

**The Town of Beausejour**  
**BY-LAW NO. 1673/12**

**BEING A BY-LAW OF THE TOWN OF BEAUSEJOUR TO PROVIDE FOR FIRE FIGHTING, FIRE PREVENTION, RESCUE SERVICES, THE RELATED REGULATION OF FIRE AND OTHER HAZARDS, THE ADOPTION OF THE MANITOBA FIRE CODE, AND FOR ESTABLISHING, CONTINUING, AND OPERATING AN EMERGENCY SERVICE FOR THE TOWN.**

**Whereas** Sub-section 232 (1) (a) of The Municipal Act <sup>S.M. 1996, c. 58 - Cap. M225</sup> (TMA) provides that Council may by by-law pass regulations respecting the following matters:

- a. safety, health, protection and well-being of people, and the safety and protection of property
- b. Preventing and fighting fires, ...
- c. The enforcement of by-laws, ...

**And whereas** Section 264 of TMA requires that every municipality must provide fire protection services within its boundary, which may include education programs, inspections of property, the installation of alarms, instructions on fighting fires, the provision of fire fighting equipment and a fire protection force;

**And whereas** Section 266 of TMA provides that a municipality may enter into agreements for the provision of fire protection services within the municipality;

**And whereas** Section 268 of TMA provides that a municipal fire protection force may provide other services, including the prevention and relief of illness and injury and the preservation of life and property.

**And whereas** Section 269 of TMA requires that a designated officer, appointed as a local assistant under The Fires Prevention and Emergency Response Act must enforce in the municipality any regulations that the fire Commissioner of Manitoba directs him or her to enforce;

**And whereas** it is deemed expedient and in the public interest to establish, continue, and maintain fire prevention, fire fighting and emergency services and standards in the Town of Beausejour;

**Now therefore** the Council of the Town of Beausejour, duly assembled, enacts as follows:

**SECTION 1                      SHORT TITLE**

- 1.1** This By-law may be referred to as "The Town of Beausejour Fire Services By-law".

**SECTION 2                      INTERPRETATION AND DEFINITIONS**

**2.1                      Interpretation**

It is the purpose of this by-law to establish the standards for: fire prevention, fire fighting, life safety and rescue services in buildings; the prevention, containment and fighting of fires originating outside buildings which may present a hazard to all or part of the Municipality; the operation of Emergency Services; the transportation and storage of flammable and combustible substances.

**2.2                      Definitions**

- 2.2.1** Unless otherwise provided, or unless the context otherwise requires, words and expressions in this by-law have the same meaning and effect as they have in the Act, and in the Code;
- 2.2.2** In this by-law, words importing the singular number only shall include the plural and vice versa, and words importing gender shall include all genders;

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2.2.3 In this by-law:

<b>Act</b>	shall mean The Manitoba Municipal Act <sup>S.M. 1996, c58, C.C.S.M. c.M225</sup> as amended from time to time.
<b>Approved</b>	shall mean passed by a resolution passed by both the Council of the Town of Beausejour and the Council of the R. M. of Brokenhead based on a recommendation from the Fire Committee.
<b>Authority Having Jurisdiction</b>	shall mean the Fire Chief, Acting Fire Chief, Deputy Fire Chief, or the responsible Municipal, Provincial, or Federal official with legal authority for controlling the subject referred to, which includes, without restricting the generality thereof, municipal Fire Prevention Officers and Fire Inspectors.
<b>Chief</b>	shall mean the Fire Chief of the Beausejour/Brokenhead Fire Department as appointed by the Council of the Town of Beausejour and the Council of the R. M. of Brokenhead from time to time. In the absence of the Fire Chief, the Highest ranking fire fighter shall be in charge.
<b>Class "A" Fuels</b>	shall mean carbon based combustibles such as boughs, leaves, loose straw, paper products, cardboard, non-salvageable untreated wood and packing materials derived from wood.
<b>Code</b>	shall mean the Manitoba Fire Code being regulation No. 216/2006 of The Fires Prevention and Emergency Response Act <sup>C.C.S.M. F80</sup> , as amended from time to time, or any subsequent Manitoba Fire Code which may be amended or enacted.
<b>Council</b>	shall mean the council of The Town of Beausejour.
<b>Emergency Services</b>	shall include, but is not limited to, all fire protection 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, purchasing and operating apparatus and equipment for fire fighting and the preservation of life and property, and preventing and mitigating other potential risks to life and property as defined by Council.
<b>Explosives</b>	shall mean any thing that is made, manufactured or used to produce an explosion or detonation as described under the federal regulation entitled "The Explosives Act (Canada)".
<b>Fire Committee</b>	shall mean the committee established by the Rural Municipality of Brokenhead and the Town of Beausejour consisting of members of Council so designated.
<b>Fire Department</b>	shall mean the Fire Department for the Town, and includes any part time or volunteers or any combination of part time and volunteer.
<b>Fire Fighter</b>	shall mean any member, including volunteers, of the Fire Department while their services are actually engaged by the Municipality for the purpose of providing Emergency Services or otherwise enforcing the provisions of this by-law.
<b>Fire Inspector</b>	shall mean the inspector or any other person or agency employed by or acting for the Town and partially or wholly responsible for fire safety within the Town.

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- Fire Pit** shall mean an outdoor receptacle that meets the following specifications:
- a) A minimum of 3 metres (10 feet) clearance, measured from the nearest fire pit edge, is maintained from buildings, property lines, or other combustible material; and
  - b) A spark arrestor mesh screen with openings no larger than 1.25 cm (.5 inches) and constructed of expanded metal (or equivalent non-combustible material) is used to cover the fire pit opening in a manner sufficient to contain and reduce the hazards of airborne sparks; and
  - c) The fire pit height does not exceed .5 metres (20 inches) when measured from the surrounding grade to the top of the pit opening; and
  - d) The fire pit opening does not exceed 1 metre (40 inches) in width or in diameter when measured between the widest points or outside edges; and
  - e) The fire pit installation has enclosed sides made from bricks, concrete blocks, heavy gauge metal, or other non-combustible materials acceptable to the Fire Chief or his designate; and
  - f) The clearance around the bottom of the fire pit shall be a minimum of .4 metres (16 inches); and
  - g) The fire pit shall not be used to burn prohibited debris.
- Member** shall have the same meaning as Fire Fighter.
- Mutual Aid District** shall mean the Northeast Mutual Aid District and joint agreements thereto;
- On Duty** shall refer to the time elapsed from the time when a Fire Fighter is paged for an emergency until he returns to his place of residence or location where such notice was received. The same shall apply to training sessions, meetings, and public education functions.
- Rural Municipality** shall mean the Rural Municipality of Brokenhead.
- Outdoor Wood Burning Boiler** shall mean an accessory structure or appliance designed to (1) be located outside of living spaces ordinarily used for human habitation and (2) transfer or provide heat through liquid or other means, through the burning of wood or solid waste. Also these furnaces/boilers heat (a) spaces other than where they are located; (b) any other structure or appliance on the premise; (c) domestic water; or (d) water used in a swimming pool, hot tub, or Jacuzzi. This section does not include wood fired barbecues or "chimneys" (decorative fireplaces).
- Town** shall mean the Town of Beausejour.

**SECTION 3 ADMINISTRATION**

**3.1 Adoption of Fire Code**

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

**3.2 Manitoba Building Code and Manitoba Fire Code**

3.2.1 The Manitoba Building Code and the Manitoba Fire Code that are now or might in the future exist are hereby enacted as part of this by-law except that if there is any difference or conflict between the provisions of this by-law and the provisions of the said Codes, the provision of this by-law shall prevail.

3.2.2 Except as provided in subsection 3.2.1 hereof, every section, subsection, paragraph, subparagraph or provision of the said Codes shall be considered a part of this by-law, as fully as if each section, subsection, paragraph, subparagraph or provision had reproduced in this by-law.

**3.3 Recovery of Costs**

Subject to any agreements to the contrary, where any type of Emergency Services have been taken within the Town, including responding to a false alarm, the Town 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 may proceed to collect any costs against the person by any means available to it in law for the collection of outstanding taxes, including, without limitation, adding the costs to the realty taxes on any property owned by the person within the Municipality.

**SECTION 4 CREATION OF FIRE DEPARTMENTS**

**4.1 Establishment of Department**

There is hereby created a Fire Department for the Town and the Rural Municipality, to be comprised of a Fire Chief and such other Fire Department personnel as from time to time may be deemed necessary by Council of the Town and the Rural Municipality based on the recommendations of the Fire Chief and the Fire Committee.

**4.2 Personnel**

4.2.1 The Chief of the Department shall have the authority to engage qualified personnel to become members of the Department.

4.2.2 The Chief shall provided for each member of the Department a Position Profile/Job Description outlining the duties and responsibilities of the member and ensure that the member receives a copy of the Position Profile/Job Description prior to the commencement of their duties as a member of the Department.

4.2.3 Unless otherwise approved annual increases in the remuneration paid to members of the Department shall be consistent with increases provided to personnel of the Town through negotiations and shall be approved by the Council's of the Town and the Rural Municipality based on the recommendations of the Fire Committee.

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4.2.4 When Fire Fighters are required to attend court on behalf of the Fire Department as a result of a fire investigation the municipality shall cover loss of wages at the rate of the employee's regular wage (actual wage with proof of wages being submitted to the Chief Administrative Officer) while the Fire Fighter is away from their regular employment.

**4.3 General Requirements for all Departmental Members**

4.3.1 All members involved in fire protection, prevention or fighting shall enter into training and educational programs that will lead to at least a Level 1 (NFPA 1001) fire fighting certification as defined by the Manitoba Fire College, on the next available date that such courses are offered.

4.3.2 All members shall report for duty at the time prescribed by approved departmental policy and shall remain On Duty until they are relieved.

4.3.3 All members will strictly adhere to the requirements of the PHIA. Personal Health Information of a patient or an individual member shall not be discussed outside the Department. Incident information shall not be discussed outside the Department without specific authorization from the Chief or such other authority as approved.

4.3.4 No member shall be permitted to report for, or remain On Duty, if his ability is impaired by the use of an intoxicating substance or under the influence of any narcotic, prescription drug or any substance that may cause impaired judgment.

4.3.5 Only personnel authorized by the Chief shall be allowed to ride in or operate any emergency vehicle.

4.3.6 All members shall comply with the provisions of The Highway Traffic Act, S.M. 1985-86, c.3, C.C.S.M. H60

4.3.7 All members shall have a current certification and/or license to perform any tasks as directed by the Chief. In order to operate a fire department vehicle the driver must be a member of the department with a valid Province of Manitoba Class 4 License with an "Air Brakes" Endorsement.

4.3.8 Every member of the department appointed for fire fighting duties is subject to a medical examination at such times as the Chief of the department may require or as stated through approved Statements of Municipal Policy.

4.3.9 The Town and the Rural Municipality shall indemnify and save harmless any and all member of the Department for any loss, damage or expense suffered by such member as a result of the performance of his duty as a member of the department, so long as the member is not in contravention of any requirements of approved departmental policy or this by-law.

4.3.10 All members shall comply with all provisions of this by-law along with any general order or approved department policies that are issued by the Chief.

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4.3.11 The Chief or his designate may reprimand, suspend or dismiss any member for insubordination, inefficiency, misconduct, tardiness or for non-compliance with any of the provisions of this by-law or the general orders and approved departmental policies that in the opinion of the Chief would be detrimental to the discipline and efficiency and safety of the Department. As outlined in the Beausejour Brokenhead Fire Department General Operating Guidelines.

The Chief shall submit such reprimands, suspensions or dismissals, within 24 hours for an immediate review by the Fire Committee.

4.3.12 All members are required to report to the Chief or his designate immediately if they are knowingly unfit or not capable of performing firefighter duties. Also if a member has a claim open under Workers compensation or any claim open under any type of insurance plan the member will be required to submit a doctor's report that will state the member is capable of performing full fire fighting duties. Light duties and/or administrative functions may be allowed at the Chief's discretion if the doctor's report allows such duties. No member will be permitted to return to full active duty without a doctor's certificate allowing such duties to be performed. Members not able to perform light duties or administrative function will be on a leave of absence for a period of time until they are deemed medically fit. As outlined in the Beausejour Brokenhead Fire Department General Operating Guidelines.

4.3.13 All members shall conduct themselves in a professional manner at all time and will respect all persons and property they are engaged with when acting as a member of the Fire Department.

4.3.14 All members, including Officers, shall exercise safety in all Fire Department activities in accordance with the Workplace Safety and Health Act.

**4.4 General Requirements of the Fire Chief**

4.4.1 The Councils of the Town and the Rural Municipality shall, by resolution based on a recommendation from the Fire Committee, appoint or remove the Chief for the Department.

4.4.2 The initial term of office for any Chief shall be a probationary period of one year.

4.4.3 The Chief shall be reviewed and re-appointed on an annual basis upon a recommendation from the Fire Committee.

4.4.4 Should the Chief's position become vacant, Council, through the Fire Committee, shall post the position of Fire Chief within the Department. All qualified members meeting the requirements as outlined within the Position Profile/Job Description may apply. The Fire Committee will be responsible to interview the applicants and forward their recommendation to Council for consideration.

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4.4.5 The Chief or his designate shall be responsible for the proper administration of the Department and for the discipline of its members. He may make such general orders and submit departmental policies for approval as may be necessary for the care and protection of the property of the department, for the conduct of the members of the department and generally for the efficient operation of the department, provided that such general order and policies do not conflict with the provision of any by-law or policy of the municipalities. Any general orders or departmental policies need not be identical to those of other departments with the municipalities but all general orders and departmental policies shall be required to be approved through the policy approval process of both municipalities.

**4.5 Responsibility of the Fire Committee**

There is hereby created a Fire Committee for the Municipality, to be comprised of members as set out in the Fire Agreement, which may be amended from time to time. The responsibility of the Fire Committee shall be as stipulated within Schedule "B" of the Fire Agreement signed between the Town and the Rural Municipality.

**4.6 Responsibility of the Fire Chief**

It shall be the responsibility of the Fire Chief or his designate to administer and enforce the provisions of this by-law; subject always to such direction as may be given by the Fire Committee or the Councils of the Town of Beausejour or R.M. of Brokenhead.

**SECTION 5 EMERGENCY SERVICES**

**5.1 Emergency Services**

The mandate of the Fire Department is to provide the specific Emergency Services as described in Schedule "A" to this by-law.

**5.2 Agreement for Emergency Services**

The Town, with the agreement of the Rural Municipality, may elect to enter into an agreement, pursuant to the authorization granted by section 266 of The Municipal Act, with another municipality, provincial park, first nation or business to provide or have provided emergency services.

**5.3 Response Outside Municipality**

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

- a. That in the opinion of the Fire Chief threatens property in the Municipality or property situated outside the Municipality that is owned or occupied by the Municipality; or
- b. In a municipality with which an agreement has been entered into to provide emergency response; or
- c. In a municipality which forms part of a Mutual Aid District for which the Municipality is a member; or
- d. On property with respect to which an agreement has been entered into with any person or corporation to provide fire protection thereafter; or

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- e. For which the Head of Council, Fire Chief, or Acting Fire Chief has first authorized such attendance; or
- f. Under such circumstances as it appears human life is in jeopardy.

**SECTION 6                    GENERAL**

**6.1    Interference an Offence**

It shall be an offence for any person, other than the Authority Having Jurisdiction or a Fire Fighter, or other authorized civic employee in the course of duty, to turn on or interfere with any fire hydrant, in any manner whatsoever.

**6.2    Tampering an Offence**

6.2.1 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.

6.2.2 The Fire Chief or his designate may prescribe the limits within the vicinity of a fire that any person or vehicle may be permitted to enter, and may authorize any police officer present to close off such portions of streets or lanes as he deems necessary. As outlined in the Beausejour Brokenhead Fire Department General Operating Guidelines.

6.2.3 No person shall without permission, enter the limits prescribed by the Fire Chief or his designate in accordance with subsection 6.2.2. As outlined in the Beausejour Brokenhead Fire Department General Operating Guidelines.

6.2.4 No person shall in any way impede or hinder any officer or member of the Fire Department or any other person enacted in or assisting at the extinguishing of any fire or engaged in any duty connected therewith.

6.2.5 No person engaged in fighting a fire, whether or not be it a member of the Fire Department, shall neglect or refuse to obey a lawful order of the Fire Chief or his designate. As outlined in the Beausejour Brokenhead Fire Department General Operating Guidelines.

**6.3    Requesting Additional Assistance**

The Fire Chief, or in his absence, the senior Fire Fighter of the Fire Department present at any fire emergency or providing any other Emergency Service, shall have the right and authority to request from any able-bodied adult person assistance in extinguishing fires and controlling the 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.

**6.4    Commandeering Equipment**

The Fire Chief, or in his absence, the senior Fire Fighter 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 or resource for the immediate purpose of fighting a fire or providing any other Emergency Service.



**SECTION 7 FIRE PREVENTION STANDARDS**

**7.1 Access for Inspection**

The Authority Having Jurisdiction may, at all reasonable times, enter any premises for the purpose of making an inspection, and any person in charge of the premises shall allow the Authority Having Jurisdiction free access thereto. As outlined in Section 7(1) and 7(2) of the Manitoba Fire Prevention and Emergency Response Act

**7.2 Prevention of Fire Spread**

The Fire Chief, or in his absence, the senior Fire Fighter of the Fire Department present at any fire shall have the right and authority to enter, pull down, demolish or take whatever action is necessary to any house, building or structure, directly or indirectly affected, where deemed reasonably necessary for the purpose of extinguishing a fire or to control or prevent the spread of fires or in conjunction with dangerous goods or rescue.

**7.3 Starting a Fire in Open Air**

7.3.1 A person who ignites an open air fire shall not leave the 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 or causing damage or becoming dangerous are at the fire site.

7.3.2 No person shall burn any substance in open air, including burning barrels, which contain any material other than "Class A" fuels.

7.3.3 Burning Permits are required for any burning done outside a burning barrel or barbeque/campfire pits.

7.3.4 The burning of raw garbage is forbidden.

7.3.5 Any open air fire that is deemed to be a hazard by the Fire Chief or his designate will be extinguished immediately.

7.3.6 No home business shall be operated which could be a fire hazard to adjacent residents.

7.3.7 Ashes or combustible refuse shall be stored in fire-proof containers. Ashes shall not be disposed of by means of the Town of Beausejour garbage disposal except as stipulated in the Garbage Disposal By-Law.

7.3.8 No explosives shall be stored within the Town of Beausejour.

**7.4 Storage of Containers**

All boxes, crates, petroleum barrels and other containers, empty or otherwise, packing materials, or other materials used or kept in any building or on any lot, shall be:

- a. So stacked or piled as to keep them clear of windows and doors to provide for clear ingress and egress to and from any part of the premises or building;
- b. Kept away from any source of ignition; and
- c. Removed forthwith if determined to constitute a fire hazard by the Authority Having Jurisdiction to such location as authorized by the Authority Having Jurisdiction.

**7.5 Portable Fire Extinguishers**

Portable fire Extinguishers shall be provided, located and maintained in accordance with the requirements of the Code.

**7.6 Chimney Pipes/Outdoor Wood Burning Boilers**

All chimney pipes for fireplaces or woodstoves shall be installed in conformance with the Code and must be cleaned regularly to prevent a buildup of creosote. Where the Fire Chief deems it necessary he may give notice to any owner requiring the cleaning of any chimney or pipe and where such order is not complied with within ten (10) days the Fire Chief may cause the work to be done and the cost therefore shall be the responsibility of the owner.

No outdoor wood burning boilers shall be allowed with the Town.

**7.7 Property Maintenance**

All buildings and properties shall be adequately maintained in accordance with standards established from time to time by the Office of the Fire Commissioner, in order to guard against fire or the risk of fire.

**7.8 Fire Alarm System**

7.8.1 Monitored alarm systems shall be maintained at all times in proper operating condition and tested in accordance with the requirements of the Code;

7.8.2 Where the Fire Department attends in response to an alarm call, which is an apparent false alarm, the Fire Chief, or in his absence the senior Fire Fighter of the Fire Department present at the scene, will attempt to contact the property owner or other designated person to attend and secure the premises. If unable to contact the property owner or designated person, then a security guard may be called in to perform fire duty at the expense of the owner. The total cost of restoration of any fire alarm equipment, and related costs of hiring a security guard or any fire-watch service, shall be the responsibility of the owner or his insurer. If the owner cannot be located to pay this bill then all costs may be added to the real property taxes for the premises and collected in the same manner as normal taxes.

7.8.3 Subject to Subsection 7.8.4 following an actual fire situation, where the owner or authorized agent of the property affected cannot be located or is unable to arrange for securing of the property, the Authority Having Jurisdiction will contact a security guard and place him on fire-watch duty to monitor for rekindling and to protect the property from vandalism, looting, or other similar action until the owner/agent can make alternative arrangements. The total cost related to hiring the security guard for fire-watch duty shall be the responsibility of the owner. If the owner cannot be located to pay this bill, then all costs may be added to the real property taxes for the premises and collected in the same manner as normal taxes.

7.8.4 In the case of suspected arson the Fire Chief, or in his absence the senior officer of the Fire Department present at the scene, may elect to hire the 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 associated costs are the responsibility of the property owner or insurer and if the bill is unpaid these costs may be added to the real property taxes for the premises and collected in the same manner as normal taxes.

**7.9 Flammable and/or Combustible Liquid Storage and Storage of Hazardous Materials**

Prior written permission from the Fire Chief shall be required for the storage of flammable and/or combustible liquids or hazardous materials in excess of the amounts permitted in the Code.

**7.10 Wood Piles**

7.10.1 It shall be an offence for any person to pile or allow to be piled any lumber or wood on private property within three (3) metres of the exterior of any dwelling.

7.10.2 Subsection 7.12.1 shall not apply to lumber in transit or in the process of erection on a construction site.

**SECTION 8 PENALTY PROVISION**

**8.1 Penalty**

8.1.1 An order made under this by-law shall be in writing and signed by the Authority Having Jurisdiction. An order may be directed to the owner, occupier or lessee of the subject building or property in respect of which it is made or to any or all of them.

8.1.2 An order made under this by-law shall be served:

- a. Personally upon the person to whom it is directed; or
- b. By registered mail 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 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.

8.1.3 Any individual, corporation, partnership, firm, joint venture, syndicate, association or trust, and any other form of entity or organization that contravenes, disobeys, or refuses or neglects to obey:

- a. Any provision of this by-law, or any provision of any other by-law that by this by-law is made applicable to proceedings taken or things done under this by-law; or
- b. Any provision of any by-law, regulation, or order enacted or made by Council; or
- c. Any order made by this by-law for which no other penalty is specifically provided is guilty of an offence and liable on summary conviction to a fine of \$ 1,000.00, and in default of payment of the fine, to imprisonment for a term not exceeding fourteen (14) days.

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- 8.1.4 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 \$1,000.00, and in default of payment of the fine, to imprisonment for a term not exceeding fourteen (14) days.

**SECTION 9 REPEAL AND ENACTMENT**

**9.1 Repeal**

- 9.1.1 By-law No. 1661/11, together with any amending by-laws, are hereby repealed.
- 9.1.2 The repeal of the by-laws in the last preceding subsection mentioned shall not revive any by-law or any provision of any by-law repealed by them, nor shall the said repeal prevent the effect of any saving clause in the said by-laws or the application of any of the said by-laws or any other by-law or provision of law formerly in force to any transaction matter or thing anterior to the said repeal to which they would otherwise apply.
- 9.1.3 The repeal of said by-laws should not affect:
- a. 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;
  - b. Nor any action, suit, judgment, decree, certificate, execution, process, order, rule or any proceeding, matter or thing whatever, respecting the same had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal.
  - c. Nor 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;
  - d. Nor any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal;
  - e. Nor any bond, note, debenture, debt, or other obligation made, executed or entered into by the Town at the time of repeal;
  - f. Nor shall any such repeal defeat, disturb, invalidate, or prejudicially affect any other matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal.

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**9.2 Enactment**

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

**9.3 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 at The Town of Beausejour, duly assembled, in the Province of Manitoba, this 14 day of February, 2012

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

Read a first time this 31 day of January, 2012  
Read a second time this 14 day of February, 2012  
Read a third time done and passed this 14 day of February, 2012

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**Town of Beausejour**  
**By-law # 1661/11**  
**SCHEDULE "A"**

**Responsibilities of the Beausejour/Brokenhead Fire Department****General Statement of Duties and Responsibilities:**

Under the general direction of the Beausejour/Brokenhead Fire Committee and the specific direction of the Administrator the Beausejour/Brokenhead Fire Department shall be responsible for the delivery of services as outlined within the Manitoba Municipal Act <sup>S.M. 1996, c. 58 - Cap. M225</sup>, the Fire Protection and Emergency Response Act <sup>C.C.S.M., c. F80</sup>, or such other legislation of the Province of Manitoba pertaining to Fire Suppression and Prevention plus Municipal Fire By-laws duly passed by the Council of the Town of Beausejour and the Council of the Rural Municipality of Brokenhead.

Item	Duties and Responsibilities
1	The provision of Fire Suppression Services within the Town of Beausejour and the Rural Municipality of Brokenhead.
2	The provision of such other Emergency Response Services as required under the Fire Prevention and Emergency Response Act <sup>C.C.S.M. C. F80</sup> of the Province of Manitoba and its associated Regulations plus any other acts of the legislature of Manitoba or Canada requiring the provision of Fire Suppression Services by a Municipal Corporation.
3	The provision of such other Emergency Response Services as required within the By-laws of the Town of Beausejour or the Rural Municipality of Brokenhead including but not necessarily limited to the following: <ol style="list-style-type: none"> <li>a. Fire prevention and fire extinguishing, which includes structural fire fighting for rescue, fire control and property conservation.</li> <li>b. Investigation of the causes of fire and origin determination.</li> <li>c. Preservation of life and property and protection of persons and property from injury or destruction by fire.</li> <li>d. Salvage operations</li> <li>e. Hazardous material responses</li> <li>f. Vehicle extrication</li> <li>g. Farm accident rescue; ground search and rescue; urban search and rescue; biological and chemical responses</li> <li>h. Fire prevention inspections.</li> <li>i. Pre-fire planning</li> <li>j. Public Safety Education.</li> <li>k. Precautionary standby</li> <li>l. Extinguishing and prevention of Grass Fires</li> <li>m. Extinguishing and prevention of Urban Interface Fires.</li> </ol>
4	The provision of Public Education Programming on the prevention of fires as developed by the Beausejour Fire Department and its members plus approved through the Municipal Budget Processes of the Town of Beausejour or the Rural Municipality of Brokenhead.
5	The provision of Fire Inspection Services, either through the authority of the Fire Chief as the Local Assistant to the Office of the Fire Commissioner or as authorized by a by-law duly authorized by the Council of the Town of Beausejour or the Council of the Rural Municipality of Brokenhead.
6	The provision of Mutual Aid Services to other jurisdictions within the Province of Manitoba as authorized through Mutual Aid Agreements duly approved and authorized by both the Council of the Town of Beausejour and the Council of the Rural Municipality of Brokenhead.

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- 7 The provision of recommendations, through the Beausejour/Brokenhead Fire Committee, on the provision of services by the Beausejour/Brokenhead Fire Department within the Town of Beausejour, the Rural Municipality of Brokenhead or such other jurisdiction where the Beausejour/Brokenhead Fire Department is providing services.
- 8 The provision of recommendations to the Town of Beausejour, the Rural Municipality of Brokenhead and the Brokenhead River Planning District with respect to the impact of recommendation to their Executive Body on the provision of Fire Suppressions Services.

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By-law # 1661 /11  
SCHEDULE "B"

**Terms of Reference – Beausejour/Brokenhead Fire Committee**

**General Statement of Duties and Responsibilities:**

Reporting to the Council of the Town of Beausejour and Council of the Rural Municipality of Brokenhead the Beausejour/Brokenhead Fire Committee shall be responsible for the provision of general and specific direction for the overall operation of the Beausejour/Brokenhead Fire Department.

Item	Duties and Responsibilities
1.	To undertake a review of any proposed amendments to the Beausejour/Brokenhead Fire Agreement and make recommendations to the Councils of the Town and the R. M. regarding the adoption of any proposed amendment.
2.	To submit, on or before the 1 <sup>st</sup> day of January of each year, to the Council of the Town of Beausejour and the Council of the Rural Municipality of Brokenhead the Annual Budget for the Beausejour/Brokenhead Fire Department, which as a minimum shall include:  a) The Annual Operating Budget for the coming year plus an estimate of the Operating Budget for the succeeding year. b) A 5 year Capital Program c) A 5 year Equipment Replacement Program
3.	To undertake, at each committee meeting with the assistance of the Fire Chief, a review of the financial accounts of the Beausejour/Brokenhead Fire Department.)
4.	To recommend to the Councils of the Town and the R. M. adjustments or the reallocation of funds within the approved budget of the Beausejour/Brokenhead Fire Department.
5.	To cause to be prepared an Annual Review of the performance of the Fire Chief for the Beausejour/Brokenhead Fire Department.
6.	To make an annual recommendation regarding the appointment of an individual to the position of Fire Chief of the Beausejour/Brokenhead Fire Department.
7.	To, based on the recommendations of the Fire Chief, annually recommend to the Councils of the Town and the R. M. the appointment of individuals to the positions of Deputy Fire Chief.
8.	To obtain and retain, from the Fire Chief, all records with regard to the operation of the Beausejour Fire Department including:  a) A listing of the Vehicle and Equipment Inventory of the Beausejour/Brokenhead Fire Department. Such inventory to be forwarded, once per year through the Fire Committee, to the Council of the Town of Beausejour and the Council of the Rural Municipal of Brokenhead. b) A quarterly written report, provided by the Fire Chief, regarding the activities of the Beausejour/Brokenhead Fire Department including Fire Suppression Activities, Emergency Response Activities, Public Educations Activities, Fire Inspection, Training Activities and such other activities deemed to be of importance to the Fire Committee by the Fire Chief. c) Responses to questions or issue raised by the members of the Beausejour/Brokenhead Fire Committee, the Council of the Town of Beausejour and the Council of the Rural Municipality of Brokenhead.



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9. To review annually, with the Fire Chief, the operating structure of the Beausejour/Brokenhead Fire Department and the position profiles/job descriptions for the members of the Beausejour/Brokenhead Fire Department.
10. To recommend, with the assistance of the Fire Chief, such Statements of Municipal Policy as are necessary for the maintenance and ongoing operation of the Beausejour/Brokenhead Fire Department.
11. To, where desired by the Fire Chief, participate in a review of the Standard Operating Procedures and Running Orders of the Beausejour/Brokenhead Fire Department.
12. To cause to have prepared such report as requested by the Council of the Town of Beausejour, the Council of the Rural Municipality of Brokenhead or the Beausejour/Brokenhead Fire Committee.
13. To cause to be prepared and approved such reports as required by the Office of the Fire Commissioner under the Fire Prevention and Emergency Services Act of the Province of Manitoba.

**Membership on the Committee**

The membership on the Committee shall consist of the following:

**Voting Members**

- 2 members appointed from the Council of the Town of Beausejour
- 2 members appointed from the Council of the Rural Municipality of Brokenhead

**Non-voting Members**

- The Chief of the Beausejour/Brokenhead Fire Department
- The Deputy Chiefs of the Beausejour/Brokenhead Fire Department
- The CAO of the Town & the Rural Municipality

It is the intent and desire of the membership of the Beausejour/Brokenhead Fire Committee to make recommendations on a consensus basis, and therefore, the call for a vote on any issue shall be the decision of the Chair.

**Meetings**

The Beausejour/Brokenhead Fire Committee shall meet a minimum of once per quarter, four (4) times during the year. The Chair, as per the procedures employed for the Committee, has the authority to call additional meetings.

**Proceedings for a Meeting of the Committee**

The procedural requirements of the Beausejour/Brokenhead Fire Committee shall be those employed by the administering Municipality.

**Appointment of a Chair**

The Chair of the Beausejour/Brokenhead Fire Committee shall be as follows:

- Odd numbered Years** The 1<sup>st</sup> named appointed official from the Council of the Town of Beausejour
- Even numbered Years** The 1<sup>st</sup> named appointed official from the Council of R. M. of Brokenhead

The Committee, by the vote of the majority, may select a Chair other than as indicated above.

**Authority of the Committee**

The Committee shall have the authority to:

- 1 To make general and specific recommendations regarding all aspects of the operation of the Beausejour/Brokenhead Fire Department for consideration of the Councils of the Town and the R. M.
- 2 To assign, by resolution, its responsibilities to any individual(s) within the Corporation.
- 3 To permit the assigned individual(s), within the Purchasing Policies of the Administering Municipality, to expend the funds as approved within the Annual Operating and Capital Budgets of the Fire Department.
- 4 Approve the Operational Structure of the Beausejour/Brokenhead Fire Department.
- 5 With the exception of the positions of Fire Chief and Deputy Fire Chief approve the Position Profiles/Job Descriptions for the membership of the Beausejour/Brokenhead Fire Department. As outlined in the Beausejour Brokenhead Fire Department General Operating Guidelines.
- 6 To resolve personnel disputes that may arise within the operations of the Beausejour/Brokenhead Fire Department.
- 7 To, wherever possible make application to any funding authority for financial assistance to support the activities of the Beausejour/Brokenhead Fire Department as long as any financial support required from the Department or either municipal partner has been approved within the Annual Operating Budget of the Department.
- 8 To hold accountable any member of the Fire Department for his/her activities on behalf of the Department, the Council of the Town of Beausejour or the Council of the Rural Municipality of Brokenhead.
- 9 Call a meeting of the Councils of both the Town and the R. M. in order to discuss joint issues regarding the Beausejour/Brokenhead Fire Department.