TOWN OF SWAN RIVER

BYLAW 4/2019

**FIRE PREVENTION AND EMERGENCY SERVICES BYLAW**

Being a Bylaw of the Town of Swan River to Establish and Operate an Emergency Fire Fighting Service, for Fire Prevention, for the Related Regulation of Fire and Other Hazards, and for the Adoption of the Fire Code

WHEREAS Section 232(1) *of The Municipal Act* provides that a council may pass bylaws for municipal purposes respecting the following matters (among others):

1. the safety, health, protection and well-being of people; and
2. the safety and protection of property; preventing and fighting fires; and
3. the enforcement of bylaws

AND WHEREAS Section 232(2) of *The Municipal Act* states that without limiting the generality of subsection (1), a council may in a bylaw passed under this Division:

1. adopt by reference in whole or in part, with any changes the council considers necessary or advisable, a code or standard made or recommended by the Government of Canada or a Province or a recognized technical or professional organization, and require compliance with the code standard;
2. establish fees or other charges for services, activities, or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality.

AND WHEREAS Section 233 of *The Municipal Act* states that a bylaw under clause 232(1) may contain provisions only in respect of

1. the requirement that land and improvements be kept and maintained in a safe and clean condition;
2. the parking and storing of vehicles, including the number and type of vehicles that may be kept or stored and the manner of parking and storing; and
3. activities or things that in the opinion of council are or could become a
	1. Nuisance, which may include noise, weeds, odors, unsightly property,
	2. fumes and vibrations.

AND WHEREAS Section 236(1) of *The Municipal Act* states that without limiting the generality of clause 232(1) (o), a bylaw passed under the clause may include provisions:

1. providing for procedures, including inspections, for determining whether
2. bylaws are being complied with; and
3. remedying contraventions of bylaws, including;
	1. creating offences;
	2. subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the bylaw;
4. providing that the amount owing under sub-clause (ii) may be collected in any manner in which a tax may be collected or enforced under this act;
5. seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to the contravention;
6. charging and collecting costs incurred in respect of acting under sub-clause (iv);
7. imposing a sentence of imprisonment for not more than six months for the commission of offences or non-payment of fees.

AND WHEREAS Section 242 of *The Municipal Act* states that

1. If a designated officer finds that a person is contravening a bylaw or this or any other Act that the municipality is authorized to enforce, the designated officer may by written order require the person responsible for the contravention to remedy it if, in the opinion of the officer, the circumstances so require
2. The Order may;
3. direct a person to stop doing something, or change the way in which the person is doing it;

1. direct a person to take any action or measure necessary to remedy the contravention of the Act or bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw and, if necessary, to prevent a reoccurrence of the contravention;
2. state a time within which the person must comply with the directions, and
3. state that if the person does not comply with the directions within a specific time, the municipality will take the action or measure at the expense of that person

AND WHEREAS Section 243 of *The Municipal Act* states that

1. If in the opinion of a designated officer, a structure, excavation or hole is dangerous to public safety or property, or because of its unsightly condition is determined to the surrounding area, the designated officer may by written order:
2. in the case of a structure, require the owner:
3. to eliminate the danger to the public safety in the manner specified;

 or

1. remove or demolish the structure and level the site;

1. in the case of land that contains the excavation or hole, require the owner,
2. to eliminate the danger to public safety in the manner specified; or
3. fill in the excavation or hole and level the site;
4. in the case of property that is in an unsightly condition, require the

owner:

 i) to improve the appearance of the properly in the manner specified,

 or

 ii) if the property is a building or other structure, remove or

 demolish the structure and level the site

(2) The Order May:

 a) state a time in which the person must comply with the order; and

 b) state that if the person does not comply with the order within the

 specified time, the municipality may take action or measure at the

 expense of the person.

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 of fighting fires, the provision of firefighting equipment and a protection force;

AND WHEREAS Section 268 of *The Municipal Act* provides that a fire protection force may, with the approval of council, provide other services, including the prevention and relief of illness and injury and the preservation of life and property;

NOW THEREFORE THE COUNCIL OF THE TOWN OF SWAN RIVER, DULY ASSEMBLED, ENACTS AS FOLOWS:

PART I: INTERPRETATION AND DEFINITIONS

Interpretation

1. The purpose of this bylaw is to:

 a) Continue the Fire Department as an established department of the

 Town to be known as the “Swan River Fire Department” and the

 head of the department shall be known as the Fire Chief; and

 b) Establish the standards for: fire prevention; firefighting and life

 safety in buildings; the prevention, containment and fighting of all

 fires originating outside of 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.

 Definitions

2. Unless otherwise provided, or unless the context otherwise requires, words,

 and expressions in this bylaw have the same meaning as the same words

 and expressions in *The Municipal Act, The Fires Prevention and*

 *Emergency Response Act,* and *The Fire Code.*

 a) In this bylaw, words, importing the singular number only shall

 include the plural and vice versa, and words importing gender shall

 include all genders.

 b) In this bylaw:

 i) “ACT” means *The Municipal Act* as amended from time to time

 ii) “BILL 30” refers to *The Fire Prevention and Emergency*

 *Response Act* as amended from time to time.

 iii) “AUTHORITY HAVING JURISDICTION” (AHJ) means the

 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.

 iv) “CHIEF ADMINISTRTIVE OFFICER” means the Chief

 Administrative Officer for the Town of Swan River, or anyone

 acting or authorized to act on his behalf.

 v) “CHIEF INSPECTOR OF EXPLOSIVES” means the person

 designated as Chief of Explosives under *The Explosives Act*

 *(Canada).*2. (c)

 vi) “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.

 vii) “COUNCIL” means the council of the Town of Swan River

 viii) “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, purchasing

 and operating apparatus and equipment for firefighting and the

 preservation of life and property, and preventing and mitigating

 other potential risks to life and property as defined by council.

 ix) "FALSE ALARM" means the activation of a Security Alarm

 System or Fire Alarm System as a result of which the Fire

 Department’s fire or emergency response services are

 provided on behalf of the Town and the providers of the

 service do not find any evidence of fire, fire damage, smoke in

 relation to the building, structure, residence or facility, or

 where there has been no other fire emergency situation. False

 Alarm incidents but not limited to: (a) the testing an Alarm

 without notice to the Fire Department which results in a Fire

 Department response; (b) an Alarm actually or apparently

 activated by mechanical failure, malfunction or faulty

 equipment; (c) an Alarm activated by user error; (d) an

 Alarm reporting a fire or a fire emergency situation

 occurring on or in relation to the address in which the Alarm

 System is installed where no evidence exists or where no

 such event took place; (e) an Alarm actually or apparently

 activated by atmospheric conditions, excessive vibrations or

 power failure.

 x ) "FIRE ALARM" means an audible alarm signal or an

 electronic message signaling an Alarm produced by a Fire

 Alarm System.

 xi) "FIRE ALARM SYSTEM" means a device or devices installed

 on or in real property and designed to issue a warning of a fire

 by activating an audible alarm signal or alerting a Monitoring

 Service.

 xii) “FIRE CHIEF” means the Fire Chief for the Town of Swan

 River and anyone acting or authorized to act on his behalf.

 xiii) “FIRE DEPARTMENT” means the Fire Department for the

 Town of Swan River and includes any part-time, composite

 (any combination of full-time, part-time or paid call) or a paid

 call fire department.

 xiv) “FIRE FIGHTER” means any member of the Fire

 Department while their services are actually engaged by the

 Town for the purpose of providing Emergency Services or

 otherwise enforcing the provisions of this bylaw.

 xv) “FIRE INSPECTOR” means the person or agency employed

 by or acting for the Town and is partially or wholly responsible

 for fire safety within the Town.

 xvi) “FIRE PROTECTION/LIFE SAFETY SYSTEM means the

 safety elements (alarms, sprinklers, etc.0 that the Fire Code,

 Building Code, and/or NFPA 101 require a building to have,

 based on the size or use of the building.

 xviii) “MUNICIPALITY” means The Town of Swan River or the

 area contained within the boundaries thereof.

 xviii) “MUTUAL AID” means an agreement between participating

 municipalities to provide assistance, with no charge, to the

 other municipalities for emergences at which the ‘home’ fire

 department is in attendance and cannot control the incident by

 itself or where the “home” fire department has resources fully

 committed and would be unable to respond.

PART II: ADMINISTRATION

Application & Amendment of Schedules

3. The provisions of this bylaw shall apply equally to new and existing

 conditions except that existing conditions not in strict compliance with the

 terms of this bylaw shall be permitted to continue where the exceptions do

 not constitute a district hazard to life or adjoining property. Council of The

 Town of Swan River may from time to time by resolution amend each and

 every schedule attached to this bylaw, which shall form and become part of

 this bylaw and shall come into force and effect the passing thereof.

Adoption of The Fire Code and The Fires Prevention Response Act

4. The Town of Swan River hereby adopts the Code and Act as part of this

 bylaw, and the whole thereof, except such portions as are hereinafter

 deleted modified or amended, and hereby incorporated as if fully set out

 at length herein. Ant reference to this bylaw shall be construed as a

 reference to the whole bylaw, including the Code and Act.

Recovery of Costs

5. Subject to any agreements to the contrary, where any type of Emergency

 Services have been taken within the Town of Swan River, including those

 listed in Schedule “A” hereto, and appended to and forming part of this

 bylaw, and any amendments thereto, the Town of Swan River may, in

 respect of any related costs incurred in taking such action, charge such

 costs to the person who caused the fire or incident, or the owner or

 occupant of the land or property in respect to which the action was taken.

 Further, the Town of Swan River may proceed to collect any costs as

 against the person by any means available to it in law for the collection

 of outstanding taxes, including, without limitation, adding the costs to the

 real taxes on any property owned by the person within the Town of Swan

 River.

PART III: CREATION OF THE FIRE DEPARTMENT

Creation and Membership

6. There is hereby created a Fire Department for the Town of Swan River,

 to be compromised of a Fire Chief and other such department

 personnel as from time to time may be deemed necessary by the Fire

 Chief. Any member may be suspended or discharged at any time the

 Fire Chief deem such action necessary for the good of the

 department The Fire department shall not be compromised of less than

 twelve (12) personnel at any one time. No change in the compliment of the

 Fire Department shall be made without the approval of the Chief

 Administrative Officer, who may authorize an increase, decrease, or vary

 the above stated compliment upon recommendation of the Fire Chief. The

 Fire Chief shall notify the Chief Administrative Officer immediately of any

 changes in the membership of the Firefighting Force.

7. The Fire Chief shall be hired by the Town of Swan River and his/her

 tenure shall depend upon his/her good conduct and efficiency. The Fire

 Chief shall be technically qualified by training and experience and have the

 ability to command personnel.

8. The duties of the Fire Chief may be amended from time to time as deemed

 necessary by the Chief Administrative Officer.

Responsibility of Fire Chief

9. It shall be the responsibility of the Fire Chief to administer and enforce

 the provisions of this bylaw; subject always to such direction as may from

 time to time be given by the Chief Administrative Officer or Council.

10. The Fire Chief shall be held accountable for the Fire Department only and

 shall make written and verbal reports thereto, as the Chief Administrative

 Officer or Council may require.

11. The Deputy Fire Chief and all other department officers shall be

 appointed by the Fire Chief based on merit. Such officers shall be

 accountable only to the Fire Chief. Conduct of all officers will be

 administered in accordance with Swan River Fire Department Policies

 and Operating Guidelines, as adopted by the administration/management

 of the Swan River Fire Department and as outlined in Schedule “B” and

 appended to and forming part of this bylaw and any amendments thereto.

12. The remuneration of all members of the Fire Department shall be

 approved through council resolution, and may be updated from time to

 time. Schedule “C” outlines a listing of Swan River Fire Department staff

 that may be remunerated; the list may change from time to time.

PART IV: EMERGENCY SERVICES

Emergency Services

13. The mandate of the Fire Department is to provide specific Emergency

 Services as described in Schedule “D” and appended to and forming part

 of this bylaw, and any amendments thereto. The Fire Department, where

 deemed reasonably necessary, is hereby authorized to enter, be in, or

 remain in any building for the prevention or control of fire, rescue or

 response to hazardous goods.

Agreement for Emergency Services

14. The Town of Swan River may elect to enter into an agreement with another

 Municipality to provide or have provided Emergency Services. Such

 agreement requires prior authority of the Council.

Response Outside Municipality

15. The Fire Department will not respond to any call with respect to a fire or

 an emergency outside the municipal boundaries except:

 a) that in the opinion of the Fire Chief threatens property in the Town

 of Swan River or property situated outside the Town of Swan River

 that is owned or occupied by the Town of Swan River;

 b) in a municipality with which an agreement has been entered into

 provide fire protection services or Emergency Services;

 c) in a municipality which forms part of a mutual aid agreement for

 which the Municipality 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 therefore;

 e) for which the head of council has first authorized such attendance;

 f) under such circumstances as it appears human life is in jeopardy; or

 g) upon request for assistance from the Office of the Fire

 Commissioner or some other office of the Province of Manitoba

 And in accordance with *The Fires Prevention and Emergency*

 *Response Act.*

PART V: GENERAL REQUIREMENTS

Tampering & interference Offense

16. It shall be an offence for any person, other than the Authority Having

 Jurisdiction (which includes the Town of Swan River Public Works

 and Operation Department) or a Firefighter in the course of duty, to turn

 on or to interfere with any fire hydrant, in any manner whatsoever.

17. No person shall impede, or in any way hinder, an officer or member of the

 Fire Department while operating in the interest of fire prevention and

 suppression in the Town.

18. 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.

Use of Personal Vehicles

19. Personal vehicle of fire fighters may be used to respond to a fire or

 emergency call from the point the firefighter received the call to the fire

 station or the actual location of the call itself within town limits, provided

 that the vehicle is operated in accordance with the provisions of the

 *Highway Traffic Act*, (the vehicle is than deemed an emergency vehicle in

 accordance with sections of the *HTA*).

Requiring Additional Assistance

20. The Fire Chief, or in his absence, the Authority Having Jurisdiction 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 Town of Swan River.

Commandeering Equipment

21. The Fire Chief, or in his absence, the Authority Having Jurisdiction 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 fire or providing any other Emergency Service.

PART VI: FIRE PREVENTION STANDARDS

Access & Authorization to Enter for Inspection

22. The Authority Having Jurisdiction may, at all reasonable times, enter any

 premises for purpose of making an inspection, and any person in charge of

 the premises shall allow the Authority Having Jurisdiction free access

 thereto ascertain whether:

 a) the requirements of this bylaw are being complied with;

 b) the premises are in such a state of disrepair that a fire starting in them

 might spread rapidly to endanger life or other property;

 c) the premises are so used or occupied that fire would endanger life or

 property;

 d) combustible, flammable or explosive conditions exist on the premises

 so as to endanger life or property;

 e) in the opinion of the Authority Having Jurisdiction a fire hazard exists

 on or about the premises.

23. The Authority Having Jurisdiction may temporarily close a building for the

 purpose of a fire inspection.

24. The Authority Having Jurisdiction can close a building if he/she is of the

 opinion that there is an imminent threat to public, firefighting or

 emergency personnel safety.

25. The Authority having Jurisdiction may establish, revise and maintain a

 regular system of fire safety inspections of buildings and premises within

 the Town. The frequency of such inspections shall be at the discretion of

 the Authority Having Jurisdiction.

Immediate Hazards

26. Notwithstanding any other provision of this bylaw, where in the course

 of an investigation or fire safety inspection under this bylaw, the Authority

 Having Jurisdiction is of the opinion that a condition exists creating a

 serious danger to life or property, the Fire Chief may:

 a) use any means that the Authority Having Jurisdiction considers

 appropriate to remove or lessen the condition;

 b) evacuate and close the building, structure, premise or yard where the

 condition exists or any area surrounding such location for any period

 that the Authority Having Jurisdiction considers appropriate;

 c) order the owner or occupier to immediately do anything necessary

 to remove or lessen the condition;

 d) placard the building, structure, premise, yard or area as a serious

 danger to life or property, thereby closing it;

 e) ensure that no person shall enter, attempt to enter, or tamper with a

 building, structure, premise, yard or area that has been closed without

 prior approval of the Authority Having Jurisdiction;

 f) facilitate such that the costs and expenses incurred under this section

 as a debt due to the Town and may be recovered from the owner or

 occupier of the building, structure, premise, yard, or area in or on

 which works was carried out;

 g) ensure that the total costs shall be the responsibility of the owner. If

 the owner or occupier 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.

Third-Party Fire Safety Inspections/File Search

27. Every person requesting a Third-Party Fire Safety Inspection/File Search

 On a premise for outstanding violations or infractions or other related

 Information shall pay the applicable prescribed fee as set in Schedule “A”

Failure for Owner/Occupier to attend Specified Fire Inspection

28. Where the owner or occupier, who has been notified of a fire safety

 inspection to be conducted under this bylaw or any other enactment

 relating to fire safety, fails to attend at the premise at the date and time

 specified in the notice to provide access for an inspection, a fee will be

 for that inspection attempt and each additional inspection attempt

 required. The owner or occupier shall pay the applicable fee prescribed in

 Schedule “A”. Failure for the owner or occupier to pay the fee will result

 In those costs being added to the real property taxes for the premise and

 collected in the same manner as taxes.

Prevention of Fire Spread

29. The Fire Chief, or in his absence, the Authority Having Jurisdiction 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.

30. Following an actual fire situation, where the owner or occupier of the

 property affected cannot be located or is unable to arrange for securing the

 property, the Authority Having Jurisdiction will, in accordance with the

 Operating Guidelines of the Fire Department, contact a security firm and

 place them on fire-watch duty to monitor for rekindling and to protect the

 property from vandalism, looting, or other similar action until the owner or

 occupier can make alternate arrangements. The total cost related to hiring

 the security guard for fire-watch duty shall be the responsibility of the

owner or insurer. If the owner or occupier cannot be located to pay this bill than all costs

 may be added to the real property taxes for the premise and collected

 in the same manner as taxes.

31. In the case of suspected arson, the Authority Having Jurisdiction of the

 Fire Department present at the scene may elect to hire services of a

 security firm which has sufficient knowledge to secure the premises

 properly in order to preserve the scene until such time as the investigation

 can be completed. The total cost related to hiring the security firm for fire-

 watch duty shall be the responsibility of the owner or insurer. If the owner

 or occupier 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.

32. Following the activation of a Fire Protection/Life safety system, and

 where the owner or occupier of a building cannot be located to reset the

 system, the Authority Having Jurisdiction will, in accordance with the

 Operating Guidelines of the Fire Department, contact a qualified service

 person, or will contact a security firm to provide fire-watch service until

 all Fire Protection/Life Safety Systems have been restored to normal

 operating conditions. The total cost of restoration of the equipment and

 the related costs of hiring the qualified service person or fire-watch service

 shall be the responsibility of the owner. If the owner or occupier 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.

PART VII: FIRE PROTECTION/LIFE SAFETY SYSTEMS

Lock Boxes

33. With the discretion of the Fire Chief, all premises that have a fire alarm

 system or automatic fire sprinkler system is installed, monitored

 unmonitored, shall have an approved mounted lock box.

34. The style and format of the lock box shall be in conformity with the Fire

 Department lock box keys. For confirmation and installation instructions of

 an approved type of lock box, an owner or occupier must contact the Fire

 Department.

Fire Protection/Life Safety Systems

35. The owner or occupier of a building must ensure that a Fire Protection/

 Life safety System is operable at all times, if the Code requires such a

 system.

Inoperable Fire Protection/Life safety System

36. During a Fire Protection/Life Safety System shut down for any reason, and

 where the owner or occupier of a building cannot be located to reset the

 Fire Protection/Life Safety System, then the Authority Having Jurisdiction

 will in accordance with the Operating Guidelines of the Fire Department,

 contact a qualified service person, or will contact a security firm to supply

 fire-watch until all Fire Protection/Life Safety Systems have been restored

 to normal operating conditions. The total cost of restoration of the

 equipment, and related costs of hiring the qualified person or fire-watch

 service shall be the responsibility of the owner. If the owner or occupier

 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.

Excessive False Alarms Incidents

37. Every owner or occupier of premises containing a fire alarm system, where

 there has been more than one (1) false alarms within the same calendar

 year, shall pay the prescribed fee as set out in Schedule “A”. If the owner

 or occupier does not pay this bill, then all costs may be added to the real

 property taxes for the premises and collected in the same manner as taxes.

Inspecting and Testing of Fire Protection/Life Safety Systems Required

38. The owner or occupier of a building must ensure that an existing Fire

 Protection/Life Safety System is inspected, tested and maintained as

 required by the Code by a qualified service person listed for that Fire

 Protection/Life Safety System installation.

Qualified Service Person

39. Only an individual who meets the qualifications for a particular Fire

 Protection/Life Safety installation is a qualified service person with respect

 To that Fire Protection/Life Safety System installation.

Proof of Proper Training Permit

40. Any person who attends to inspect, test or maintain a Fire Protection/Life

 System installation may, at the request of the Swan River Fire Department,

 be required to submit proof of proper training to the Swan River Fire

 Department before carrying out any inspections, testing, or maintenance.

Authority Having Jurisdiction May Determine Some Qualifications

41. The Authority Having Jurisdiction may establish standards and

 qualifications that individuals must meet in order to be qualified person.

42. It shall be an offense for any person who does not posses a proof of proper

 training permit to inspect, test or maintain a Fire Protection/Life Safety

 System.

PART VIII: GENERAL FIRE PREVENTION REGULATIONS

Waste Materials

43. No person shall permit any accumulation of waste materials including but

 not limited to paper, hay, grass, straw, weeds, litter or combustible waste or

 rubbish of any kind to be or to remain upon any roof or in court, yard,

 vacant lot or open space. All weeds, grass, vines or other growth which

 catch fire and endanger property shall be cut down and removed by the

 occupier of the property on which they are located.

44. If an occupier or owner fails to comply with an order of the Authority

 Having Jurisdiction to remove an accumulation of waste materials or cut

 down and remove any growth, the Authority Having Jurisdiction shall be

 authorized to carry out or cause to carry out such removal at the cost of the

 owner or occupier. The total cost is the responsibility of the owner. If the

 owner cannot pay this bill, then costs may be added to the real property

 taxes for the premises and collected in the same manner as taxes.

Burning Within Town Limits

45. Subject to section 53 of this Bylaw, all open fires for burning of leaves,

 straw, stubble, garden, and other refuse, whether on the surface of the

 ground, in pits, barrels, or other containers/incinerator, is prohibited within

 the limits of the Town.

46. The operation of enclosed incinerators, constructed in compliance with the

 Manitoba Building Code, is permitted provided the operation thereof does

 not create a nuisance within the Town of Swan River.

47. Campfires (within burning pits) and pit barbeques are permitted in Town

 parks provided the public follow park regulations.

48. The Fire Chief may issue under special circumstances, a conditional

 Public Space Special Occasion Fire Permit.

49. Subject to sections 48, 52, 53 it shall be an offence for any person to light,

 ignite, start, allow, or cause to be lighted, ignited, or start a fire of any kind

 whatsoever in the outdoors within the boundaries of the Town of Swan

 River.

50. Applications for Public Space Special Occasion Fire Permits shall be made

 to the Fire Chief or his Designate at the Swan River Fire Department

 station.

51. The permit is not valid until endorsed by the Fire Chief or Designate.

52. A person shall not leave any fire unattended at any time while it is burning

 or smoldering and shall ensure that sufficient appliances and equipment to

 prevent the fire from getting beyond control, causing damage, or becoming

 dangerous are at the fire site.

 a) An outdoor fire pit, outdoor fireplace (chimney), or outdoor solid

 fuel receptacle shall be allowed providing they are enclosed on all

 sides and constructed of masonry, concrete, heavy gauge metal or

 other noncombustible materials and providing they are equipped

 with a spark arrestor (wire mesh spark screen).

 b) The outdoor fire pit shall not exceed 46cm (18 inches) in depth when

 measured from the bottom of the pit to the top of the pit opening and

 shall be at least 15cm (6 inches) in height when measured from the

 surrounding grade to the top of the pit opening.

 c) The outdoor fire pit, outdoor fire place (chimney) or solid fuel

 receptacle opening shall not exceed 750mm (2.5 feet) in diameter or

 an area of 56m2 (6.5 feet) and the width or length shall not be

 greater than 750mm (2.5 feet).

 d) The outdoor fire pit, outdoor fire place (chimney) or outdoor solid

 fuel receptacle shall be located on a flat, level, noncombustible base

 and in no case shall the appliance be located under any overhead

 combustible construction or over hanging foliage. (In accordance

 with NFPA 54 Section 10.20.2)

 e) A noncombustible spark arrestor, grill or mesh with openings no

 larger than 12 mm (1/2”X1/2”) shall be used to cover the entire area

 of the outdoor fire pit. An outdoor fireplace (chimney) and an

 outdoor solid fuel chimney shall be equipped with a noncombustible

 spark arrestor. With openings no larger than 12mm (1/2”X1/2”) and

 cover the entire surface of the chimney opening.

 f) A minimum clearance of 3 meters (10 feet) measured from the

 nearest fire pit edge shall be maintained from any combustible

 buildings or sheds or other combustible structures such as fences,

 trees, hydro poles. A minimum distance of 3 meters (10 feet) shall

 also be maintained from neighboring property lines.

 g) Outdoor solid fuel receptacles shall be installed as per manufacture’s

 instructions if available and shall conform to all required clearances

 to combustible structures or materials. In no instance shall the

 required clearance be less than 3 meters (10 feet).

 h) When in use, outdoor fire pits and outdoor solid fuel receptacles shall

 be continuously supervised by an adult. All fires must be limited in

 size so that they are readily controllable. A means of extinguishment

 such as a portable fire extinguisher, pail of water, sand or garden hose

 shall be readily available on site. All fire must be completely

 extinguished before leaving the site.

 i) Outdoor fire pits, outdoor fireplaces (chimney), and out door solid

 fuel receptacles shall not be utilized during wind conditions

 exceeding 25 kilometers per hour (15 miles per hour) or during

 extreme drought conditions whereby such utilization may cause an

 undue fire hazard.

 J) Only clean, dry wood or charcoal briquettes may be burned in

 outdoor fire pits, outdoor fireplaces (chimney), and outdoor solid

 fuel receptacles. Outdoor fire pits, outdoor fireplaces (chimney), or

 outdoor solid fuel receptacles may not be utilized for the burning of

 garbage, rubbish, debris, previously painted or treated wood or any

 other fuel which when burned, may result in the release of dense

 smoke, or obnoxious odors.

 k) Smoke from outdoor fire pits and outdoor solid fuel receptacles shall

 not negatively impact neighboring properties. Do not burn wet or

 damp wood which may contribute greatly to heavy smoke

 propagation.

53. Notwithstanding section 52 above, no permit shall be required to light,

 ignite, or start or allow or caused to be lighted, or started a small contained

 fire in a barbeque, grill or similar devise used to cook food.

Barbecuing

54. Every person who uses a barbeque or similar device shall:

 a) use the barbeque in a reasonable and safe manner; and

 b) comply with all federal and provincial regulations governing the use

 and storage of propane cylinders

55. If any person uses a barbeque or similar device on a balcony, the

 following provisions shall apply:

 a) solid fuel barbeques or similar cooking devices shall not be used;

 b) any type of barbeque prohibited on wooden balconies shall not be

 used;

 c) propane cylinders shall not exceed the 20-pound size;

 d) if a building has a freight or service elevator, propane cylinders shall

 be delivered to and from the dwelling units within the building using

 that elevator. If a building has a passenger elevator only, propane

 cylinders may be delivered to and from the dwelling units within the

 building using that elevator as long as no passengers other than the

 person who owns the tank or maintenance or delivery person are on

 the elevator at the time of delivery.

Wood Piles

56. It shall be an offence for any person to pile or allow to be piled any lumber

 or wood on private property within three meters of the exterior of any

 dwelling. This shall not apply to lumber in transit or in the process of

 erection on an active construction site.

Storage of Containers

57. All boxes, crates, petroleum barrels and other containers, empty or

 otherwise, packing materials or other material 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 a location as authorized by

 The Authority Having Jurisdiction

Portable Fire Extinguishers

58. 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

 requirement of the code

Chimney Pipes

59. All chimneys and pipes for fireplace or wood stoves shall be installed in

 conformance with code and must be cleaned regularly to prevent a buildup

 of creosote. Where the Fire Chief deems it necessary, he may give notice to

 any owner requiring the cleaning of any chimney or pipe and where such

 order is not complied with within 10 days, the Fire Chief may cause the

 work to be done and the cost therefore shall be the responsibility of the

 owner. Failure for the owner or occupier to pay these costs will result in

 these costs being added to the real property taxes of the premises and

 collected in the same manner as taxes.

Fire Hydrants

60. The location and spacing of public and private fire hydrants shall be

 subject to approval of the Town of Swan River Public Works and

 Operations and Swan River Fire Department and shall follow National

 Fire Protection Association (NFPA) 1 Fire Code section 18 Fire

 Department Access and Water Supply.

Private Hydrants

61. private hydrants shall be maintained by the Town’s Public Works

 Department at the cost and expense of the owner.

62. The type and color of privately-owned fire hydrants shall conform to the

 standards set out by Swan River Public Works and Operations.

63. Every owner shall ensure that an area within a radius of one meter (3 feet)

 is maintained clear and unobstructed around each fire hydrant or fire

 department connection, and in clear view from the roadway when

 approached from either direction. No equipment, facilities, or landscaping

 shall be placed adjacent to any hydrant outlet.

Fire Department Connections

64. Every Fire Department connection shall meet the following specifications

 and requirements:

 a) Shall be installed at a height of 457 mm (18 in.) to 1219 mm (48 in.)

 above the street or ground level;

 b) shall be located remotely from the building face and away from any

 hazards and at least 1500 mm (60 inches) away from any ornamental

 light standard, utility pole, electrical kiosk or driveway; and

 c) shall be installed in a location accessible to Fire Rescue Vehicles as

 approved by the Fire Chief

Property Maintenance

65. All buildings and properties shall be adequately maintained, free from

 debris and combustibles or flammable substances, and able to keep all

 openings to the buildings securely closed and fastened to prevent entry

 of unauthorized persons and to guard against fire or the risk of fire.

66. If the owner fails to secure a vacant building within a reasonable time or

 on notice by the Fire Chief, the Fire Chief may enter on the property and

 cause the necessary work to be conducted by employees, agents, or

 contractors of the Town. The total cost shall be the responsibility of the

 owner. If the owner does not pay, the costs shall be added to the real

 property taxes for the premises and collected in the same manner as taxes.

67. If any building is vacant, abandoned, unoccupied, or fire damaged and

 poses a hazard to public, firefighting, or emergency personnel safety, in

 accordance with Section 12(1) of The Fires Prevention and Emergency

 Response Act, the Swan River Fire Department may, in writing, order the

 owner, the occupant or both, to remove the building and/or structure within

 60 days.

68. If a vehicle, trailer and/or article of machinery is deemed by the Swan

 River Fire Department to pose as a hazard to public, firefighting, or

 emergency personnel safety. It shall be referred to the Town of Swan River

 to be dealt with under the current Property Standards Bylaw.

69. If any property contains any combustible and/or explosive materials and/or

 unsightly piles of rubbish and/or garbage that are deemed by the Swan

 River Fire Department to pose a hazard to public, firefighting, or

 emergency personnel safety, it shall be referred to the Town of Swan River

 to be dealt with under the current Town bylaw and enforced in accordance

 with Section 12(1) of *The Fires Prevention and Emergency Response Act.*

Charges for False Alarms

70. Charges shall be payable by the owner of the property causing a false

 alarm as stated in Schedule “A”.

71. Where any fees remain unpaid at December 31 of each year (and the

 invoice is more than 30 days in arrears), the said fees imposed by the

 Municipality may be collected in the same manner as a tax may be

 collected or enforced under *The Municipal Act.*

Flammable and/or Combustible Liquid Storage of Hazardous Materials

72. Prior written permission from the Fire Chief shall be required for the

 storage of flammable and/or combustible liquids or hazardous materials

 in excess of the amounts permitted.

Storage and Disposal

73. The storage of fireworks and the disposal of unused fireworks shall be in

 compliance with *The Explosives Act (Canada).*

Right of Appeal

74. An applicant denied authorization by the Fire Chief or Authority Having

 Jurisdiction, pursuant to this part, may appeal to Council, so long as such

 appeal is made in writing and directed to the municipal office with seven

 days of a refusal by Fire Chief.

PART X: ORDERS/PENALTIES

75. If the Authority Having Jurisdiction finds that any provision of the code or

 this Bylaw has been contravened or has not been complied with

 improperly or only in part or that conditions exist in or upon a building to

 which the Code or this Bylaw applies, which, in his opinion, constitutes a

 fire hazard or otherwise constitutes a hazard to life, property, or both, he

 may make such Order to ensure full and proper compliance, with the Code

 or this Bylaw and. In particular, but without limiting the generality of the

 foregoing, he may:

 a) make the owner/occupier of the building or property such

 recommendation as he deems necessary to correct the

 contravention or to ensure compliance with the Code or this

 Bylaw, or to remove the hazards referred to in;

 b) make such Orders as he deems necessary with respect to any of the

 matters referred to in the Code or Bylaw;

 An Order made under this bylaw shall be in writing (signed by the

 Authority Having Jurisdiction) and may be directed to the owner and/or

 Occupier of the building or property in respect of which the Order is made.

76. Notwithstanding any other provision of the Code, or by this Bylaw, where

 An order under this section has been made and not complied with within

 the time limits prescribed by the Authority Having Jurisdiction in the

 notice issued pursuant to this section, then the Town or its agent may

 undertake such action as authorized by Council to clean-up the problems

 identified in this notice. The total costs shall be the responsibility of the

 owner. If the owner does not 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.

 Any Order made under this bylaw 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.

77. Any person who contravenes, disobeys, refuses, or neglects to obey:

 a) Any provisions by this bylaw, or any provisions of any other bylaw

 that by this bylaw is made applicable to proceedings taken or things

 done under this bylaw; or

 b) Any provisions of any bylaw, Regulation or Order enacted or made

 by Council; or

 c) Any Order made by this bylaw or any condition attached to a permit

 or to which the permit is subject;

 for which no other penalty is specifically provided, is guilty of an offence

 and is liable, on summary conviction, to a fine of not less than $100.00 or

 more than $1000.00 for each day’s neglect or failure to comply therewith,

 and if in default of payment of the fine, to imprisonment for a term not

 exceeding 30 days.

78. Any person who hinders or obstructs the Authority Having Jurisdiction in

 the exercise of his duty is guilty of an offence and liable on summary

 conviction to a fine of not less than $100.00 or more than $1000.00 and if

 in default of payment of the fine, to imprisonment for a term not exceeding

 14 days.

79. Notwithstanding the provision of Section 78, any person who contravenes,

 disobeys, refuses, or neglects to obey the provisions of this bylaw, shall

 have committed an offence. Without restricting the generality of the

 foregoing, Schedule “I”, “Instant Violations” appended to and forming

 part of this bylaw and any amendments thereto contains a listing of

 offences which qualify as compliance violations.

 80. Everyone who commits an offence under Section 79 is guilty of that

 offence and liable to a fine as set out in the Offence Notice, Schedule “I”

 appended to and forming part of this bylaw and any amendments thereto,

 and when issued by the Fire Chief or other designated officer, be levied a

 penalty of:

 $100 fine for the first occurrence

 $200 fine for the second occurrence within the same 12 month

 period.

 $500 fine for the third or subsequent occurrence within the

 same 12-month period

 Or set as set out in Schedule “A”

81. Any person receiving an Offence Notice shall pay to the Town the amount

 set out on the Offence Notice as a fine within 14 days of the alleged

 offence.

82. Any person receiving an Offence Notice may pay said penalty outlined

 on the said Offence Notice, voluntarily at the Swan River Town Office,

 439 Main Street, Swan River, Manitoba between the hours of 8:30 A.M.

 and 4:30 P.M., Monday thru Friday, except statutory holidays.

83. Upon payment for such contravention, the employee of the Town of Swan

 River authorized to receive any fine stated in Section 100 shall issue a

 receipt.

84. Upon payment of the penalty, he/she shall not be liable to prosecution for

 contravention in respect to which the payment is made.

Appeal

85. Any person claiming to be injuriously affected by a decision or order

 issued under this bylaw may appeal to the Fire Commissioner (as outlined

 in *The Fires Prevention and Emergency Response Act).*

PART XI: REPEAL AND ENACTMENT

Repeal

 86. That bylaws 15/2016 be hereby repealed.

 The repeal of the said bylaws should not affect:

 a) any penalty, forfeiture or liability incurred before time of such repeal.

 or any proceedings for enforcing the same had, done, completed or

 pending at the time of such repeal; or

 b) any action, suit, judgment, decree, certificate, execution, process,

 order, rule or any proceedings, matter or thing whatever, respecting

 the same had, done, made, entered, granted, completed, pending,

 existing or in force at the same time of such repeal: or

 c) any act, deed, right, title, interest, grant, assurance, registry, rule,

 regulation, contract, lien, charge, matter, or thing had, done, made,

 acquired, established, or existing at the time of such repeal; or

 d) any office, appointment, commission, salary, allowance, security,

 duty, or any matter or thing appertaining thereto at the time of such

 repeal; or

 e) any bond, note, debenture, debt, or other made, executed, or entered

 into by the City at the time of such repeal.

 The repeal of the said bylaws shall also not defeat, disturb, invalidate, or

 prejudicially affect any matter of thing whatsoever had, done, completed,

 existing or pending at the time of such repeal.

Validity of Bylaw

87. Should any provision of this bylaw 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 bylaw and the Code

 independent of the elimination of any such portion as may be declared

 invalid.

DONE AND PASSED by the Council of the Town of Swan River in open Council assembled this 4th day of June 2019

Mayor

Chief Administrative Officer

Read a first time this 18th day of December 2018

Read a second time this 5th day of March , 2019

Read a third time this 4th day of June, 2019

Schedule A

Cost Recovery- Fees

|  |  |  |
| --- | --- | --- |
|  Clause(s) | Cost Recovery | Current Fee |
|  27 | Fee for Third Party Fire Safety Inspection  | $100.00 per hour |
|  29 |  Fee for demolishing premises |  Cost of contractor to demolish and dispose of building remains |
| 30,31,32,36 | Fee for securing premises | Cost of contractor to secure building |
| 37,71 | False Alarm Fee | 1st response free2nd response $350.00Every response after $500.00 |
|  | Fee for Fire Safety Inspection | Initial Inspection and First Follow up No Charge.Additional Follow up $250.00Out of Town Mileage- Government Rates. |
|  | Fee for standby time waiting for contact person to arrive over the specified time | Firefighting Services Rate after the time of arrival specified by contact person or agency |
| 73 | Fee for removing or clearing flammable debris from property | Cost of contractor to clear of clean up debris |
|   | Accident/Incident Claim | Basic-as per MPICComplex- as per MPIC |
|  48 |

|  |
| --- |
| Public Space Special Occasion Fire Permit |

 | No Charge |
|  | Fee for burning contrary to Fire protection and Emergency Services Bylaw | Cost of Firefighting Services |
|  | Firefighting Services:Pumping Apparatus Non-Pumping Apparatus | $1800.00first hour or any portion thereof$1090.00 each additional hour or any portion thereof$1475.00 first hour or any portion thereof$1035.00 each additional hour or any portion thereof |

SCHEDULE “B”

Structure, Policies, Job Descriptions, & Operating Guidelines

Of the Swan River Fire Department

1. Full strength of the SRFD shall be 25 frontline members; this number may

 Increase at any time necessary, plus any number of recruits.

2. Auxiliary Firefighters will be recognized but are not included as

 “frontline” firefighters.

3. Officer positions below the Fire Chief will be filled only by qualified

 SRFD members appointed by merit.

4. The administration, training, and operation of the department shall follow

 National Fire Protection Association (NFPA), Occupational Safety and

 Health Association (OSHA), Manitoba Workplace Health and Safety

 Standards, as well as the Manitoba Department of Labour. Provincial

 standards for training and fire department operations are set out by the

 Manitoba Office of the Fire Commissioner (OFC).

5. Policies and Operating Guidelines of the department will be adhered to.

 The establishment and creation of Policies and Operating Guidelines shall

 be done by members of the “Frontline Firefighters”. However, if

 ‘Frontline firefighters” are not interested in establishing or don’t have time

 to commit to Policy and Operating Guidelines creation, the Fire Chief will

 assure Policies and Operating Guidelines are written for the operation of

 the department.

6. The Fire Chief and Officers of the SRFD recognizes the creation of an

 Independent Firefighters Association for the membership. This association

 Will be operated by the firefighters themselves under their own

 constitution and bylaws’

SCHEDULE “C”

List of Remunerated Positions of the

Swan River Fire Department

Fire Chief

Deputy Fire Chief

Assistant Deputy Fire Chief

Captains

Lieutenants

Auxiliary

Firefighter

List of Other Items for Which Swan River Fire Department May Be Remunerated

Training

Training Officer

By resolution of Council, the remuneration rates may be amended from time to time as deemed necessary by Council and/or the Chief Administrative Office

SCHEDULE “D”

Emergency Services Provide by Fire Department

The Fire Department Administration will determine what form of emergency response Swan River Fire Department will provide to the public. In determining types of emergency response, consideration will be given concerning the level of training of firefighting personnel and/or the type of equipment and/or resources available to Swan River Fire Department. As the scope of training progresses, the types of emergency response may grow.

With the current level of training and equipment /resources available, the Swan River Fire Department is able to provide the following services:

 a) Fire prevention and fire suppression, which includes structural fire

 fighting for rescue, fire control, and property conservation;

 b) Investigation of the cause of a fire and origin determination

 c) Preservation of life and property and protection of persons and

 property from injury and destruction by fire;

 d) Rescue and emergency medical services;

 e) Salvage operations;

 f) The ability to enter into agreements with other municipalities or

 persons for the joint use, control, and management of fire

 extinguishing apparatus and equipment;

 g) Purchase and operation of apparatus and equipment for

 extinguishing fires or preserving life and property;

 h) Water, Ice and Low angle rescue;

 i) Off road vehicle accidents;

 j) Hazardous materials response;

 k) Vehicle extrication;

 l) Ground Search and Rescue;

 m) Farm accident response;

 n) fire prevention inspections and public safety education;

 o) Aircraft rescue and firefighting;

 p) Pre-fire planning;

 q) Precautionary standby;

 r) Extinguishing and prevention of grass fires;

 s) Extinguishing and prevention of urban interface fires;

 t) Flood response;

 u) Response to any request that the Fire Department deems an

 emergency but not limited to, Carbon Monoxide alarms, animals

 in peril and gas odors.

Swan River Fire Department

700 1st Street North

Swan River, MB R0L1Z0

(204) 734-4403

(204) 281-3079

Public Space Special Occasion Fire Permit

 The undersigned hereby applies for a permit to burn in accordance with this application, all the Bylaws,

Regulations, and Acts applicable thereto, and all conditions stated on this document and appendices

Purpose of Burn (include description of material to be burned) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Location of Proposed Burn: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Owner of Property: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address of Owner: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Phone no: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Person or Firm Conducting Burn: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address:(if other than owner) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Phone no: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Burn Shall Commence-Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Time:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Burn shall be Extinguished-Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Time:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Approval to the above described burn shall be subject to the following conditions:

 1. The person/firm conducting the burn shall place the material to be burned in an area located in a

 reasonable distance, which will be determined on site by the Fire Chief and/or Fire Inspector, away

 from all other combustible materials on the property.

 2. The fire shall be supervised and kept under control at all times.

 3. The fire shall be completely extinguished upon completion of the burn and site returned to state as

 Found before burn.

 4. The person or firm conducting the burn shall have readily available, at this site, an adequate means of

 extinguishing the fire if it becomes necessary to do so.

 5. The applicant shall bear responsibility for all damages and injuries which may result from the burning

 carried out under this permit.

 6. No burning shall commence until the Fire Chief And/or Designate performs an inspection of the site.

 7. No fire shall be set when fire conditions are extreme or hazardous.

Special Conditions: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I hereby certify that I am the Owner/Agent in this application, and agree to all conditions described above, and have full knowledge of the circumstances connected, and accept responsibility of the burn and all associated costs that may occur.

*Note:* where the applicant is not the owner of the property where the burn is to occur, written approval to burn on the property from the owner must accompany this application.

Applicant\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date:\_\_\_\_\_\_\_\_\_\_

Note: This permit may be cancelled by the Fire Chief of the Town of Swan River at any time.

When property validated (in this space), this is your permit.

Validated by:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Fire Chief or Designate.

Schedule “H”

Instant Violations

TICKET CODE INSTANT VIOLATIONS

1. Exists, Blocked or Defective
2. Defective exit lights or emergency lights
3. Neglect to maintain fire alarm equipment
4. Improper storage waste materials
5. Improper storage flammable/combustible/compressed liquids
6. Blocked fire separation doors
7. Wedge fire separation doors
8. Lumber/wood piled within 3 meters of any dwelling
9. Neglect to provide/maintain fire extinguishing equipment
10. Improper storage of containers.
11. Fire or life safety hazard
12. Storage of excess flammable/combustible/compressed liquids

 or hazardous materials without a permit

1. Failing to attend a Fire Safety Inspection

1st Violation-$100 fee

2nd Violation-$200 fee (in a 12-month period)

3rd (and subsequent) Violation- $500 fee (in a 12-month period*)*

 

 The undersigned being an Officer, says that (s)he has

 reasonable grounds to believe and does believe that

 at Swan River, Manitoba, on the :

|  |  |  |  |
| --- | --- | --- | --- |
| Day:  | Month: | Year: | Time: AM/PM |
| Owner’s Name: |
| Owner’s Address: |
| Location of Violation: |
| Ticket Code | Violation | 1st Offence $100 | 2nd Offence $200 | 3rd Offence $500 |
| 01 | Exits, Blocked or Defective |  |  |  |
| 02 | Defective exit lights or emergency lights |  |  |  |
| 03 | Neglect to maintain fire alarm equipment |  |  |  |
| 04 | Improper storage waste materials |  |  |  |
| 05 | Improper storage flammable/ combustible/compressed liquids |  |  |  |
| 06 | Blocked fire separation doors |  |  |  |
| 07 | Wedge fire separation doors |  |  |  |
| 08 | Lumber/wood piled within 3 meters of any dwelling |  |  |  |
| 09 | Neglect to provide/maintain fire extinguishing equipment |  |  |  |
| 10 | Improper storage of containers |  |  |  |
| 11 | Fire or life safety hazard |  |  |  |
| 12 | Storage of excess flammable/combustible/compressed liquids or hazardous materials without a permit |  |  |  |
| 13 | Failing to attend a Fire Safety Inspection |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

Issued in accordance with the Town of Swan River Fire Prevention and

 Emergency Services Bylaw

Payable within 14 days of the Offence(s).

|  |
| --- |
| SUMMONSVOLUNTARY PAYMENT OF FINE:Make cheque or money order payable toTown of Swan RiverBox 879439 Main Street, Swan River, MB, R0L 1Z0Payment can be made by mail or In personHours: 8:30am-4:30pm Monday to FridayORMay be dropped off in the after-hours drop box |