

**CONTINUING CONSOLIDATION**  
**FIRE PREVENTION BY-LAW NO. 6063/12/93**

AS AMENDED BY BY-LAW NO. 6300/27/95, BY-LAW NO. 6611 AND BY-LAW NO. 6743

BEING A BY-LAW of The City of Brandon to provide for fire fighting, fire prevention and the related regulation of fire and other hazards and for the re-adoption of the Manitoba Fire Code, and to be known as the "Fire Prevention By-law".

WHEREAS The City of Brandon is empowered under The Municipal Act, RSM 1988, c.M225, sections 289 and 290, to establish and maintain fire fighting departments and to pass by-laws for the prevention of fire, regulating the keeping, storage and transportation of flammable or dangerous materials and certain other powers, including authorizing the adoption of the Manitoba Fire Code as referred to hereinafter;

AND WHEREAS it is deemed expedient and in the public interest to repeal the former Fire Prevention By-law and update Fire Prevention Standards in the City of Brandon;

NOW THEREFORE the Council of The City of Brandon, duly assembled, enacts as follows:

Purpose

1. It is the purpose of this by-law to establish the standard for fire prevention, fire fighting and life safety in buildings and for the prevention, containment and fighting of fires originating outside buildings which may present a hazard to all or any part of the City and to establish standards for the transportation and storage of flammable and combustible substances.

Definitions

2. (a) Unless otherwise provided, or unless the context otherwise requires, words and expressions in this by-law have the same meaning as the same words and expressions in The Municipal Act, the Manitoba Fire Code, and in the City's Legislative Standards By-law.
- (b) In this by-law:
  - (1) "AUTHORITY HAVING JURISDICTION" means the Fire Chief, Acting Fire Chief, or Deputy Fire Chief or the responsible City, Provincial or Federal official with legal authority for controlling the subject referred to including, without restricting the generality thereof, City Fire Prevention Officers and Fire Inspectors.
  - (2) "CODE" means the Manitoba Fire Code being Regulation No. 212/92 of The Fires Prevention Act, RSM 1987, c.F80, as amended from time to time, or any subsequent Manitoba Fire Code which may be enacted.  
[AM. B/L 6300/27/95]
  - (3) "FIRE INSPECTOR" means a person appointed by the Fire Chief, from time to time, to carry out fire inspections under the provisions of this by-law.

Application

3. The provisions of this by-law shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this by-law shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property.

SEPTEMBER 2003

Adoption of Fire Code

4. The City hereby adopts the Code as part of this by-law, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, 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.

Inspection

5. (a) 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.
- (b) The Fire Chief, or in his absence, the senior officer of the Fire Department present at any fire shall have the right and authority to enter, pull down or demolish any house or building or structure where he deems it reasonably necessary to put out a fire or to prevent the spreading of a fire.

Third-Party Inspection

- 5.1 (a) The authority having jurisdiction may conduct inspections of premises at the request of a third-party and, without restricting the generality, costs may be levied for such purposes as:
- (1) verification of outstanding orders on properties which have been inspected within the previous three months of the date the inspection was requested. A file search only would be required unless there is evidence of change in occupancy or other factors which would be reason for the authority having jurisdiction to cause an inspection to verify that there are no outstanding orders.
  - (2) verification of outstanding orders on property which has not been inspected in the past three months of the date of the request.
  - (3) reinspection required if a defect of any work order is not completed within the time ordered by the inspector and if the owner and/or his agent have not requested an extension of time to complete the work or correct the defect.
  - (4) agency requests as set out in the General Operating Guidelines of the Fire Department.
- (b) Costs for a third-party inspection are as set out in the City's annual fee schedule.  
[AM. B/L 6611]
- (c) Where the authority having jurisdiction determines that a file search would be sufficient to satisfy a third-party request, the fee for a file search and a written report is set out in the City's annual fee schedule.  
[AM. B/L 6611]
- (d) All related fees, as set out in the City's annual fee schedule, will be sent by registered bill to the person requesting the third-party inspection.  
[AM. B/L 6611]  
[EN. B/L 6300/27/95]

Starting Fires in Open Air

6. [REP. B/L 6743]

Wood Piles

7. (a) It shall be an offence for any person to pile or allow to be piled any lumber or wood on private property within three metres of the exterior of any dwelling.
- (b) Subsection (a) shall not apply to lumber in transit or in the process of erection on a construction site.

Storage of Containers

8. All boxes, crates, petroleum barrels and other containers, empty or otherwise, packing materials, or other materials used or kept in any building or on any lot, shall be:
- (a) so stacked or piled as to keep them clear of windows and doors to provide for clear ingress and egress to and from any part of the premises or building;
- (b) kept away from any source of ignition;
- (c) removed forthwith if determined to constitute a fire hazard by the Authority having jurisdiction from the vicinity of the windows or doors in question to such location as authorized by the Authority having jurisdiction.

Portable Fire Extinguishers

9. Portable fire extinguishers shall be:
- (a) provided in conformance with the requirements of the Code and located as indicated in further requirements; and
- (b) maintained and/or hydrostatically tested in accordance with the requirements of the Code.

Fire Alarm Systems

10. (a) Every fire alarm system shall be maintained at all times in operating condition and tested by a qualified person in accordance with the requirements of the Code.
- (b) During a fire alarm or sprinkler system shut-down for any reason, and where the owner or authorized agent of a building cannot be located and the fire alarm or sprinkler system will not reset under normal conditions by the fire department, then the authority having jurisdiction will, in accordance with the General Operating Guidelines of the Fire Department, contact a qualified electrical contractor, or will place a security guard on duty to provide fire-watch service until all fire alarm or early warning or protection systems have been restored to normal operating conditions. The total cost of restoration of the equipment, and related costs of hiring the electrical contractor or 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.  
[EN. B/L 6300/27/95]  
[AM. B/L 6300/27/95]

Security of Premises - Fire Situation

- 10.1 Subject to section 10.2, 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, in accordance with the General Operating Guidelines of the Fire Department, contact a security guard 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/agent can make alternate 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.  
[EN. B/L 6300/27/95]

Security of Premises - Suspected Arson

- 10.2 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.  
[EN. B/L 6300/27/95]

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

11. 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 specified in the Code (being Regulation 189/82 of The Fires Prevention Act as amended).

Orders

12. (a) If the Authority having jurisdiction finds that any provision of this by-law has been contravened or has not been complied with or has been complied with improperly or only in part or that conditions exist in or upon a building or property to which this By-law applies, which, in his opinion, constitutes a fire hazard or otherwise constitutes a hazard to life or property or both, he may make such Order to ensure full and proper compliance with this by-law and, in particular, but without limiting the generality of the foregoing, he may:
- (1) make to the owner, agent, occupier or lessee of the building or property such recommendations as he deems necessary to correct the contravention or to ensure compliance with this by-law or to remove the hazards referred to in this by-law; or,
  - (2) make such Orders as he deems necessary with respect to any of the matters referred to in this by-law.
- (b) An Order made under this by-law shall be in writing and may be directed to the owner, agent, occupier or lessee of the building or property in respect of which the Order is made or to any/all.
- (c) An order made under this by-law shall be served:
- (1) personally upon the person to whom it is directed; or
  - (2) by registered mail; or
  - (3) by posting a copy of it 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 the Order.
- (d) Notwithstanding any other provisions of the Code, or of this by-law, 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 City or its agent may undertake such action as authorized by Council to clean-up the problems identified in the notice and the cost of such clean-up shall be added to the real property taxes for the said premises for the current year pursuant to the provisions of subsection 314(4) of The Municipal Act.  
[AM. B/L 6300/27/95]

Appeal to the Fire Chief

13. (a) Any person claiming to be injuriously affected by a decision or Order issued under this by-law may appeal to the Fire Chief:
- (1) in writing and within forty-eight (48) hours if the Order relates to the removal of materials or the remedying of a dangerous condition;
  - (2) in writing and within ten (10) days if the Order is to repair a building.
- (b) Any Order made under section 12 herein shall disclose on its face this right of appeal and shall clearly indicate the time for appeal.
- (c) On receipt of a written notice for appeal hereunder, the Fire Chief shall forthwith consider the Order in respect to which the appeal is made and shall make such enquiries as he considers necessary. He shall then affirm, modify or revoke the said Order and cause a copy of his decision to be served upon the Appellant in like fashion to the service of an Order hereunder.
- (d) There is no appeal from the decision of the Fire Chief.

Severability

14. Should any section or part thereof of this by-law or the Code hereby adopted be declared to be invalid, it is the intent of the Council that it would have passed all other portions of this by-law and the Code independent of the elimination of any such portion as may be declared invalid.

General Offences

15. It shall be an offence for any person to:
- (a) block an exit or access to an exit in any building;
  - (b) neglect to maintain a fire exit door or fire exit hardware on a fire exit door, including exit lights or emergency lights, in any building in operating condition;
  - (c) permit combustible waste materials to accumulate in or around any building in quantities or locations that will constitute an undue fire hazard;
  - (d) store flammable/combustible/compressed liquids in any building, structure or open space except in the manner provided in the Code;
  - (e) block open or wedge open a door, shutter, wired glass or glass block in a fire separation in any building;
  - (f) do or continue or permit to be done or continued anything in contravention of the Code which may be considered by the authority having jurisdiction as a fire or life safety hazard.
- [EN. B/L 6300/27/95]

Information and Summary Offence Notices

16. (a) Everyone who contravenes, or does not comply, or improperly complies, or only partly complies with any provision of this by-law which is not otherwise subject to an Order in accordance with section 12, commits an offence. Without restricting the generality of the foregoing, Schedule "B" hereto contains a listing of offences which qualify as instant justice violations.
- (b) Everyone who commits an offence under subsection (a) is guilty of a summary offence and liable to a fine as set out in the City's annual fee schedule.  
[AM. B/L 6611]
- (c) The following procedure shall apply for offences committed under subsection (a):
- (1) A By-law Enforcement Officer may issue an Information and Summons Offence Notice of by-law violation, in a form as set out in Schedule "A" hereto, levying the applicable fine as set out in the City's annual fee schedule, to every person committing an offence under subsection (a).  
[AM. B/L 6611]
  - (2) The Information and Summons Offence Notice shall require the person to pay to the City the amount set out in subsection (b) as a fine within 15 days of the alleged offence and the method of payment shall be as set out on the Information and Summons Offence Notice.
  - (3) If payment of the fine is made as provided in this section prior to the date when the person contravening the by-law is required to appear in Court to answer a charge, the person shall not be liable for prosecution for that offence.
  - (4) In accordance with the City's annual fee schedule, the amount of the fine under this section if paid within 7 calendar days of the date of the Information and Summons Offence Notice will be discounted, or if paid on the 8th or subsequent day up to and including the 15th calendar day after the date of the Information and Summons Offence Notice, will receive a lesser discount as set out in the City's annual fee schedule, and, upon payment, the person contravening the by-law shall not be liable to prosecution for that offence.  
[AM. B/L 6611]
- (d) A By-law Enforcement Officer may issue a warning ticket on the Information and Summons Offence Notice as set out on Schedule "A" hereto for which no prosecution will be carried out and no fine shall be levied, if the person has not previously been charged with an offence pursuant to this by-law.
- (e) Any person committing any offence as set out in subsection (a) having been convicted of or having pled guilty to an offence under subsection (a) on two or more occasions shall be charged pursuant to section 17 and be subject to the penalties as set out therein.

Penalty

- 17. (a) Any person who contravenes or disobeys, or refuses or neglects to obey:
  - (1) 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
  - (2) any provision of any by-law, Regulation or Order enacted or made by Council; or
  - (3) any Order made by this by-law 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 \$1,000.00 for each day's neglect or failure to comply therewith and in default of payment of the fine, to imprisonment for a term not exceeding thirty (30) days.

- (b) Any person who hinders or obstructs the Authority having jurisdiction or a By-law Enforcement Officer under this by-law 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 \$200.00, and in default of payment of the fine, to imprisonment for a term not exceeding fourteen (14) days.

Repeal

- 18. By-law No. 5263/32/84 and amending By-law Nos. 5336/46/85 and 5749/24/90 are hereby repealed.

Enactment

- 19. This by-law shall come into full force and take effect on the 1st day of March A.D. 1993.

DONE AND PASSED by the Council of The City of Brandon, duly assembled, this 1st day of February, A.D. 1993.

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"J. R. Reid"  
Deputy Mayor

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"W.I. Ford"  
City Clerk

Read a first time this 1st day of February A.D. 1993.  
Read a second time this 1st day of February A.D. 1993.  
Read a third time this 1st day of February A.D. 1993.

I, Conrad Robert Arvisais, Clerk of the municipality of The City of Brandon DO HEREBY CERTIFY the within to be a true and correct copy of By-law No. 6063/12/93, as amended by By-law Nos. 6300/27/95, 6611, and 6743.

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C.R Arvisais, City Clerk



SCHEDULE "A"

Fire Prevention By-law No. 6063/12/93

NOTE: Graphics are not available on the system. Please refer to your Continuing Consolidation binder to view this Schedule.

SCHEDULE "B"  
Fire Prevention By-law No. 6063/12/93

(as amended by By-law No. 6300/27/95)

**INSTANT JUSTICE VIOLATIONS**

<u>TICKET CODE</u>	<u>INSTANT JUSTICE VIOLATION</u>	<u>BY-LAW REFERENCE</u>
01	Exits, Blocked or Defective	15(a),(b)
02	Defective exit lights or emergency lights	15(b)
03	Neglect to maintain fire alarm equipment	10
04	Improper storage waste materials	15(c)
05	Improper storage flammable/combustible/compressed liquids	15(d)
06	Blocked fire separation doors	15(e)
07	Wedged fire separation doors	15(e)
08	Outdoor burning without permit	6(a)
09	Other: Leaving permitted fire unattended	6(b)
09	Other: Insufficient fire control at permitted fire site	6(b)
09	Other: Lumber/wood piled within 3 metres of any dwelling	7(a)
09	Other: Improper storage of containers	8
09	Other: Neglect to provide/maintain fire extinguishing equipment	9
09	Other: Storage of excess flammable/combustible/compressed liquids or hazardous materials without permit	11
09	Other: Fire or life safety hazard	15(f)
09	Other: (specify)	16(a)
10	Warning ticket	16(d)