

**TOWN OF CARMAN  
BY-LAW NO. 08/1920**

BEING a by-law of the Town of Carman to provide for fire fighting, fire prevention, the related regulation of fire and other hazards, the adoption of the Code, and for establishing, continuing and operating an emergency service for the Town, and to be known as the "Fire Prevention and Emergency Services By-Law".

WHEREAS subsection 232(1) of *The Municipal Act* provides, in part, "that a council may pass by-laws for municipal purposes respecting the following matters:

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

AND WHEREAS section 264 of *The Municipal Act* provides that "every municipality must provide fire protection services within its boundaries to reduce the danger of fire, which may include education programs, inspections of property, the installation of alarms, instructions on fighting fires, the provision of fire fighting equipment and a fire protection force";

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

NOW THEREFORE the Council of the Town of Carman, duly assembled, enacts as follows:

**PART I: INTERPRETATION AND DEFINITIONS**

**Interpretation**

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

**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 Act and in the Code.  
(b) 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.  
(c) In this by-law:
  - (1) "ACT" means The Municipal Act S.M. 1996, c.58, C.C.S.M. c.M225 as amended from time to time.
  - (2) "AUTHORITY HAVING JURISDICTION" means the Fire Chief, acting Fire Chief, deputy Fire Chief, or the responsible municipal, Provincial, or Federal official with legal authority for controlling the subject referred to including, without restricting the generality thereof, municipal Fire Prevention Officers and Fire Inspectors.

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- (3) "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.
- (4) "COUNCIL" means the council of the Town of Carman.
- (5) "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 fire fighting and the preservation of life and property, and preventing and mitigating other potential risks to life and property as defined by Council.
- (6) "FIRE CHIEF" means the Fire Chief for the Municipality and any person acting or authorized to act on his behalf.
- (7) "FIRE DEPARTMENT" means the Fire Department, namely CARMAN DUFFERIN FIRE DEPARTMENT for the Municipality, and includes any part-time, composite (any combination of full-time, part-time or volunteer) or a volunteer fire department.
- (8) "FIRE FIGHTER" means 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.
- (9) "FIRE INSPECTOR" means the person or agency employed by or acting for the Municipality and partially or wholly responsible for fire safety within the Municipality.
- (10) "MUNICIPALITY" means the Town of Carman or the area contained within the boundaries thereof

**PART II: ADMINISTRATION**

**Adoption of Fire Code**

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

**Recovery of Costs**

- 4. Subject to any agreements to the contrary, where any type of Emergency Services have been taken within the Municipality, including responding to a false alarm, the Municipality may, in respect of any related costs incurred in taking such action, charge such costs to the person who caused the fire or incident, or the owner or occupant of the land or property in respect to which the action was taken. Further, the Municipality 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 realty taxes on any property owned by the person within the Municipality.

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**PART III: CREATION OF FIRE DEPARTMENT**

**Creation and Membership**

5. There is hereby created a Fire Department for the Municipality, to be comprised of a Fire Chief, two Deputy Chiefs, Three Captains, Fire Inspector, Training Officer, and other such other Fire Department personnel as from time to time may be deemed necessary by the Fire Chief, and as more particularly set out in Schedule "A" hereto; provided however, the Fire Department shall be comprised of up to twenty-one (21) personnel. No change in the complement of the Fire Department shall be made without approval of the Council, who may authorize an increase or decrease or vary the above stated complement upon recommendation of the Fire Chief.
6. The Chief shall be appointed by the Councils for an indefinite period of time. The Chief shall be technically qualified by training and experience and shall have ability to command men and hold their respect and confidence. He shall be removed only after a hearing before the Councils.
7. The Chief shall be held accountable for the Fire Department only, and shall make written and verbal reports thereto as the councils may require. All other Department officers shall be accountable to the Chief only.
8. The Deputy Chiefs, the Public Education Officer and Training Officer shall be appointed by the Fire Chief, and such appointments to be approved by Councils. The Captains shall be elected by the general membership. Such officers and the general membership shall be accountable only to the Fire Chief, and subject to removal by the Fire Chief after the recommendations from both Councils. The dismissed officer, upon written request, shall be given a hearing before the Councils on the charges brought by the Chief.

**Responsibility of Fire Chief**

9. It shall be the responsibility of the Fire Chief to administer and enforce the provisions of this by-law; subject always to such direction as may from time to time be given by the Council.
10. The Fire Chief shall formulate a set of rules and regulations to govern the Department, and shall be responsible to the Municipal Councils for personnel, morale and general efficiency of the Department.
11. The Chief or Training Officer shall at least twelve (12) times a year, conduct suitable drills or instruction in the operation and handling of equipment, fire prevention, water supplies, rescue work and first-aid and all other matters generally considered essential to a good firemanship and safety of life and property from fire.
12. The Fire Chief shall see that complete records are kept of all fires, inspections, apparatus and minor equipment, personnel and other information about the work of the Department.
13. The Fire Chief shall report monthly to the councils, the condition of the apparatus and equipment; the number of fires during the month, their location and cause, the date or same and loss occasioned thereby; the number and purpose of all other runs made; and the number of members responding to each fire or other run, and any changes in membership.

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14. The Fire Chief shall make a complete annual report to the councils within one (1) month after the close of the fiscal year, such report to include the information specified in Article 12, together with comparative data for previous years and recommendations for improving the effectiveness of the Department.

**Responsibility of Deputy Chiefs**

15. There shall be two Deputy Chiefs who shall report to the Fire Chief at fires and assist him in the discharge of duties.
16. In the absence of the Fire Chief, the Senior Officer may command the Department and be held responsible therefore in all aspects with the full powers and responsibilities of the Fire Chief.

**Responsibility of Training Officer**

17. There shall be a Training Officer appointed by the Fire Chief who shall be responsible for the training of all fire fighting personnel within the Department.
18. The Training Officer shall be responsible for providing a minimum of twelve (12) training meetings per year under the direction of the Fire Chief.

**Responsibility of Fire Prevention Officer**

19. The Fire Chief of the Fire Department shall appoint as many Fire Prevention Officers as the Councils deem necessary to provide adequate Fire Prevention for the municipalities.
20. All fire Prevention Officers shall receive the necessary training as prescribed and supplied by the Office of the Fire Commissioner.
21. Fire Prevention Officers shall systematically inspect all commercial and public buildings within the boundaries of the municipalities at the intervals dictated by the legislation and outlined in Schedule "C" of this by-law.

**Membership**

22. The membership of the Fire Department shall consist of such persons as may be appointed by the Fire Chief and shall be able-bodied citizens residing within the Town of Carman or the Rural Municipality of Dufferin. Determination of whether candidates for appointment are able-bodied shall be made by the Fire Chief after a medical and physical examination has been made in a manner prescribed by the Fire Chief and approved by the Councils.
23. Any member of the Fire Department may be suspended or discharged from the Department by the Fire Chief at any time he may deem such action necessary for the good of the Department. On written request of such member to the councils, he shall be given a hearing before the Councils on the charges brought by the Fire Chief.

**Equipment**

24. The Fire Department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire.
25. Recommendations of apparatus and equipment needed shall be made by the Fire Chief, and after approval by the Councils shall be purchased in such manner as may be designated by the Councils.
26. All equipment of the Fire Department shall be safely and conveniently housed in such places as may be designated by the Councils. Such places shall be heated during the winter season.

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27. No person shall use any fire apparatus or equipment for any private purpose without permission for the Fire Chief or the Authority having Jurisdiction, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the Fire Department.
28. No persons shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the Fire Department unless accompanied by, or having the special permission of the Fire Chief or the Authority having Jurisdiction.
29. No apparatus shall be hired out or permitted to leave the Town or Municipality except in response to a call for aid at a fire in a neighbouring community, without prior consent of the Councils. The Officer-in-charge of the Fire Department shall have power to assign equipment for response to calls for outside aid in accordance with the Mutual Aid Agreement, and in other cases only when the absence of such equipment will not jeopardize protection in the Town of Carman or the Rural Municipality of Dufferin.

**PART IV: EMERGENCY SERVICES**

**Emergency Services**

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

**Agreement for Emergency Services**

31. The Municipality may elect to enter into an agreement with another Municipality to provide or have provided Emergency Services. Such agreement requires prior authority of the Council.

**Response outside Municipality**

32. The Fire Department will not respond to any call with respect to a fire or an emergency outside the municipal boundaries except with respect to a fire or emergency:
  - (a) That in the opinion of the Fire Chief threatens property in the Municipality or property situated outside the Municipality that is owned or occupied by the Municipality; or
  - (b) In a Municipality with which an agreement has been entered into to provide fire protection services or Emergency Services; or
  - (c) In a Municipality which forms part of a mutual aid agreement for which the Municipality is a member; or
  - (d) On property with respect to which an agreement has been entered into with any person or corporation to provide fire protection therefor; or
  - (e) For which the head of council has first authorized such attendance; or
  - (f) Under such circumstances as it appears human life is in jeopardy;
  - (g) Upon request for assistance from the Office of the Fire Commissioner or some other properly designated office of the Province of Manitoba.

**PART V: GENERAL REQUIREMENTS**

**Interference an Offence**

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

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**Tampering an Offence**

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

**Requiring Additional Assistance**

35. The Fire Chief, or in his absence, the senior officer of the Fire Department present at any fire or providing any other Emergency Service, shall have the right and authority to require any able-bodied adult person to assist in extinguishing fires, to assist in the control of spread of fire and to assist in any other required Emergency Service and any such person, while acting under the direction of the Fire Chief, shall be deemed a volunteer firefighter of the Municipality.

**Commandeering Equipment**

36. The Fire Chief, or in his absence, the senior officer of the Fire Department present at any fire or providing any other Emergency Service, shall have the right and authority to commandeer and authorize payment for the possession or use of any equipment for the immediate purpose of fighting a fire or providing any other Emergency Service.

**PART VI: FIRE PREVENTION STANDARDS**

**Access for Inspection**

37. The Authority Having Jurisdiction may, at all reasonable times, enter any premises for the purpose of making an inspection, and any person in charge of the premises shall allow the Authority Having Jurisdiction free access thereto.

**Prevention of Fire Spread**

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

**Storage of Containers**

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

**Portable Fire Extinguishers**

40. Portable fire extinguishers shall be:
- (a) Provided and located in accordance with the requirements of the Code;
  - (b) Maintained and/or hydro-statically tested in accordance with the requirements of the Code.

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**Chimney Pipes**

41. All chimneys and pipes for fireplaces or wood stoves shall be installed in conformance with the Code and must be cleaned regularly to prevent a buildup of creosote. 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 therefor shall be the responsibility of the owner.

**Property Maintenance**

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

**Fire Alarm Systems**

43. (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) Where the Fire Department attends in response to a fire alarm call, which is an apparent false alarm, the Fire Chief, or in his absence the senior officer of the Fire Department present at the scene, will attempt to contact the property owner or other designated person to attend and secure the premises. Where unable to contact the property owner or designated person, then a security guard may be called in to perform fire duty at the expense of the owner. The total cost of restoration of any fire alarm equipment, and related costs of hiring a security guard or any fire-watch service, shall be the responsibility of the owner or his insurer. If 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.

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

44. 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.

**PART VII: PENALTY PROVISION**

**Penalty**

45. (a) 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.  
(b) Any order made under this by-law shall be served:  
(1) Personally upon the person to whom it is directed; or  
(2) By registered or regular mail; or  
(3) 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.  
(c) 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

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- (2) Any provision of any by-law, Regulation or Order enacted or made by Council; or
- (3) Any Order made by this by-law; for which no other penalty is specifically provided is guilty of an offence and is liable, on summary conviction, to a fine 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.
- (d) 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 \$1,000.00, and in default of payment of the fine, to imprisonment for a term not exceeding fourteen (14) days.

**PART VIII: REPEAL AND ENACTMENT**

**Repeal**

46. (a) By-law No. 79/1400 and By-law No. 96/1779, be and the same are hereby repealed.
- (b) 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-law or the application of the said by-law 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.
- (c) The repeal of the said by-law(s) should not affect:
- (1) 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; or
  - (2) 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; or
  - (3) 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
  - (4) Any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal; or
  - (5) Any bond, note, debenture, debt, or other obligation made, executed, or entered into by the City at the time of such repeal.
- (d) The repeal of the said by-laws shall also not defeat, disturb, invalidate, or prejudicially affect any matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal.

**Enactment**

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

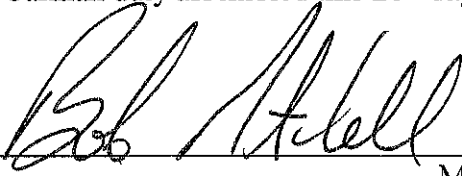


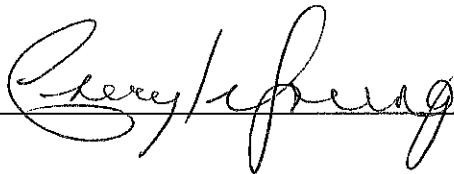
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**Validity of By-law**

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

DONE AND PASSED by the Council of the Town of Carman duly assembled this 20<sup>th</sup> day of November 2008.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
CAO

Read a first time this 18<sup>th</sup> day of September 2008.  
Read a second time this 16<sup>th</sup> day of October 2008.  
Read a third time this 20<sup>th</sup> day of November 2008.

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**Schedule "A" – Fire Department Personnel**

**Maurice Amyotte  
Martin Dewit  
Chris Lemky  
Joey McElroy  
Tyson Morris  
Rick Penner  
Beau Richardson  
Jay Richardson  
Craig Spencer  
Jay Spencer  
Harley Swain  
Brett Takvam  
Bill Taylor  
Charles Termeer  
Shane Termeer  
Cliff Vandersluis  
Ed Vandersluis  
Ben Vanderzwaag  
Chad Vanderveen  
Lyle Vanveen**

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**Schedule "B" – Emergency Services Provided by Fire Department**

The Fire Department will provide the following Emergency Services:

- (a) Fire prevention and fire extinguishing, which includes structural fire fighting for rescue, fire control and property conservation;
- (b) Investigation of the causes of fire and origin determination, in conjunction with the Office of the Fire Commissioner.
- (c) Preservation of life and property and protection of persons and property from injury or destruction by fire;
- (d) Rescue;
- (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) Low angle rescue;
- (i) Hazardous material responses;
- (j) Vehicle extrication;
- (k) Biological and chemical responses;
- (l) Fire prevention inspections;
- (m) Pre-fire planning;
- (n) Public safety education;
- (o) Precautionary standby;
- (p) Extinguishing and prevention of grass fires;
- (q) Extinguishing and prevention of urban interface fires;
- (r) Response to any request that the Fire Department deems an emergency.

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**Schedule “C” – Mandatory Inspections required by the Province of Manitoba through  
various Manitoba Statutes:**

**Provincial mandated inspections – Annually**

- Elderly persons housing unit or hostel as defined in *The Elderly and Infirm Persons Act*.
- Child care centre licensed under *The Community Child Care Standards Act*.
- Personal care home as defined in *The Health Services Insurance Act*.
- Residential care facility as defined in *The Manitoba Fire Code, Manitoba Regulation 216/2006*.

**Provincial mandated inspections – every three years**

- Licensed premises as defined in *The Liquor Control Act*.
- Public or Private school as defined in the *Education Administration Act*.
- Recreation Centre (arena, curling rink, community club, etc.)
- A hotel or motel
- A restaurant located in a building that contains one or more dwelling units.