular basis to see what the daily number in the Fine Fuel Moisture Code (FFMC) is. The website is:
https://www.gov.mb.ca/conservation_fire/Wx-Report/daily-obs-wxrep.html
3. The Fire Advisory Level Range will be referenced as a guideline which is listed for the Pilot Mound and the Deerwood Stations as they are the closest to the Municipality.

Procedure for Level 1 & 2 Fire Advisories

1. The municipality will change the advisory level on the Municipal Website and all social media pages.

Procedure for Level 3 Fire Advisories

1. The municipality will change the advisory level on the Municipal Website and all social media pages.
2. Public Works will install public sign boards at municipal and community entrances.

Procedure for Level 4 Fire Advisories

1. In case of a level 4 Fire Advisory, notices will be sent to:
 - The Office of the Fire Commission.
 - The Municipal Website, CodeRed, Municipal social media pages.
 - Parks & Campgrounds;
 - i. Manitou Park.
 - ii. La Riviere Centennial Park.
2. When a Level 4 Advisory is no longer required, the Fire Board must have a discussion to remove the Municipality from the Level 4 Advisory and a notice will be sent out by all the means listed in Section 1 above.