

THE RURAL MUNICIPALITY OF LAC DU BONNET

BY-LAW NO. 14-08

BEING a By-Law of the Rural Municipality of Lac du Bonnet to adopt the Fire Code, provide for the Rural Municipality of Lac du Bonnet to administer and enforce the Fire Code and the Act; and establish a designated officer position for the purpose of administering and enforcing this by-Law, the Fire Code and the Act:

WHEREAS:

- A. *The Fires Prevention and Emergency Response Act* (“Act”) requires municipalities to adopt and enforce the Manitoba Fire Code and to carry out certain responsibilities and actions under the Act;
- B. Section 232 of *The Municipal Act* authorizes a council to pass by-laws respecting preventing and fighting fires, and section 236 authorizes council to pass by-laws for the enforcement of municipal by-laws, *The Municipal Act* and any other act the Municipality is authorized to enforce;
- C. The Council of the Rural Municipality of Lac Du Bonnet in meeting duly assembled at Lac Du Bonnet, Manitoba deem it advisable and in the public interest to enact as a by-law the following:

Purpose

- 1. The purpose of this By-law is to:
 - a. adopt the Fire Code,
 - b. provide for the Municipality to administer and enforce the Fire Code and the Act, and
 - c. establish a designated officer position for the purpose of administering and enforcing this By-law, the Fire Code and the Act.

Adoption of Fire Code

- 2. The Municipality adopts without changes the Fire Code, as provided for in the Act.
- 3. If the Province replaces the Fire Code or makes changes to it, the Municipality adopts such changes automatically, without further action by Council.

Fire Chief authority and duties

- 4. The position of Fire Chief is established. The Fire Chief shall be the person appointed as Fire Chief by by-law of Council.
- 5. The Fire Chief shall have all:
 - a. the powers, duties, discretion and functions of a designated officer set out in *The Municipal Act*, and
 - b. the powers, duties, discretion and functions of a local assistant set out in the Act.
- 6. The Fire Chief is authorized to and shall:
 - a. administer and enforce this By-law, the Fire Code, and the Act,
 - b. carry out fire investigations under the Act,
 - c. carry out fire safety inspections under the Act,
 - d. carry out fire safety inspections of prescribed buildings within the time limits set out in the Act,
 - e. take actions and make orders for the protection of persons and property as set out in the Act,

- f. investigate the cause, origin and circumstances of fires within the Municipality,
 - g. take actions and make orders for the remedying of contraventions of this By-law, the Fire Code, and the Act,
 - h. keep records of inspections and tests made, and orders issued, and all other reports and documents connected with the Fire Chief's function at the municipal office.
7. If compliance with the Fire Code is required as part of the approval of an application for any building permit, upon request from the Lac Du Bonnet Planning District, the Fire Chief shall assist the District's building inspector by inspecting plans and carrying out inspections to ensure compliance with the Fire Code. The owner of the property or applicant for the building permit shall pay the fee for the Fire Chief's services as set out in **Schedule A**.
8. If the Fire Chief is unavailable, the Deputy Fire Chief (and/or designated Fire Inspector assigned by the Fire Chief) of the Rural Municipality of Lac du Bonnet shall act as the Fire Chief under this By-law. The Deputy Fire Chief and the Fire Inspectors shall have the powers, duties, discretions, and functions of the Fire Chief set out in sections 5, 6 and 7. The Deputy Fire Chief and the Fire Inspectors shall be the person appointed by Council.

Fees and costs

9. The owner of property for which a fire safety inspection is carried out under the Act is liable for the fees set out in **Schedule A**.
10. Where the Fire Chief or the Municipality has taken action for the protection of persons and property or taken action to remedy a contravention of this By-law, the Fire Code, an order or the Act, the owner of the property is liable for the costs of taking such action as set out in **Schedule A**.
11. The fees set out in section 9 and the costs set out in section 10 are a debt owing to the Municipality. If the fees or costs remain unpaid after 30 days from the date of invoice by the Municipality, the Municipality may add the fees and costs to the real property taxes imposed on the property, and may collect the fees and costs in the same manner and with the same priority as a tax.

Offence and costs

12. A person who contravenes this By-law is guilty of an offence and is liable on summary conviction to:
- a. a fine of not more than \$1000; and
 - b. a penalty equal to the Municipality's cost of enforcement.
13. The amounts imposed under section 12 may be collected and enforced by the Municipality in the same manner as a tax may be collected or enforced under *The Municipal Act*.

Interpretation

14. In this by-law,
- "Fire Code" means The Manitoba Fire Code adopted under the Act,
- "Fire safety inspection" means a fire safety inspection as defined in the Act,
- "Local assistant" means a local assistant as defined in the Act, and
- "Owner" means a person who is the owner of a freehold estate in the property, and includes:

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- (a) a person who is an owner with another person as joint tenant or tenant in common of a freehold estate;
- (b) a person who is registered under *The Condominium Act* as the owner, as defined in that Act, of a unit under that Act; and
- (c) a real owner, as defined in subsection 1(1) of *The Municipal Assessment Act*.

DONE AND PASSED in Lac Du Bonnet, Manitoba this 16th day of December, 2008

Rick Lussier, Reeve

Donna Tschetter, Chief Administrative Officer

READ A FIRST TIME this 11th Day of December, 2008

Resolution # 715

READ A SECOND TIME this 11th day of December, 2008

Resolution # 716

READ A THIRD TIME this 16th day of December, 2008

Resolution # 739

**FIRE INSPECTION FEE SCHEDULE “A”
To BY-LAW NO. 14-08**

**of the
Rural Municipality of Lac du Bonnet**

- Fees for actions taken in respect of a building permit
under section 7 during business hours: \$50.00/hr

After hours: \$65.00/hr

* Fee rates include the fire inspection and the writing of the report

- Costs for actions taken under section 10
during business hours: \$50.00/hr

After hours: \$65.00/hr