

TOWN OF THE PAS

BY-LAW NO. 4653

BEING A BY-LAW OF THE TOWN OF THE PAS TO PROVIDE FOR FIRE FIGHTING, FIRE PREVENTION, THE RELATED REGULATIONS OF FIRE AND OTHER HAZARDS, THE ADOPTION OF THE MANITOBA FIRE CODE, AND FOR ESTABLISHING, CONTINUING, AND OPERATING THE TOWN OF THE PAS FIRE DEPARTMENT AND TO REPEAL BY-LAW NO. 4578.

WHEREAS Section 232(1) of *The Municipal Act* provides authority for the municipality to 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;*
- (i) Preventing and fighting fires;*
- (j) The enforcement of by-laws;*
- (o) The sale and use of firecrackers and other fireworks, the use of rifles, guns and other firearms and the use of bows and arrows and other devices;*

AND WHEREAS Section 264 of *The Municipal 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 the Fire Department should provide certain non-emergency services;

AND WHEREAS the people for whom services are provided should be responsible for offsetting the cost of providing those services;

AND WHEREAS it is deemed expedient and in the public interest to establish, continue, and maintain fire prevention and emergency services standards in The Town of The Pas;

NOW THEREFORE THE COUNCIL OF THE TOWN OF THE PAS IN COUNCIL ASSEMBLED ENACTS AS FOLLOWS:

PART I: INTERPRETATION AND DEFINITIONS

1. INTERPRETATION

This by-law shall be referred to as the Fire Prevention and Emergency Services By-Law of the Town of The Pas.

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 Town; the operation of emergency services; and the transportation and storage of flammable and combustible substances.

2. DEFINITIONS

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

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 Fire Chief of the Town of The Pas Fire Department and shall include any person(s) authorized to act on the Fire Chief's behalf 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

“Balcony” an elevated platform constructed at least one floor above the ground level

“Building” means any structure used or intended for supporting or sheltering any use or occupancy

“Business Owner” includes any person whose name a business license is issued.

“CAN/ULC-S531 Standard” means the National Standard of Canada designation for the Standard for smoke alarms, issues under the auspices of the Underwriters' Laboratories of Canada, and includes any successor Standard.

“Care or Detention Occupancy” means the occupancy or use of a building or part thereof by persons who require special care or treatment because of cognitive or physical limitations or by persons who are restrained from, or are

incapable of, self-preservation because of security measures not under their control.

“Chief Inspector of Explosives” means the person designated as the Chief Inspector of Explosives under The Explosives Act (Canada).

“Closure” means a closure within the meaning of The Manitoba Fire Code.

“Code” means the Manitoba Fire Code and any and all admendments made in the future.

“Combustible Liquid” means a combustible liquid within the meaning of The Manitoba Fire Code.

“Consumer Fireworks” commonly referred to as family grade fireworks, are those classified as Type F.1 explosives under Federal Explosive Regulations. These include, but are not limited to, outdoor low-hazard recreational fire works such as showers, fountains, golden rain, roman candles, volcanoes, sparklers and caps for toy guns and other similar devices, but does not include Christmas crackers and paper containing not more than twenty-five one-hundredths of a grain of explosives on average per cap, devices for use with such caps, safety flares or marine rockets.

“Council” means the council of The Town of The Pas.

“Dwelling” means any house, detached building, semi-detached building or other structure intended to be used as a residence able to be occupied by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

“Dwelling Unit” means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

“False Alarm” also called a nuisance alarm, means the deceptive or erroneous report of an emergency, causing unnecessary panic and/or bringing resources (such as emergency services) to a place where they are not needed.

“Fee Schedule” means the Town of the Pas Fee Schedule passed by resolution of Council each year.

“Fire Alarm System” means any device or series of devices that are designed to detect fire, smoke or heat that, when activated emits or transmits a local or remote audible, visual or electronic signical intended to act as a warning, or to summon the Fire Department, but does not include residential smoke alarm.

“Fire Chief” means the Director of The Pas Fire Department as appointed by council and anyone authorized or delegated to act on behalf of the Fire Chief.

“Fire Department” means the Town of The Pas Fire Department and includes all members of The Pas Fire Department.

“Firefighter” means any member of the Town of The Pas Fire Department or other emergency service team while their services are actually engaged by the Town for the purpose of enforcing the provisions of this by-law.

“Fire Hydrant” means a fire protection device that enables firefighters to connect to the municipal water supply system for the purpose of extinguishing a fire.

“Fire Inspector” means the person performing fire inspection duties and is authorized by the Fire Chief to act as an inspector under the provisions of this by-law

“Fire Separation” means a fire separation within the meaning of The Manitoba Fire Code.

“Flammable Liquid” means a flammable liquid within the meaning of The Manitoba Fire Code.

“Fireworks” means any article defined as fireworks pursuant to The Explosives Act (Canada) or regulations thereto and without limiting the generality of the foregoing, shall also include High Hazard Fireworks and Low Hazard Fireworks as defined hereafter.

“Hazardous Substance” means a hazardous substance within the meaning of *The Hazardous Substance and Waste Dangerous Goods Regulations* as revised and amended from time to time.

“High Hazard Fireworks” means any fireworks such as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, mines, and fire crackers as defined in Class 7.2.2 of The Explosives Act(Canada) as High Hazard Fireworks for Recreation.

“Hush Feature” means a button or mechanism integrated into a smoke alarm by the manufacturer designed to silence the smoke alarm for a set period of time.

“Incident Commander” means the Officer or designate on a scene that is coordinating members during the incident.

“Lock Box” means a metal box or cabinet purchased to which The Pas Fire Department possesses an access key for the storage of keys or devices for

emergency access to the principal entrance of a building and any other door or hatch required for firefighting purposes.

“Low Hazard Fireworks” means any fireworks such as fireworks showers, fountains, golden rain, lawn light, pin wheel, roman candle, volcanoes, sparklers, Christmas crackers and caps for toy guns as defined in Class 7.2.1 of The Explosives Act (Canada) as Low Hazard Fireworks for Recreation.

“Member” means any person employed within The Pas Fire Department as a firefighter.

“Peace Officer” means a police officer or a constable appointed pursuant to any legislation.

“Permit” means the written authority issued by the authority having jurisdiction pursuant to the provisions of this by-law.

“Property Manager” includes a management company and a person who is responsible for the maintenance or upkeep of a building.

“Property Owner” means the person on the title for a parcel of land at Land Titles.

“Registered Owner” means the person whose name a vehicle is registered to pursuant to the vehicle registration.

“Residential Occupancy” means the occupancy or use of a building or part thereof by persons for whom sleeping accommodation is provided but who are not harboured or detained to receive medical care or treatment or are not involuntarily detained.

“Smoke Alarm” means a combined smoke detector and audible alarm device that is designed to sound an alarm within the room or suite in which it is located upon the detection of smoke within the room or suite.

“Static Firework Display” means a display for sale of what appears to be fireworks which contain no explosive materials and have been prepared by a fireworks manufacturer for use as a display.

“Town” means the Town of The Pas.

PART II: ADMINISTRATION

3. APPLICATION

The provisions of this by-law shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this by-law shall be

permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining properties.

4. ADOPTION OF THE FIRE CODE

The Town hereby adopts the Manitoba Fire Code as part of this by-law, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, is hereby incorporated as if fully set out at length herein. Any reference to this by-law shall be construed as a reference to the whole by-law, including the code.

5. PURPOSE

The purpose of this by-law is to:

- a) Continue the Fire Department as an established department of the Town.
- b) Provide for inspection of buildings, structures, and premises concerning fire safety.
- c) Establish fees for services provided by the Fire Department to provide guidelines for the storage and handling of flammable liquids, combustible goods, dangerous goods, hazardous substances and waste dangerous goods.
- d) To provide services of any kind at an emergency site.
- e) Establish additional mechanisms to enforce The Manitoba Fire Code.

6. STATUTORY AUTHORITY

- a. Subsection 232(1) of *The Municipal Act* provides that council may pass by-laws for municipal purposes respecting the safety, health, protection and wellbeing of people and the safety and protection of property, preventing, and fighting fires, and the enforcement of by-laws.
- b. Section 264 of *The Municipal 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.
- c. Section 267 (1)(2) of *The Municipal Act* provides for the fixing of fees and recovery of charges related to responses by a fire protection force to false fire alarms caused by automatic fire detection systems
- d. Section 268 of *The Municipal 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;

- e. *The Fire Preventions and Emergency Response Act*, RSM c.F80, C.S.S.M. c.F80

PART III: FIRE DEPARTMENT

7. PURPOSE

The Fire Department shall provide the following services relating to fire suppression, prevention and investigation and additional related services, including but not limited to:

- a. Preventing and extinguishing fires;
- b. Investigating the cause of fire;
- c. Preserving life and property and protecting persons and property from injury or destruction by fire;
- d. Performing salvage operations;
- e. Fire and Life Safety Inspections;
- f. Surface Water Rescue;
- g. Ice Water Rescue;
- h. Vehicle Extrication;
- i. Urban Search and Rescue;
- j. Dangerous Goods Response at an awareness level;
- k. Citizen assists;
- l. Educational and training programs;
- m. Entering into agreements with other municipalities or persons for the joint use, control, and management of fire extinguishing apparatus and equipment;
- n. Purchasing and operating apparatus and equipment for extinguishing fires or preserving life and property; and
- o. Assistance in response to other classes of circumstances that may cause harm to persons or property damage.

The Town shall provide the Fire Department with equipment, apparatus, personal protective equipment and supplies conforming to industry standards necessary to carry out its agreed upon level of service safely and efficiently, as approved in the annual budget.

The Town shall operate and maintain facilities to meet the response needs of the Town and the Fire Department, providing for maintenance and storage of fire apparatus and equipment, training of firefighters, administration, public education and fire prevention.

8. AGREEMENT FOR EMERGENCY SERVICE

The Town may enter into an agreement with another municipality, municipal government, First Nation government, a person or other properly constituted authority, organization or

agency for the furnishing of firefighting or fire prevention services or emergency services on any terms that may be agreed upon, including settling and payment of charges.

9. REQUEST FOR EMERGENCY SERVICE

- a. The Town may provide and charge for any firefighting, fire prevention or emergency service outside the Town where no agreement exists. If a request is made by any other municipality, municipal government, First Nation Government, person or other properly constituted authority, organization or agency.
- b. The charge for any firefighting, fire prevention or emergency service provided by the Fire Department shall be determined according to the fees and rates listed in the Fees Schedule.
- c. When no mutual aid agreement exists between any other municipality, municipal government, First Nation Government, or other constituted authority, organization or agency, the person requesting the services of the Fire Department must be the Fire Chief, Chief Executive Officer, or other executive authority in said organization. The individual must make their request for services to the Fire Chief or designate, and must agree to the fees and rates set out in the Fees Schedule.

10. RESPONSE OUTSIDE OF TOWN BOUNDARIES

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

- a. That in the opinion of the Fire Chief threatens property in the Town or property situated outside the Town that is owned or occupied by the Town;
- b. In a municipality with which an agreement has been entered into to provide fire protection;
- c. In a municipality which forms part of a mutual aid agreement for which the Town is a member;
- d. On property with respect to which an agreement has been entered into with any person or corporation to provide fire protection for; or
- e. For which the Chief Administrative Officer has first authorized such attendance.

11. CORRECTION OF HAZARDS

- a. If the Fire Chief or designate finds in a church, school, rink, apartment block, hotel, motel, restaurant, night club, bingo hall or any other building used by the public as a resort or place of public amusement, that any entrance doors or any emergency exit doors are blocked, barred, bolted, or locked in any manner other than with standard panic hardware or a form of quick acting hardware when the building is being publicly used, the Fire Chief or designate may order

the owner, tenant or occupant responsible to immediately remove all such blockages, bars, bolts, chains or other devices so that doors can be readily opened from the interior.

- b. If the Fire Chief or designate reasonably believes that a room or building exceeds the maximum occupant load, the number of occupants shall be reduced to less than or equal to the maximum load.
- c. Whenever the Fire Chief or designate finds a building or structure or part of a building or structure which is unoccupied and which, in the opinion, is not being kept in a safe condition to guard against fire or the risk of fire or other dangerous risk or accident, they may order in writing the owner, tenant, occupant, or agent responsible for remedying the hazardous condition and for securing that building or structure or part of the building or structure in such a manner as to prevent any unauthorized entry of the building or structure or part of the building or structure by any persons while it is unoccupied.
- d. In the event of an immediate hazard, if the owner, tenant, occupant or agent responsible refuses and/or neglects to comply with the written order of the Fire Chief or their designate to remedy the hazardous condition or if the owner, tenant, occupant or agent responsible for the building cannot be located, the Fire Chief may take such action as is appropriate, without notice and at the expense of the owner, tenant, occupant or agent responsible for the building.

12. FEES FOR SERVICE

- a. The Fire Department is authorized to charge the applicable fees for the various services, tests and emergency responses listed in the Fees Schedule.
- b. The fees shall be reviewed and passed by resolution of Council on the advice of the Fire Chief, as required.
- c. The Fire Department fees may be charged to a property owner, a business owner, the person requesting the service, or the persons who benefit from the service.
- d. Extraordinary Costs
 - i. Where the actual costs of providing the services set out in Fees Schedule exceed the amount set out in Fees Schedule because providing the service took an unusually long time or required specialized equipment, apparatus or materials from the Fire Department or for any reasons outside of the control of the Fire Department, the Fire Department may charge a fee in addition to that set out in the Fees Schedule.
 - ii. The additional fees must reflect the additional cost of providing the service and a reasonable administrative fee.

- iii. The fees may be charged to a registered owner, a property owner, a business owner, a property manager, an alarm company, the person requesting the service, or the persons who benefit from the service.
- e. Unusual Circumstances
 - i. Where the Fire Department provides any emergency or non-emergency services that requires equipment, personnel, apparatus, or materials that is not usually requested to perform that service, the Fire Department may charge a fee reflecting the additional costs to perform the service as set out in the Fees Schedule.
 - ii. If the Fire Department equipment, apparatus or vehicles are damaged while providing any emergency or non-emergency functions outside of the Town of The Pas limits, and where no mutual aid agreement exists, the Fire Department may charge a fee reflecting the cost of the damage.

PART IV: CREATION OF A FIRE DEPARTMENT

13. CREATION AND MEMBERSHIP

- a. The Fire Department for The Town of The Pas is hereby created and is comprised of a Fire Chief, Deputy Fire Chief and up to a maximum of 30 firefighters. No change in the maximum complement of membership shall be made without approval of Council, who may authorize an increase or decrease or vary the above stated complement.
- b. Rules and regulations for the operation of the Fire Department shall be set forward in the Fire Department Standard Operating Guidelines and Standard Operating Procedures.
- c. Remuneration rates for the paid-on call firefighters shall be set forth in an agreement between The Pas Firefighters Association and Council.
- d. Personal vehicles of firefighters may be used to respond to a fire or emergency call from the point where the call was received to the fire hall provided that the vehicle is equipped with an approved beacon in accordance with the provisions of The Highway Traffic Act.

14. RESPONSIBILITY OF THE FIRE CHIEF

- a. It shall be the responsibility of the Fire Chief to administer and enforce the provisions of this by-law, subject to direction from time to time by the Chief Administrative Officer.

15. AUTHORITY OF FIRE CHIEF

- a. The Fire Chief is the Local Assistant and the Authority having Jurisdiction, as defined in *The Fires Prevention and Emergency Response Act*.
- b. The Fire Chief will report to the Chief Administrative Officer.
- c. The Fire Chief is responsible for and shall carry out the daily administration and operations of the Pas Fire Department and may create any policies, regulations, guidelines or operating procedures.
- d. The Fire Chief is responsible for administering this by-law.
- e. The Fire Chief is responsible for enforcing the Manitoba Fire Code.
- f. The Fire Chief is authorized to delegate any authority set out in this by-law.
- g. The Fire Chief or designate may at any fire have the right and authority to:
 - i. Enter or authorize the entry of any members to a building, or
 - ii. Pull down or demolish a building or structure that they deem necessary to extinguish a fire, prevent the spreading of a fire, or prevent possible collapse.

PART V: GENERAL REQUIREMENTS

16. INTERFERENCE WITH A FIRE HYDRANT

It is an offence for any person, other than the authority have jurisdiction or a firefighter in the course of duty, to turn on or interfere with any fire hydrant, in any manner whatsoever.

17. TAMPERING WITH EQUIPMENT

It shall be an offense for any person to tamper with, damage, or discharge any fire prevention, fire suppression, or rescue apparatus, or to move such apparatus from its allocated location, without the permission of the Fire Chief or designate.

18. REQUIRING ADDITIONAL ASSISTANCE

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

19. COMANDEERING EQUIPMENT

- a. Where an extreme fire hazard exists, or persons or property are in imminent danger by a fire, the Fire Chief, or the senior officer in command of a fire or any other emergency may commandeer or use any privately owned equipment for the purpose of firefighting.
- b. The Fire Department shall pay compensation to any person from whom private property is commandeered or used pursuant to Subsection a.
- c. The amount of compensation to be paid to a person by the Fire Department pursuant to Subsection b. will be determined by the Fire Department. If a person does not agree with the amount of compensation, the person may appeal the amount of compensation to Council within 15 days of receiving the payment made pursuant to *Subsection b.*

PART VI: INSPECTIONS, COMPLIANCE WITH ORDERS & ENFORCMENT PROCEDURES

20. INSPECTION OF PREMISES

- a. For the purpose of ensuring compliance with this by-law, or any order made under this by-law, the Fire Chief or designate may, at any reasonable time, enter and inspect any building, structure or premises in accordance with *The Fires Prevention & Emergency Response Act.*
- b. Inspections under this by-law shall be carried out in accordance with section 7 of *The Fires Prevention & Emergency Response Act.*
- c. No person shall obstruct a Fire Inspector authorized to conduct an inspection under this section or a person assisting an Inspector.
- d. A Fire Inspector may request that the owner supply confirmation of a condition, a thing or an activity by providing a certificate, letter, or any other documentation from an expert in a field related to the condition, thing, or activity. If requested, the documentation will be required to provide a solution(s) to rectify the condition, thing or activity, which the owner shall then be required to complete.

21. ORDER TO REMEDY CONTRAVENTIONS

- a. If the Fire Chief or Fire Inspector finds that there is a contravention of this by-law, the Fire Chief or designate or Fire Inspector may issue to the owner, operator, or occupant of the building, structure, premises or land in or on which the contravention is occurring a written order to remedy any contravention in accordance with Section 11 of *The Fires Prevention & Emergency Response Act.*

- b. An order may contain an option or a requirement to demolish a structure. If provided as an option, the owner may choose demolition as an alternative to undertaking repairs. The order may require demolition without the opportunity to repair if the structure has been deemed to pose an unacceptable risk to public safety in terms of structure, condition or use.
- c. The requirements contained within an Order do not suspend the need to comply with conditions defined by any other by-law, act or regulation, including but not limited to the need to obtain permits, permissions, or certifications.
- d. An order under this by-law shall be served as per Section 11(3) of *The Fires Prevention & Emergency Response Act*.

22. INSPECTION FEES

If a member is required to attend a property more than once for the purpose of inspecting a property, either because:

- a. The owner of the property did not provide the member with access to the property in accordance with the notice of inspection;
- b. The property was not in compliance with this by-law, the fire code or building code;
- c. The member was requested by the owner or the owner's authorized agent to conduct an additional inspection.

The owner or occupier shall immediately pay to the Fire Department a fee set out in the Fees Schedule for each time a member attended the property for the purpose of an inspection, whether or not an inspection was conducted.

23. IMMEDIATE HAZARDS

- a) Notwithstanding any other provision of this by-law, where during an investigation or inspection under this by-law, the Fire Chief or designate is of the opinion that a condition exists creating a severe danger to life or property, the Fire Chief or designate may:
 - i. Use any measures that the Fire Chief or designate considers appropriate to remove or lessen the condition.
 - ii. Evacuate and close the building, structure, premises or yard where the condition exists or any area surrounding such location for any period the Fire Chief or designate considers appropriate.
 - iii. If closed under subsection 21 a) ii., the Fire Chief or designate shall, if possible, placard the building, structure, premises, yard or area as a severe danger to life or property.
 - iv. No persons shall enter, attempt to enter or tamper with a building, structure, premise, yard or area that has ben closed under

- subsection 21 a) i. without the prior approval of the Fire Chief or designate.
- v. The owner of any building that has been closed under subsection 21 a) ii. shall ensure the building is secure from entry by any person.
 - vi. No person shall take, doctor, mutilate, deface, or alter a placard posted under subsection 21 a) iii.
 - vii. The costs and expense incurred under Section 21 are a debt due to the Town and may be referred to small claims court, a collection agency or shall be added to and form part of the property taxes payable in respect of the property after 90 days past due with interest.
- b) When providing any services, the Fire Chief or designate or the incident commander may order people in a building to vacate it and may prevent re-entry until the Fire Chief or designate, or the Incident Commander deems it safe or has completed the service.
 - c) The Fire Chief or designate or the Incident Commander may select a perimeter around a building and order people to stay out of that perimeter until the Fire Chief or designate, or the Incident Commander says they may enter the area contained within the perimeter.
 - d) The Fire Chief or designate or the Incident Commander may select a perimeter around a motor vehicle accident or a dangerous goods incident and order people to stay out of the perimeter until the Fire Chief or designate or Incident Commander says it is safe to enter the area contained within the perimeter.
 - e) The Fire Chief or designate or Incident Commander may select a perimeter around any other incident requiring a response by the Fire Department and order people to stay out of that perimeter until the Fire Chief or designate or Incident Commander says that they may enter the area contained within the perimeter.
 - f) The Fire Chief or designate or Incident Commander may enlist the assistance of the Royal Canadian Mounted Police or other peace officers to ensure no person remains at or re-enters a building or a perimeter that the Fire Chief or designate or Incident Commander has ordered to be vacated.

PART VII: PREVENTION AND SUPPRESSION OF FIRES

24. PERSONS PRESENT AT FIRES OR OTHER EMERGENCIES

- a. No person shall drive any vehicle over any fire hose while in use or about to be used at any fire or other emergency.
- b. No person shall hinder or impede any members from extinguishing any fire, attending to an emergency or from performing other related duties.

- c. No person shall obstruct, hinder or delay any Fire Department vehicle while proceeding to any emergency or while attending the emergency.

25. FIRE HYDRANTS

- a. No fence, shrub, tree or other objects shall be placed:
 - i. Within one (1) meter of a fire hydrant;
 - ii. In a manner that impedes the visibility of the fire hydrant from the street; or
 - iii. In a manner that obstructs access to a fire hydrant.
- b. Private owners of non-municipal owned fire hydrants are responsible for testing, maintenance and marking of their fire hydrants to ensure the hydrant(s) are maintained at all times in a fully functional operating condition and assume all liability for the proper operation, maintenance, and marking of their hydrants. Owners shall at least once every twelve (12) months between May 1st and September 30th of each year provide the Fire Chief or their designate confirmation in writing from a contractor approved by the Fire Chief certifying compliance with this provision for each hydrant, including without limitation certification that:
 - i. Hydrant caps are in place and worn or rusted threads are repaired or replaced.
 - ii. Annual flushing has been conducted, and the main valve and outlet valves are fully functional.
- c. Records of the annual contractor inspections and testing of privately owned non-municipal fire hydrants shall be submitted to the Fire Chief by October 31st of each year.
- d. The private owner of the non-municipal fire hydrant shall be responsible for immediately providing the Fire Chief with a written notification when the hydrant is in a nonfunctional condition.
- e. If a repair is expected to exceed ten (10) days, the private owner of a non-municipal fire hydrant shall provide the Fire Chief with written notification of when the repairs are expected to be completed.
- f. Upon installation, the owner will conduct a water flow test on any privately owned non-municipal fire hydrants to determine the water flow, and the fire hydrant barrel top shall be painted according to industry standards. The Fire Chief shall be notified in writing of the installation of any fire hydrant.
 - Light Blue 1500 GPM (5680L/min) or greater
 - Green 1000-1499 GPM (3785-5675L/min)
 - Orange 500-999 GPM (1900-3780L/min)
 - Red 500 GPM (1900L/min)

- g. The type, flow date, color and location of all privately owned non-municipal fire hydrant(s) must be supplied to the Fire Chief upon request.

26. SMOKE ALARMS

- a. In addition to the requirements of the National Fire Code of Canada, smoke alarms shall:
 - i. Be installed as per the National Building Code of Canada, in every sleeping area, between each sleeping area. Where the sleeping areas are served by hallways, smoke alarms shall be installed in the hallways in every dwelling unit.
 - ii. Be kept free from paint, grease, dirt and physical damage
 - iii. All rental properties are to be inspected and tested in conformance to the manufacturer's instructions by the owner, owners authorized agent, tenant or tenants at least once every six (6) months. The inspection shall be recorded on a form supplied by the owner of the building or the owner's authorized representative.
- b. Subsection 24 a) does not apply to a care or detention occupancy required to have a fire alarm system.
- c. Notwithstanding subsection 24 a) i., where a building contains one or more dwelling units that are not occupied, the owner shall ensure that the smoke alarms contained in the building:
 - i. Are installed with permanent connections to an electrical circuit;
 - ii. Do not have disconnect switches between the circuit panel and the smoke alarm;
 - iii. Have battery backups; and
 - iv. Have hush features.
- d. If a tenancy for a dwelling unit is terminated:
 - i. All smoke alarms in the dwelling unit shall be inspected before the dwelling unit is re-occupied;
 - ii. The owner of the building or the owner's authorized representative shall conduct the smoke alarm inspection and testing and maintain a record of all inspections and tests required by subsection 24 a) iii.;
 - iii. Any new tenant shall sign a form supplied by the owner of the building or the owners authorized representative confirming that the smoke alarm is in working condition; and
 - iv. The owner must retain the original copy of the form referred to in subsection 24 d) ii., and ensure that an additional copy is posted in the tenant's suite.
- e. Smoke alarm inspection forms required by subsection 24 a) iii. and/or d) ii. shall contain the following information:

- i. The address of the premises being inspected;
 - ii. The date of the inspection;
 - iii. The name of the person conducting the inspection;
 - iv. The condition, operation, and deficiencies, if any; and
 - v. The corrective measures taken to correct the deficiencies.
- f. When the authority having jurisdiction requests a copy of the smoke alarm inspection form required in subsection 24 a) iii. and/or d) ii., the owner or the owner's authorized representative shall immediately produce the original record and promptly provide a copy of the document.
- g. No person shall:
- i. Tamper with or disconnect a smoke alarm, unless necessary to effect repairs to the smoke alarm;
 - ii. Remove batteries from a smoke alarm, except when replacing the batteries;
 - iii. Place anything over a smoke alarm to render it inoperable; or
 - iv. Disconnect a hard-wired smoke alarm.
- h. Tenants of residential rental properties shall contact their landlord immediately if the smoke alarm in the residential rental property is inoperable.
- i. A landlord shall have twenty-four (24) hours to replace or repair an inoperable smoke alarm.
- j. A landlord shall have ninety (90) days following the purchase of a rental property to ensure that all dwelling units within the property comply with this by-law.
- k. A dwelling shall have a battery or hard-wired smoke alarm outside and inside each sleeping area.
- l. A Fire Inspector is authorized to enter any property subject to this by-law at all reasonable times to confirm compliance with this by-law. Notwithstanding, where the property is an occupied dwelling or dwelling unit, the Fire Inspector shall obtain consent from the occupant, or the occupant shall be given twenty-four (24) hours written notice of the Fire Inspector's intention to inspect the dwelling or dwelling unit
- m. A Fire Inspector entering a private property shall have identification to be recognized as an authorized representative of the Fire Department.
- n. No person shall obstruct or prevent a Fire Inspector's entry onto any property pursuant to this by-law.
- o. Smoke alarms must be replaced as recommended by the manufacturer and prior to the expiry date.

27. FIRE PITS

- a. No person shall set or cause an open-air fire unless the following measures

are taken:

- i. A fire pit permit is obtained from the Fire Chief or designate and the appropriate fee is paid as listed in the Fee Schedule.
 - ii. Every person constructing or installing an outdoor fireplace/fire pit which is not commercially manufactured and certified, must first obtain a permit from the Fire Chief and pay the appropriate fees as listed in the Fees Schedule. The fire shall be contained in a non-combustible receptacle or fire pit constructed of cement, brick and/or sheet metal with a minimum of 18-gauge thickness.
 - iii. The receptacle shall be covered with a heavy gauge screen with openings not exceeding 13 mm (.5 inches).
 - iv. The size of the fire pit or receptacle shall not exceed 82cm (32.25 inches) in diameter.
 - v. The fire pit or receptacle shall be located a minimum of three (3) meters from combustible materials, buildings, porches, similar amenity space and property line.
 - vi. The fire pit shall not exceed 82cm (32.25 inches) in height.
 - vii. A permit is not required for an open-air fire that is used for cooking in commercially manufactured and certified fireplaces, grills, or barbeques, if the fuel is propane, charcoal or wood pellets.
- b. The fuel for the fire pits shall consist only of charcoal or cut seasoned wood. The burning of the following material in a fire pit is prohibited:
- i. Rubbish
 - ii. Garden Refuse
 - iii. Manure
 - iv. Treated or painted lumber
 - v. Livestock or animal carcasses, and
 - vi. Any material which, when burned, will generate black smoke or an offensive odour, including insulation from electrical wiring or equipment, asphalt roofing materials, hydrocarbons, plastics, rubber materials, creosoted wood or any similar material.
- c. Fire pits shall be reasonably supervised so as to prevent their spread, and the open flame does not exceed one (1) meter at its widest point.
- d. No person shall light an open-air fire when the weather conditions contribute to smoke from the fire creating a nuisance to another person.
- e. If the fire pit becomes a nuisance because of smoke drift or interferes with the enjoyment of another persons property, the fire pit shall be extinguished if the Fire Chief or designate deems the fire pit to be a nuisance or a threat. A member of the Fire Department may extinguish the fire and take other steps as necessary to ensure that the fire and site of the fire no longer pose a threat or nuisance.
- f. Fire pits shall not be used in windy conditions conducive to creating a running fire.

- g. Fire pits or outdoor solid fuel appliances shall be clear of overhangs such as tree branches and utility lines.
- h. Any person that builds, ignites, or allows a fire in a fire pit must ensure that a means of extinguishing the fire is readily accessible at all times while the fire is burning.

28. CHIMNEY PIPES

All chimneys and pipes for fireplaces or wood stoves must be cleaned regularly to prevent a build up of creosote. Where the Fire Chief deems it necessary, they 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 will be the responsibility of the owner.

29. PORTABLE FIRE PITS

- a. All portable fire pits on private property shall:
 - i. Not be used on wood decks or on apartment balconies;
 - ii. Not be used within three (3) meters of any building or combustible material;
 - iii. Not be used in an enclosed, unventilated area, because a dangerous and potentially fatal buildup of carbon monoxide can be produced;
 - iv. Not be placed under a structure, awning, or tree;
 - v. Be placed on a non-combustible surface such as concrete which extends far enough in front of the firebox opening to catch any embers that may fall out when cleaning or fueling; and
 - vi. Be removed if determined by the Fire Department to be a fire or safety hazard.

30. WOOD PILES

- a. All firewood, lumber and timber kept on private property shall be:
 - i. Stacked or piled clear of windows and doors to provide for clear entry and exit from any part of the building;
 - ii. Kept away from sources of ignition;
 - iii. Removed if determined by the Fire Department to be a fire hazard, entry or exit hazard to the building, and moved to such a location as required by the fire Department; and
 - iv. Stored at least three (3) meters from any structure, except a storage shed or garden shed if stored outside.

- b. No more than one (1) cord of cut firewood shall be stored inside a building with other purposes other than firewood storage.

31. BARBECUING, PROPANE HEATERS & PATIO HEATERS

a. Every person who uses a barbecue, propane heater, patio heater, or similar device shall:

- i. Use the barbecue, propane heater, patio heater or similar device in a reasonable and safe manner;
- ii. Keep the barbecue, propane heater, patio heater or similar device, when lit, a sufficient distance from all combustible materials;
- iii. Refrain from leaving the barbecue, propane heater, patio heater or similar device unattended when lit;
- iv. Keep the barbecue, patio heater, propane heater or similar device in a reasonable state of repair; and
- v. Comply with all federal and provincial regulations governing the use and storage of propane cylinders.

b. In addition to the requirements of subsection 29 a), if any person uses a propane heater, patio heater or similar device on a balcony, the following provisions apply:

- i. Solid fuel barbecues or similar cooking devices shall not be used;
- ii. Propane cylinder shall not exceed the 20-pound size;
- iii. Propane cylinders shall not be repaired, stored, or contained within the building;
- iv. Propane cylinders shall be shut off at the tank valve when not in use;
- v. Propane cylinders shall always be kept in an upright position, including when cylinders are in transit, in service or in storage;
- vi. Barbecues, propane heaters, patio heaters or similar devices must be kept a sufficient distance away from all combustible material; and
- vii. Only one 20-pound size cylinder can be on a balcony at any given time.

32. PROPERTY MAINTENANCE

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

33. LOCK BOXES

All public building and hotels that have a fire alarm system or an automatic sprinkler system are required to have an approved, flush mounted, lock box permanently mounted in a location acceptable to the Fire Chief. Unless otherwise stated, the

acceptable location will be at the principal entrance to the building used by the Fire Department during an incident response.

For confirmation and installation instructions of an approved type of lock box, an owner or occupier should contact the Fire Chief. The Fire Chief may waive the requirement for a flush mounted lock box if the building design does not enable the installation due to physical limitations.

- a) Only a member shall open lock boxes
- b) Keys placed inside the Fire Department lock box will be identified in a method acceptable to the Fire Chief.
- c) Owners will supply keys to provide access to the following areas:
 - i. Keys for all entry doors, service rooms and roof areas;
 - ii. Keys for all doors that are locked from the exit stairs to floor areas;
 - iii. Keys required to recall elevators and to permit independent operation of each elevator; and
 - iv. Keys for the fire safety plan box and the Fire Alarm system control panel, and the Fire Department operations box, if present.

34. CONTACT PERSON

Responsibility of Contact Person

A contact person must be able to attend the property within 30 minutes when requested by the fire department. Once the contact person has arrived at the property, the contact person shall:

- a. Contact the officer in command at the scene;
- b. Provide access to, or contact the person who has access to, the area of the property involved in the incident response;
- c. Secure, or have the area of the property involved in the incident response secured;
- d. Perform a fire watch where required or assign persons to perform a fire watch; and
- e. Be authorized to contact a fire protection technician to test, reset, or repair the fire alarm system if necessary.

Responsibility of Owner or Occupant

The owner or occupier of a property with a fire alarm system or an automatic fire sprinkler system either monitored or unmonitored shall provide a list of at least two (2) contact persons who are able to attend, enter and secure the property. The owner or occupier shall ensure that this list is current and that the fire department is provided with an updated list as changes are made.

Failure of a Contact Person to Attend

When a contact person fails to respond to a fire alarm and attend the property within 30 minutes of the fire department's initial attempt to contact them, the fire

department may use whatever means are necessary to gain entry to the property to investigate the fire alarm without payment to the owner or occupier of any compensation whatsoever for damage caused by such forced entry.

35. FIRE WATCH COSTS

If the designated officer contacts a security company or maintains the Fire Department presence to perform a fire watch, the owner of the property shall pay to the Fire Department within thirty (30) days the actual costs and expenses incurred by or on behalf of the Fire Department to perform the fire watch.

36. FIRE PROTECTION SYSTEMS

- a. The owner of a building shall be responsible for proper use, installation, maintenance and operation of any fire alarm system installed on or in the property and shall take all reasonable steps to prevent false alarms.
- b. The owner of a building with a fire alarm system installed on or in a property shall:
 - i. Ensure the name and in service telephone number(s) of a primary contact person and an alternate contact person who can provide access to the building is posted in clear view adjacent to the alarm panel and/or by the alarm pull station adjacent to the main entrance.
- c. Installation, repairs, testing, and maintenance of a fire alarm system and/or fire protection equipment must be conducted by a person who possesses the following:
 - i. A certificate from the Canadian Fire Alarm Association "Fire Alarm Technician Training" program;
 - ii. A journeyperson electrician with an upgrading course; or
 - iii. A journeyperson sprinkler technician.
- d. Only people trained and certified by the manufacturers of a specific fixed extinguishing system shall install, maintain, or inspect specific fixed extinguishing systems in the Town of The Pas.
- e. No person shall silence an active fire alarm before verifying that it is a false alarm.

37. FEES FOR RESPONDING TO FALSE ALARM

- a. False alarms are considered false when outside the owner/occupants' control.
- b. If members respond to a false alarm, the building owner at which the false alarm occurred is liable to pay the Town a fee as set out in the Fee Schedule.
- c. Members will be deemed to have responded to a false alarm once they have left the fire station.

- d. Members shall call the contact person mentioned in subsection 32 upon arriving at the building at which the false alarm occurred.
- e. The contact person mentioned in subsection 32 shall provide access to the interior of the building to the responding members within thirty (30) minutes of the arrival of the members at the building. If the contact person does not provide access, the owner of the building shall be liable to an additional standby fee as set out in the Fee Schedule in addition to the fee payable according to subsection a).
- f. Subsections 35 c) and d) do not apply to an owner who has installed a lock box according to subsection 31 b) at the building at which the false alarm occurred.
- g. If any fees mentioned in this section are not paid within thirty (30) days, the Town may add the amount of the fees to the property taxes of the parcel of land upon which the false alarm occurred is located.

38. FIRE BAN

- a. Notwithstanding any provision in this by-law, the Fire Chief may declare a complete ban on any burning of any kind in the Town of The Pas and:
 - i. The Fire Chief will coordinate communication for the public regarding the fire ban with the Town;
 - ii. No person shall ignite or allow any kind of fire to burn when the Fire Chief has declared a complete ban on burning; and
 - iii. Members may extinguish any fire found burning while the Fire Chief has declared a complete ban on burning.

39. PROPERTY IDENTIFICATION

- a. The owner of a building must display the street number for the building on the front of the building or in some other conspicuous location in front of the building so that the street number is clearly legible and visible from the street.
- b. Where multiple occupancies and/or renters are located in one building, the occupancy or suite number shall be displayed so that it will clearly direct emergency responders to the correct area of the structure.

40. VACANT BUILDINGS

- a. In accordance with the Manitoba Fire Code, as revised and amended from time to time, all vacant building shall be secured against unauthorized entry as provided in this section.
- b. All exterior windows and doors, whether broken or intact, on the first story of a vacant building shall be boarded up to prevent unauthorized entry.
- c. The boards used to secure a vacant building shall be 7/16 thick plywood or OSB (oriented strand board).

- d. Wherever possible, the boards shall be one solid piece and shall be secured to the window or doorframe or brick moulding using 5cm (2-inch) structural screws approximately 41cm (16 inches) apart.
- e. The boards shall be cut to fit tightly against the door or window frames to prevent a person from prying off the boards.
- f. In addition to the windows and doors, any other opening in the exterior of vacant buildings shall be secured to prevent unauthorized entry or an infestation of pigeons or rodents.
- g. All boards shall be painted or otherwise treated so that the colour blends with the building or structure exterior.

41. SECURING OF PREMISES

- a. When the owner of the building cannot be located or cannot arrange for securing the property, the Fire Chief or designate will make arrangements for the security of the property to protect it from vandalism, looting or other similar action. The total cost for securing the property shall be the owner's responsibility. If the owner does not pay the invoice for the costs associated with securing the premises, the invoice amount will be added to the property taxes for the property.
- b. Where a building is substantially damaged by fire and poses a safety hazard, and at the discretion of the Fire Chief or designate, the building owner shall make arrangements to have the building demolished. If the building owner fails to comply as directed by the Fire Chief or designate, the Town may have the building demolished and add the expenses incurred by the Town to the property taxes on the property upon which the building is located.

PART VIII-HAZARDOUS SUBSTANCES

42. FLAMMABLE AND COMBUSTIBLE LIQUIDS

- a. Above ground and underground storage tanks for flammable liquids and combustible liquids are not permitted on residential zoned properties within the Town.

43. TESTING, REPAIR, AND REMOVAL OF STORAGE TANKS

- a. If, in the opinion of the Fire Chief, there is a reasonable suspicion that flammable or combustible liquids or vapors are escaping from an underground or above ground storage tank or piping, which may create a hazardous condition, the Fire

- f. No person shall sell fireworks to any person under the age of eighteen years.
- g. No vendor of fireworks may permit any employee to sell fireworks without first instructing the employee(s) in the regulations of this by-law and ensuring that the employee(s) complies with these regulations.

52. REGULATIONS AFFECTING THE SALE OF PERSONAL FIREWORKS

- a. In addition to the regulations affecting the sale of fireworks, no person shall sell personal fireworks unless:
 - i. The fireworks are displayed for sale in lots that do not exceed twenty-five kilograms (25 kg) each in gross weight;
 - ii. The fireworks are displayed in a place where they cannot be handled by the public, be exposed to the sun or to excess heat or adjacent to any exit door; and
 - iii. The fireworks displayed in any shop windows are mock samples only and they do not contain any explosive composition.
- b. The weight of personal fireworks stored on site cannot exceed one thousand kilograms (1000 kg) unless the vendor holds a valid and appropriate license to do so from the Explosives Branch of Natural Resources Canada, or its successors.

53. REGULATIONS AFFECTING MOBILE SALES OF FIREWORKS

- a. In addition to the regulations affecting the sale of fireworks, no person shall sell fireworks from a Mobile Sales Premises except in accordance with the following regulations:
 - i. That no fewer than two (2) signs are posted in prominent locations on the outside of the Mobile Sales Premises indicating that persons shall not smoke or ignite any flammable materials, or have in their possession any lighted match, lighter, pipe, cigar, cigarette, open flame or spark emitting device within six metres (6 m) of the Mobile Sales Premises;
 - ii. That the Mobile Sales Premises is not located within twenty metres (20 m) or occupied parking space and is not located within forty metres (40 m) of any occupied building, or any dwelling or gas station and as otherwise regulated by the Explosives Branch of Natural Resources Canada, or its successors;
 - iii. That the public not be permitted to enter any Mobile Sales Premises for the purpose of purchasing fireworks unless there are at least two (2) operational doors complete with self closing devices providing a means to access and egress from the Mobile Sales Premises.

- iv. That no more than fifteen (15) customers are permitted in the Mobile Sales Premises at the same time;
- v. That any portable power supply to the Mobile Sales Premises is located not less than twelve metres (12 m) from the Mobile Sales Premises;
- vi. That with the exception of its entrance and exit, every Mobile Sales Premises has a "no-encroachment" zone; of at least six metres (6m) established around its perimeter by means of a barrier, such as snow fencing or pylons or other materials satisfactory to the Authority Having Jurisdiction;
- vii. That such barrier will exclude the public and parking from this area;
- viii. That every vendor of fireworks from a Mobile Sales Premises provides and maintains fully operational fire extinguishing equipment, ready for immediate use, on site at all times;
- ix. Possess knowledge of the operational procedures of the fire extinguishing equipment and be capable of employing the fire extinguishing equipment; and
- x. Have a fully tested and operational emergency plan for the Mobile Sales Premises.

54. APPLICATION, RENEWAL AND REVOCATION OF PERMIT

- a. The Fire Chief or designate shall:
 - i. Review all fireworks permit applications and conduct inspections or inquiries as required; and
 - ii. Make or cause to be made all investigations and inspections which they deem necessary to determine whether an applicant meets the requirements of this by-law and all applicable laws and regulations.
- b. The RCMP designate shall:
 - i. Assist with the enforcement of this by-law; and
 - ii. Make or cause to be made all investigations and inspections which they deem necessary to determine whether an applicant meets the requirements of this by-law and all applicable laws and regulations.

XI- REPEAL AND ENACTMENT

55. REPEAL

- a. That By-law No. 4578 hereby be repealed.
- b. The repeal of By-law No. 4578 shall not revive any by-law or provision of any by-law repealed by them, 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

Chief may order the owner, operator, or occupant of the premises where the storage tank is located to:

- i. Drill test holes and provide test results to the Fire Department;
- ii. Test the tank and associated piping;
- iii. Excavate the tank and piping and carry out any necessary work to correct the hazardous condition, including the removal, replacement, or repair of the tank; and
- iv. All costs associated with i., ii., and iii. are the responsibility of the owner, operator, or occupant of the premises.

44. DISCHARGE OF HAZARDOUS SUBSTANCES INTO THE SEWER SYSTEM

- a. No person shall discharge or permit to be discharged any flammable liquid, combustible liquid, dangerous good, hazardous substance, or waste dangerous good, whether by itself or in combination with any other liquid or solid, into any sanitary sewer, storm sewer, sewer connection, catch basin, street, alley, or ditch.
- b. The Fire Chief or Fire Inspector may use any measures that the Fire Chief or Fire Inspector considers appropriate to prevent the further discharge of a substance mentioned in Subsection 42 a) and may suspend the operation of any activity or business suspected of being the source of the discharge.

IX-OFFENCES AND PENALTIES

45. OWNERS RESPONSIBILITY

- a. Unless otherwise specified, the owner or the owner's authorized agent is responsible for carrying out the provisions of this by-law.

46. GENERAL PENALTY

- a. No person shall:
 - i. Fail to comply with an order made under this by-law;
 - ii. Obstruct or hinder the Fire Chief or designate under the authority of this by-law; or
 - iii. Fail to comply with any other provisions of this by-law.
- b. Except as otherwise provided in this by-law, every person who contravenes any provisions of this by-law is guilty of an offence and subject to Section 44, is liable on summary conviction to a fine as set out in Town of the Pas Provincial Offences Act By-law No. 4572.

- c. Any person who hinders or obstructs the authority having jurisdiction in the exercise of their duties is guilty of an offence and liable to a fine not exceeding one thousand dollars (\$1000.00).

47. NOTICE OF VIOLATION

- a. The Fire Chief or designate or a Fire Inspector may, as an alternative to proceeding by way of summary conviction, issue a notice of violation for any contravention of this by-law. All first-time violations will be issued a written warning with no penalty sum as per the Fee Schedule.
- b. A notice of violation issued by the Fire Chief or designate or a Fire Inspector shall be in a form provided by the Town, and shall include the designated penalty sum(s) set forth in the Fee Schedule, which designated penalty sum shall, upon service on the person contravening the by-law provision, become a debt due and owing to the Town, which upon payment shall be accepted as an admission of the contravention.
- c. If a Notice of Violation is issued pursuant to Section 45, the penalty sum must be paid to the Town within fifteen (15) days of the date the notice is delivered.
- d. The amount of the fine shall be discounted by one hundred dollars (\$100.00) for the second offence and fifty dollars (\$50.00) for the third offence, respectively if paid within fourteen (14) calendar days of the date of the notice of by-law violation. Upon payment, the person contravening the by-law shall not be liable to prosecution for that offence. The date of payment shall be determined as follows:
The provisions of Section 45 d) shall not apply in the case of a fourth of subsequent offence.
- e. The date of payment shall be determined as follows:
 - i. For payment in person, the date of payment shall be the date the Town receives payment.
 - ii. For payment by deposit, the date of payment shall be the date payment is deposited at the Town office; or
 - iii. For payment by mail, the payment date shall be the federal postmarked date on the envelope.
- f. Subject to Subsection j), the Town's rights under this Notice of Violation section shall be in addition to the Town's right to seek other legal remedies or actions for abatement of the contravention.
- g. The penalty sum specified in the notice of violation is to be paid:
 - i. In-person, during regular business hours, to the cashier located at Town of The Pas Civic Center, 81 Edwards Avenue, The Pas, Manitoba;
 - ii. By mail addressed to The Town of The Pas, Box 870, 81 Edwards Avenue, The Pas MB, R9A 1K8; or
 - iii. By any other method indicated on the Notice of Violation

- h. If payment, as required under a Notice of Violation, is not paid by the date specified therein, then the penalty sum specified therein shall be enforceable by the Town as a debt due to the Town.
- i. Upon payment of a Notice of Violation, the person to whom the Notice of Violation was issued shall not be liable to prosecution for that offense by summary conviction.
- j. A person to whom a Notice of Violation is being used pursuant to this section, shall upon request by the person issuing the Notice of Violation, provide their name, address and date of birth. Any person who fails to provide this information is guilty of an offence and liable on summary conviction to a fine.

X- FIREWORKS

48. PROHIBITIONS

- a. No person shall discharge personal fireworks except on the day proceeding New Years Day, on New Years Day, on the day proceeding Canada Day and on Canada Day or pursuant to a permit.
- b. No person shall possess or discharge fireworks except in accordance with the provisions of this by-law.
- c. No person shall possess or discharge any firecrackers or other prohibited fireworks.
- d. No person shall sell any firecrackers or prohibited fireworks.
- e. No person shall sell any fireworks except in accordance with this by-law.
- f. No person shall discharge or possess for the purpose of discharge any display fireworks or protective event materials except pursuant to a permit.
- g. In circumstances where a permit is obtained for the discharge of fireworks, no permit applicant shall discharge fireworks at a date, time and location or site other than that specified in the permit and all conditions of such permit shall be observed.
- h. No person shall discharge fireworks in a manner that creates or may create a nuisance or that creates or may create an unsafe condition, danger from fire or from risk of injury or damage at or in respect of any place, location or site, or in respect of any person, property or thing.
- i. No person shall discharge fireworks in or on any highway, street, lane, public thoroughfare, square, school yard, public park, or other public place without first obtaining a permit for such purpose
- j. No person shall store fireworks unless such storage is in compliance with the Explosives Act and other applicable regulations.

49. REGULATIONS AFFECTING THE DISCHARGE OF PERSONAL FIREWORKS

- a. No parent or guardian of any person under the age of eighteen years shall allow or permit that person to discharge personal fireworks, except under the direct supervision and control of a person eighteen years of age or older, who shall, at all times, remain physically present in the immediate area where the personal fireworks are being discharged.
- b. No person shall discharge or hold a display of personal fireworks on any land that is not owned by them, unless written permission for the discharge or holding of a display of personal fireworks, on a date to be clearly specified in the written permission, has been obtained from the owner. This written permission must be in the possession of the person discharging the fireworks during the event.
- c. Every person who discharges personal fireworks shall:
 - i. Provide and maintain fully operational fire extinguishing equipment ready for immediate use;
 - ii. Ensure that the fire extinguishing equipment is present at all times and for a reasonable period of time thereafter, at the location or site where the discharge of personal fireworks has taken place;
 - iii. Possess knowledge of the operating procedures of the fire extinguishing equipment and be capable of employing the fire extinguishing equipment;
 - iv. Permit the inspection of any location or site where personal fireworks may be stored, discharged or displayed, and of the personal fireworks, together with all associated equipment, by anyone authorized to enforce this by-law, upon demand;
 - v. Ensure that all fireworks whether discharged or not are disposed of in accordance with the manufacturer's instructions; and
 - vi. Comply with the minimum distance requirements as outlined with the fireworks instructions.
- d. No person shall discharge personal fireworks into, inside of, or on a building, accessory building, structure or motor vehicle.

50. PERMITS FOR THE DISCHARGE OF DISPLAY FIREWORKS OR THERATICAL/PYROTECHNIC EVENT

- a. Every application for a permit shall be made to the Fire Department.
- b. The fees for permits are set out in the Fee Schedule.
- c. No permit shall be issued to any person under the age of eighteen.
- d. Every permit application must include:
 - i. A description of the type and kind of fireworks which may be discharged, the discharge techniques to be used, the manner and means of restraining unauthorized persons from attending too near the discharge

- location, the manner in which unused fireworks are disposed of and the number of persons authorized to handle and discharge fireworks;
- ii. A description of the discharge site to be used for the discharging of the fireworks sufficient to identify and locate the site upon the property where the discharge is proposed;
 - iii. Proof from the owner of the land that authorization has been granted to use those lands for the discharge of fireworks;
 - iv. The name of the applicant and the name of the sponsoring organization, if applicable; and
 - v. The date and time of the proposed discharge of fireworks and an alternative date and time in the event of inclement weather.
- e. Every application for a Permit for Display Fireworks, Theatrical/Pyrotechnic Event must include:
- i. Proof of commercial general liability insurance in the amount of not less than Two Million Dollars (\$ 2,000,000) naming the Town of The Pas as an additional insured and containing a cross-liability clause;
 - ii. Proof that the applicant has been approved by the Chief Inspector of Explosives pursuant to the Explosives Act as a Fireworks Supervisor by providing a copy of the Fireworks Supervisor's Permit; and
 - iii. Other information as requested by the Town of The Pas and the Fire Department respectively.
- f. Every person to whom a permit has been issued shall:
- i. Provide and maintain fully operational fire extinguishing equipment ready for immediate use and the equipment must be present at all times and for a reasonable period thereafter, at the location or site of the display;
 - ii. Possess knowledge of the operation procedures of the fire extinguishing equipment and be capable of employing the fire extinguishing equipment;
 - iii. Conform to the current provisions of a Fireworks Manual as published from time to time by the Explosives Branch of Natural Resources Canada or any successor publication, applicable to the discharge of Fireworks or Pyrotechnics authorized in the permit;
 - iv. Produce the permit on demand by any persons authorized to enforce this by-law; and
 - v. Permit the inspection of the fireworks and any site where the fireworks may be stored or discharged together with all associated equipment.
- g. Every permit Issued shall include the following conditions:
- i. That the permit holder shall only discharge the Fireworks at the date(s), time(s), location and discharge site shown on the permit;
 - ii. That no person, except a Fireworks Supervisor or their Assistant shall discharge any Display or Theatrical/Pyrotechnic devices;

- iii. That the Fireworks Supervisor, who is named on the permit application, shall be present in person at the display at all times during which the display is being set up, discharged and cleaned up;
 - iv. that no person shall discharge Display or Theatrical/Pyrotechnic devices within three hundred metres (300 m) of any premises or place where explosives, gasoline or other highly flammable substances are manufactured or stored; and
 - v. that no person shall discharge Display or Theatrical/Pyrotechnic devices within three hundred metres (300m) of a hospital, nursing home, home for the aged, church or school unless the owner of the premises has provided consent in writing.
- h. The Fire Chief or designate may attach additional conditions to the permit upon issuance of the permit.

51. REGULATIONS AFFECTING SALE OF ALL FIREWORKS

- a. All vendors of fireworks in the Town are required to conduct the sales of fireworks within a Permanent Fireworks Premises, Temporary Fireworks Premises or Temporary Lease Fireworks Premises, and in accordance with this by-law and all applicable laws and regulations.
- b. Notwithstanding 5.1, mobile sales premises may be approved within the Town provided the vendor conforms to Section 7 of this by-law.
- c. No person shall sell fireworks unless:
 - i. The fireworks are included in the most recent list of authorized explosives as published from time to time in the most recent publication as provided by the explosives branch of Natural Resources Canada, or their successors;
 - ii. The fireworks are sold in accordance within the standards of Natural Resources Canada;
 - iii. The fireworks are displayed for sale in a package, glass case or other suitable receptacle away from heat sources and other flammable goods;
 - iv. The fireworks are displayed in a place where they are not exposed to the sun or excess heat or adjacent to any exit door; and
 - v. All vendors of fireworks within the Town must possess and display a valid business license and fireworks vendors permit.
- d. All vendors of fireworks within the Town must display and make available to purchasers of fireworks, a manufactures brochure outlining the safe handling of fireworks and a copy of this by-law.
- e. Within an area of six metres (6m) in every direction from the area in which the fireworks are sold or stored for the purposes of sale shall be designated and posted as a "non smoking" area and no person may smoke or ignite any flammable material, or have in their possession any lighted match, lighter, pipe, cigar, cigarette, open flame or spark emitting device in the area.

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.

- c. The repeal of By-law No. 4578 will not affect:
 - i. Any penalty, forfeiture or liability incurred before the time of such repeal, or any proceedings for enforcing the same had, done, completed or pending at the time of such repeal;
 - ii. Any action, suit, judgement, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatever, respecting the same had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal;
 - iii. 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;
 - iv. Any office, appointment, commission, salary, allowance, security, duty, or any other matter or thing appertaining thereto at the time of such repeal; or
 - v. Any bond, note, debenture, debt, or other obligation made, executed, or entered into by the Town at the time of such repeal.
- d. The repeal By-law No. 4578 shall not defeat disturb, invalidate, or prejudicially affect any matter or thing whatsoever had, completed, existing or pending at the time of such repeal.

56. ENACTMENT

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

57. VALIDITY OF BY-LAW

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

DONE AND PASSED IN COUNCIL ASSEMBLED THIS 12th DAY OF Nov. A.D. 2024.



Mayor




Chief Administrative Officer

CERTIFIED THAT BY-LAW NO. WAS:
READ A FIRST TIME THIS 28th DAY OF October A.D. 2024
READ A SECOND TIME THIS 12th DAY OF November A.D. 2024
READ A THIRD TIME THIS 12th DAY OF November A.D. 2024

SCHEDULE "A"

Fireworks Permit

		THE PAS FIRE DEPARTMENT	
81 Edwards Ave, The Pas MB, R9A 1K8 Phone: 431-355-0383			
Consumer Fireworks Discharge Permit			
Applicant Information			
Applicants Name:		<input type="checkbox"/> Over 18 Years of Age	
Street Address		City:	
Postal Code:		Email:	
Daytime Phone Number:		Night time Phone Number:	
Date of Consumer Fireworks Display:			
Alternate Date of Consumer Fireworks Display:			
Description of the Site:			
List type and kind of consumer fireworks being discharged:			
Fireworks Supervisor Name & License Number:			
Every person who discharges Consumer Fireworks shall be mindful of their duty of care to individuals and property, and shall provide the following for set up:			
Check appropriate boxes to complete application:			
<input type="checkbox"/> -Proof of the written authorization of the lawful owner or occupier of the property that Consumer fireworks may be discharged on his or her property attached, if applicable.			
<input type="checkbox"/> -An open area away from buildings, vehicles, overhead obstructions, and dry brush/grass			
<input type="checkbox"/> -A minimum clear area of 30m by 30m for aerial family fireworks and a minimum clear area of 20m by 20m ground based family fire works (sketch of area attached)			
<input type="checkbox"/> -A means of extinguishment ready and accessible at all times when family fireworks are being discharged and for a reasonable period thereafter			
<input type="checkbox"/> -A hard, flat, level surface for ground based Consumer fireworks to ensure stability of the item			
<input type="checkbox"/> -A copy of the supervisors fireworks operators license.			
<input type="checkbox"/> -A means to bury aerial Consumer fireworks to half their length in the ground or other means			
As the person applying for and signing this permit, I acknowledge the following:			
1. I will not discharge these fireworks from, on or over public lands or forests without written permission.			
2. I will not discharge these fireworks within 10m of any building, or 20m of any flammable or combustible liquids storage or 250m of any nursing home, or health care facility.			
3. I will not discharge these fireworks if the wind exceeds 40km/h or if the Fire Danger Level is 3 or greater			
4. Should a Fire Dept. Officer order a halt to the display for safety reasons, I will immediately comply			
5. All requirements in the Manitoba Fire Code will be adhered to.			
The applicant acknowledges having read the Town of The Pas's Fire Prevention Bylaw No. 4578 and has completed the application accurately and truthfully. By signing this application they agree to be bound by the commitments made in the application and to have them form conditions on the permit issued.			
Applicants Signature		Date	
Return applications to The Pas Fire Dept, 81 Edwards Ave. The Pas, MB or email firechief@townofthepas.ca			
Permit Approved by:			
Fire Chief or Designate: _____			
Date: _____			