



## CITY OF DAUPHIN

### BYLAW 01/2013

#### FIRE PREVENTION AND EMERGENCY SERVICES BYLAW

#### Being A Bylaw Of The City Of Dauphin To Establish and Operate An Emergency Fire Fighting Service, For Fire Prevention, For The Related Regulation Of Fire and Other Hazards, and For The Adoption Of The Fire Code

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

- a) the safety, health, protection and well-being of people and the safety and protection of property;
- i) preventing and fighting fires; and
- o) the enforcement of bylaws

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

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

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

- a) the requirement that land and improvements be kept and maintained in a safe and clean condition;
  - b) the parking and storing of vehicles, including the number and type of vehicles that may be kept or stored and the manner of parking and storing; and
  - d) activities or things that in the opinion of council are or could become a Nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations.
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**AND WHEREAS** Section 236(1) of *The Municipal Act* states that without limiting the generality of clause 232(1)(o), a bylaw passed under that clause may include provisions:

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

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

(1) If a designated officer finds that a person is contravening a bylaw or this or any other Act that the municipality is authorized to enforce, the designated officer may by written order require the person responsible for the contravention to remedy it if, in the opinion of the officer, the circumstances so require.

(2) The Order may:

- a) direct a person to stop doing something, or to change the way in which the person is doing it;
- b) direct a person to take any action or measure necessary to remedy the contravention of the Act or bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw and, if necessary to prevent a reoccurrence of the contravention;
- c) state a time within which the person must comply with the directions, and
- d) state that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person.

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

(1) If in the opinion of a designated officer, a structure, excavation or hole is dangerous to public safety or property, or because of its unsightly condition is detrimental to the surrounding area, the designated officer may by written order:

- a) in the case of a structure, require the owner:
  - i) to eliminate the danger to the public safety in the manner specified; or
  - ii) remove or demolish the structure and level the site;
- b) in the case of land that contains the excavation or hole, require the owner,
  - i) to eliminate the danger to public safety in the manner specified; or
  - ii) fill in the excavation or hole and level the site;
- c) in the case of property that is in an unsightly condition, require the owner:
  - i) to improve the appearance of the property in the manner specified, or
  - ii) if the property is a building or other structure, remove or demolish the structure and level the site.

(2) The Order may:

- a) state a time within which the person must comply with the order; and
- b) state that if the person does not comply with the order within the specified time, the municipality may take the action or measure at the expense of the person.

**AND WHEREAS** Section 264 of *The Municipal Act* provides that every municipality must provide fire protection services within its boundaries to reduce the danger of fire, which may include education programs, inspections of property, the installation of alarms, instructions on fighting fires, the provision of firefighting 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 CITY OF DAUPHIN, DULY ASSEMBLED, ENACTS AS FOLLOWS:**

## PART I: INTERPRETATION AND DEFINITIONS

### Interpretation

1. The purpose of this bylaw is to:
  - a) Continue the Fire Department as an established department of the City to be known as the “**Dauphin Fire Department**” and the head of the department shall be known as the Fire Chief; and
  - b) Establish the standards for: fire prevention; firefighting and life safety in buildings; the prevention, containment, and fighting of fires originating outside of buildings which may present a hazard to all or any part of the City; the operation of Emergency Services and the transportation and storage of flammable and combustible substances.

### Definitions

2. Unless otherwise provided, or unless the context otherwise requires, words and expressions in this bylaw have the same meaning as the same words and expressions in *The Municipal Act*, *The Fires Prevention and Emergency Response Act*, and *The Fire Code*.
  - a) In this bylaw, words importing the singular number only shall include the plural and vice versa, and words importing gender shall include all genders.
  - b) In this bylaw:
    - i) “**ACT**” means *The Municipal Act* as amended from time to time.
    - ii) “**BILL 30**” refers to *The Fires Prevention and Emergency Response Act* as amended from time to time.
    - iii) “**AUTHORITY HAVING JURISDICTION**” (AHJ) 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.
    - iv) “**CHIEF ADMINISTRATIVE OFFICER**” means the Chief Administrative Officer for the City of Dauphin, or anyone acting or authorized to act on his behalf.
    - v) “**CHIEF INSPECTOR OF EXPLOSIVES**” means the person designated as the Chief Inspector of Explosives under *The Explosives Act (Canada)*.2. (c)
    - vi) “**CODE**” means the Manitoba Fire Code being Regulation No. 163/98 of *The Fire Preventions Act*, RSM c.F80, C.S.S.M. c.F80, as amended from time to time, or any subsequent Manitoba Fire Code which may be enacted.
    - vii) “**COUNCIL**” means the council of the City of Dauphin.

- viii) **"EMERGENCY SERVICES"** includes, but is not limited to, all fire protection services and all services provided at the site of an emergency for the purpose of preserving life and property and protecting persons and property from injury or destruction by fire, preventing and extinguishing fires, investigating the cause and origin of fires, providing rescue services, purchasing and operating apparatus and equipment for firefighting and the preservation of life and property, and preventing and mitigating other potential risks to life and property as defined by Council.
- ix) **"FIRE CHIEF"** means the Fire Chief for the City of Dauphin and anyone acting or authorized to act on his behalf.
- x) **"FIRE DEPARTMENT"** means the Fire Department for the City of Dauphin, and includes any part-time, composite (any combination of full-time, part-time or paid call) or a paid call fire department.
- xi) **"FIRE FIGHTER"** means any member of the Fire Department while their services are actually engaged by the City for the purpose of providing Emergency Services or otherwise enforcing the provisions of this bylaw.
- xii) **"FIRE INSPECTOR"** means the person or agency employed by or acting for the City and is partially or wholly responsible for fire safety within the City.
- xiii) **"FIRE PROTECTION/LIFE SAFETY SYSTEM"** means the safety elements (alarms, sprinklers, etc.) that the Fire Code, Building Code, and/or NFPA 101 require a building to have, based on the size or use of the building.
- xiv) **"FIREWORKS"** means any article defined as fireworks pursuant to *The Explosives Act (Canada)* or regulations thereto and without limiting the generality of the foregoing shall also include High Hazard Fireworks and Low Hazard Fireworks as defined hereafter.
- xv) **"HIGH HAZARD FIREWORKS"** means any fireworks as defined in Class 7.2.2. of *The Explosives Act (Canada)* as High Hazard Fireworks for Recreation.
- xvi) **"LOW HAZARD FIREWORKS"** means any fireworks as defined in Class 7.2.1 of *The Explosives Act (Canada)* as Low Hazard Fireworks for Recreation.
- xvii) **"MUNICIPALITY"** means The City of Dauphin or the area contained within the boundaries thereof.
- xviii) **"MUTUAL AID"** means an agreement between participating municipalities to provide assistance, with no charge, to other participating municipalities for emergencies at which the "home" fire department is in attendance and cannot control the incident by itself or where the "home" fire department has resources fully committed and would be unable to respond.
- xix) **"STATIC DISPLAY"** means a display for sale of what appears to be fireworks which contain no explosive materials and have been prepared by a fireworks manufacturer for use as a display.

## PART II: ADMINISTRATION

### Application & Amendment of Schedules

3. The provisions of this bylaw shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this bylaw shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property. Council of the City of Dauphin may from time to time by resolution amend each and every schedule attached to this bylaw, which shall form and become part of this bylaw and shall come into full force and effect upon the passing thereof.

### Adoption of *The Fire Code* and *The Fires Prevention and Emergency Response Act*

4. The City of Dauphin hereby adopts the Code and Act as part of this bylaw, and the whole thereof, except such portions as are hereinafter deleted, modified or amended, and hereby incorporated as if fully set out at length herein. Any reference to this bylaw shall be construed as a reference to the whole bylaw, including the Code and Act.

### Recovery of Costs

5. Subject to any agreements to the contrary, where any type of Emergency Services have been taken within the City of Dauphin, including those listed in **Schedule "A"** hereto, and appended to and forming part of this Bylaw, and any amendments thereto, the City of Dauphin 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 City of Dauphin may proceed to collect any costs as against the person by any means available to it in law for the collection of outstanding taxes, including, without limitation, adding the costs to the real taxes on any property owned by the person within the City of Dauphin.

## **PART III: CREATION OF FIRE DEPARTMENT**

### **Creation and Membership**

6. There is hereby created a Fire Department for the City of Dauphin, to be comprised of a Fire Chief and other such department personnel as from time to time may be deemed necessary by the Fire Chief. The Fire Department shall not be comprised of less than twenty (20) personnel at any one time. No change in the complement of the Fire Department shall be made without approval of the Chief Administrative Officer, who may authorize an increase, decrease, or vary the above stated complement upon recommendation of the Fire Chief. The Fire Chief shall notify the Chief Administrative Officer immediately of any changes in the membership of the Firefighting Force.
7. The Fire Chief shall be hired by the City of Dauphin under a contract agreement, and his/her tenure shall depend upon his/her good conduct and efficiency. The Fire Chief shall be technically qualified by training and experience and shall have ability to command personnel and hold their respect and confidence.
8. The duties of the Fire Chief may be amended from time to time as deemed necessary by The Chief Administrative Officer.

### **Responsibility of Fire Chief**

9. It shall be the responsibility of the Fire Chief to administer and enforce the provisions of this bylaw; subject always to such direction as may from time to time be given by the Chief Administrative Officer or Council.
10. The Fire Chief shall be held accountable for the Fire Department only and shall make written and verbal reports thereto, as the Chief Administrative Officer or Council may require.
11. The Deputy Fire Chief and all other department officers shall apply for positions, in accordance with Job Descriptions of the Dauphin Fire Department. Such officers shall be accountable only to the Fire Chief. Conduct of all firefighters will be administered in accordance with Dauphin Fire Department Policies and Operating Guidelines, as adopted by the administration/management of the Dauphin Fire Department and as outlined in Schedule "B" and appended to and forming part of this Bylaw, and any amendments thereto.
12. The remuneration of all members of the Fire Department shall be approved by Council through resolution, and may be updated from time to time. Schedule "C" outlines a listing of Dauphin Fire Department staff that may be remunerated; the list may change from time to time.

## **PART IV: EMERGENCY SERVICES**

### **Emergency Services**

13. The mandate of the Fire Department is to provide specific Emergency Services as described in **Schedule "D"** and appended to and forming part of this Bylaw, and any amendments thereto. The Fire Department, where deemed reasonably necessary, is hereby authorized to enter, be in, or remain in any building for the prevention or control of fire, rescue or response to hazardous goods.

### **Agreement for Emergency Services**

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

### **Response outside Municipality**

15. The Fire Department will not respond to any call with respect to a fire or an emergency outside the municipal boundaries except:
- a) that in the opinion of the Fire Chief threatens property in the City of Dauphin or property situated outside the City of Dauphin that is owned or occupied by the City of Dauphin;
  - b) in a Municipality with which an agreement has been entered into to provide fire protection services or Emergency Services;
  - c) in a Municipality which forms part of a mutual aid agreement for which the Municipality is a member;
  - d) on property with respect to which an agreement has been entered into with any person or corporation to provide fire protection therefore;
  - e) for which the head of council has first authorized such attendance;
  - f) under such circumstances as it appears human life is in jeopardy; or
  - g) upon request for assistance from the Office of the Fire Commissioner or some other properly designated office of the Province of Manitoba and in accordance with *The Fires Prevention and Emergency Response Act*.



## **PART V: GENERAL REQUIREMENTS**

### **Tampering & Interference an Offence**

16. It shall be an offence for any person, other than the Authority Having Jurisdiction (which includes the City of Dauphin Public Works and Operations department) or a Firefighter in the course of duty, to turn on or interfere with any fire hydrant, in any manner whatsoever.
17. No person shall impede, or in any way hinder, an officer or member of the Fire Department while operating in the interest of fire prevention and fire suppression in the City.
18. It shall be an offence for any person to tamper with, damage, or discharge any fire prevention, fire suppression, or rescue apparatus, or move any such apparatus from its allocated location, without the permission of the Fire Chief.

### **Use of Personal Vehicles**

19. Personal vehicles of fire fighters may be used to respond to a fire or emergency call from the point where the firefighter received the call to the fire station or the actual location of the call itself within City Limits, provided that the vehicle is operated in accordance with the provisions of the *Highway Traffic Act*, (the vehicle is then deemed an emergency vehicle, in accordance with sections of the *HTA*).

### **Requiring Additional Assistance**

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

### **Commandeering Equipment**

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

## **PART VI: FIRE PREVENTION STANDARDS**

### **Access & Authorization to Enter for Inspection**

22. The Authority Having Jurisdiction may, at all reasonable times, enter any premises for purposes of making an inspection, and any person in charge of the premises shall allow the Authority Having Jurisdiction free access thereto ascertain whether:
- a) the requirements of this Bylaw are being complied with;
  - b) the premises are in such a state of disrepair that a fire starting in them might spread rapidly to endanger life or other property;
  - c) the premises are so used or occupied that fire would endanger life or property;
  - d) combustible, flammable or explosive conditions exist on the premise so as to endanger life or property;
  - e) in the opinion of the Authority Having Jurisdiction a fire hazard exists on or about the premises.
23. The Authority Having Jurisdiction may temporarily close a building for the purpose of a fire inspection.
24. The Authority Having Jurisdiction can close a building if he/she is of the opinion that there is an imminent threat to public, firefighting or emergency personnel safety.
25. The Authority Having Jurisdiction may establish, revise and maintain a regular system of fire safety inspections of buildings and premises within the City. The frequency of such inspections shall be at the discretion of the Authority Having Jurisdiction.

### **Immediate Hazards**

26. Notwithstanding any other provision of this bylaw, where in the course of an investigation or fire safety inspection under this Bylaw, the Authority Having Jurisdiction is of the opinion that a condition exists creating a serious danger to life or property, the Fire Chief may:
- a) use any means that the Authority Having Jurisdiction considers appropriate to remove or lessen the condition;
  - b) evacuate and close the building, structure, premise or yard where the condition exists or any area surrounding such location for any period that the Authority Having Jurisdiction considers appropriate;
  - c) order the owner or occupier to immediately do anything necessary to remove or lessen the condition;
  - d) placard the building, structure, premise, yard or area as a serious danger to life or property, thereby closing it;

- e) ensure that no person shall enter, attempt to enter, or tamper with a building, structure, premise, yard, or area that has been closed without prior approval of the Authority Having Jurisdiction;
- f) facilitate such that the costs and expenses incurred under this section as a debt due to the City and may be recovered from the owner or occupier of the building, structure, premise, yard or area in or on which works was carried out;
- g) ensure that the total cost shall be the responsibility of the owner. If the owner or occupier cannot be located to pay this bill then all costs may be added to the real property taxes for the premises and collected in the same manner as normal taxes.

### **Third-Party Fire Safety Inspections/File Search**

- 27. Every person requesting a Third Party Fire Safety Inspection/File Search on a premise for outstanding violations or infractions or other related information shall pay the applicable fee prescribed in the City's Fees and Charges Bylaw.

### **Failure For Owner/Occupier To Attend Specified Fire Inspection**

- 28. Where an owner or occupier, who has been notified of a fire safety inspection to be conducted under this bylaw or any other enactment relating to fire safety, fails to attend at the premises at the date and time specified in the notice to provide access for an inspection, a fee will be charged for that inspection attempt and each additional inspection attempt required. The owner or occupier shall pay the applicable fee prescribed in the City's Fees and Charges Bylaw. Failure for the owner or occupier to pay the fee will result in those costs being added to the real property taxes for the premise and collected in the same manner as taxes.

### **Prevention of Fire Spread**

- 29. The Fire Chief, or in his absence, the Authority Having Jurisdiction of the Fire Department present at any fire shall have the right and authority to enter, pull down or demolish any house or building or structure, directly or indirectly affected, where deemed reasonably necessary for the purpose of extinguishing a fire or to control or prevent the spread of fires or in conjunction with dangerous goods or rescue.
- 30. Following an actual fire situation, where the owner or occupier of the property affected cannot be located or is unable to arrange for securing the property, the Authority Having Jurisdiction will, in accordance with the Operating Guidelines of the Fire Department, contact a security firm and place them on fire-watch duty to monitor for rekindling and to protect the property from vandalism, looting, or other similar action until the owner or occupier can make alternate arrangements. The total cost related to hiring the security guard for fire-watch duty shall be the responsibility of the owner or insurer. If the owner or occupier cannot be located to pay this bill then all costs may be added to the real property taxes for the premises and collected in the same manner as taxes.
- 31. In the case of suspected arson, the Authority Having Jurisdiction of the Fire Department present at the scene may elect to hire 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 total cost related to hiring the security firm for fire-watch duty shall be the responsibility of the owner or insurer. If the owner or occupier cannot

be located to pay this bill then all costs may be added to the real property taxes for the premises and collected in the same manner as normal taxes.

32. Following the activation of a Fire Protection/Life Safety System, and where the owner or occupier of a building cannot be located to reset the system, the Authority Having Jurisdiction will, in accordance with the Operating Guidelines of the Fire Department, contact a qualified service person, or will contact a security firm to provide fire-watch service until all Fire Protection/Life Safety Systems have been restored to normal operating conditions. The total cost of restoration of the equipment and related costs of hiring the qualified service person or fire-watch service shall be the responsibility of the owner. If the owner or occupier cannot be located to pay this bill then all costs may be added to the real property taxes for the premises and collected in the same manner as normal taxes.

## **PART VII: FIRE PROTECTION/LIFE SAFETY SYSTEMS**

### **Lock Boxes**

33. With the discretion of the Fire Chief, all premises that have a fire alarm system or automatic fire sprinkler system is installed, monitored or unmonitored, shall have an approved flush mounted lock box.
34. The style and format of the lock box shall be in conformity with the Fire Department lock box keys. For confirmation and installation instructions of an approved type of lock box, an owner or occupier must contact the Fire Department.

### **Fire Protection/Life Safety Systems**

35. The owner or occupier of a building must ensure that a Fire Protection/Life Safety System is operable at all times, if The Code requires such a system.

### **Inoperable Fire Protection/Life Safety Systems Constitutes an Emergency**

36. During a Fire Protection/Life Safety System shut-down for any reason, and where the owner or occupier of a building cannot be located to reset the Fire Protection/Life Safety System, then the Authority Having Jurisdiction will, in accordance with the Operating Guidelines of the Fire Department, contact a qualified service person, or will contact a security firm to provide fire-watch service until all Fire Protection/Life Safety Systems have been restored to normal operating conditions. The total cost of restoration of the equipment, and related costs of hiring the qualified service person or fire-watch service, shall be the responsibility of the owner. If the owner or occupier cannot be located to pay this bill then all costs may be added to the real property taxes for the premises and collected in the same manner as normal taxes.

### **Excessive False Alarm Incidents**

37. Every owner or occupier of premises containing a fire alarm system, where there has been more than two (2) false alarms within in the same calendar year, shall pay the prescribed fee as set out in the City's Fees and Charges Bylaw. If the owner or occupier does not pay this bill, then all costs may be added to the real property taxes for the premises and collected in the same manner as taxes.

### **Inspection and Testing Of Fire Protection/Life Safety Systems Required**

38. The owner or occupier of a building must ensure that an existing Fire Protection/Life Safety System installation is inspected, tested and maintained as required by the Code by a qualified service person listed for that Fire Protection/Life Safety System installation.

### **Qualified Service Person**

39. Only an individual who meets the qualifications for a particular Fire Protection/Life Safety System installation is a qualified service person with respect to that Fire Protection/Life Safety System installation.

### **Proof of Proper Training Permit**

40. Any person who attends to inspect, test, or maintain a Fire Protection/Life Safety System installation may, at the request of the Dauphin Fire Department, be required to submit proof of proper training to the Dauphin Fire Department before carrying out any inspections, testing, or maintenance.

**Authority Having Jurisdiction May Determine Some Qualifications**

41. The Authority Having Jurisdiction may establish standards and qualifications that individuals must meet in order to be a qualified service person.
42. It shall be an offense for any person who does not possess a proof of proper training permit to inspect, test or maintain a Fire Protection /Life Safety System.

**PART VIII: SMOKE ALARMS IN RESIDENTIAL RENTAL UNITS**

**Smoke Alarms Mandatory In Residential Rental Units**

43. See the City of Dauphin's *Rental Unit Dwelling Safety Standards Bylaw*.

## PART IX GENERAL FIRE PREVENTION REGULATIONS

### Waste Material

44. No person shall permit any accumulation of waste materials including but not limited to paper, hay, grass, straw, weeds, litter or combustible waste or rubbish of any kind to be or to remain upon any roof or in court, yard, vacant lot or open space. All weeds, grass, vines or other growth which may catch fire and endanger property shall be cut down and removed by the occupier of the property on which they are located.
45. If an occupier or owner fails to comply with an order of the Authority Having Jurisdiction to remove an accumulation of waste materials or cut down and remove any growth, the Authority Having Jurisdiction shall be authorized to carry out or cause to be carried out such removal at the cost of the owner or occupier. The total cost is the responsibility of the owner. If the owner cannot pay this bill, then costs may be added to the real property taxes for the premises and collected in the same manner as taxes.

### Burning In City Limits

46. Subject to Section 53 of this Bylaw, all open fires for burning of leaves, straw, stubble, garden, and other refuse, whether on the surface of the ground, in pits, barrels, or other containers/incinerator, is prohibited within the corporate limits of the City.
47. The operation of enclosed incinerators, constructed in compliance with the Manitoba Building Code, is permitted provided the operation thereof does not create a nuisance within the City of Dauphin.
48. Campfires (within burning pits) and pit barbeques are permitted in City parks provided that the public follow park regulations.
49. The Fire Chief may issue under special circumstances, a conditional Open Air Permit.
50. It shall be an offence for any person to light, ignite, start, allow, or cause to be lighted, ignited, or started a fire of any kind whatsoever in the open air without first having obtained written permission to do so from the Fire Chief or Authority Having Jurisdiction in the form of an authorized **Open Air Permit** as per **Schedule "E"** attached hereto. All Open Air Permits are issued subject to the conditions stated on the Permit.
51. Applications for Open Air Permits shall be made to the Fire Chief at the Dauphin Fire Station or the Authority Having Jurisdiction at City Hall.
52. The permit is not valid until endorsed by the Fire Chief or Authority Having Jurisdiction.
53. A person shall not leave any fire unattended at any time while it is burning or smoldering and shall ensure that sufficient appliances and equipment to prevent the fire from getting beyond control, causing damage, or becoming dangerous are at the fire site.
  - a) An outdoor fire pit, outdoor fire place (chimney), or outdoor solid fuel receptacle shall be allowed providing they are enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other noncombustible materials and providing they are equipped with a spark arrestor (wire mesh spark screen).



- b) The outdoor fire pit shall not exceed 46 cm (18 inches) in depth when measured from the bottom of the pit to the top of the pit opening and shall be at least 15 cm (6 inches) in height when measured from the surrounding grade to the top of the pit opening.
  - c) The outdoor fire pit, outdoor fire place (chimney) or outdoor solid fuel receptacle opening shall not exceed 750 mm (2.5 feet) in diameter or an area of 56 m<sup>2</sup> (6.5 feet) and the width or length shall not be greater than 750 mm (2.5 feet).
  - d) The outdoor fire pit, outdoor fire place (chimney) or outdoor solid fuel receptacle shall be located on a flat, level, noncombustible base and in no case shall the appliance be located under any overhead combustible construction or overhanging foliage. (In accordance with NFPA 54 Section 10.20.2)
  - e) A noncombustible spark arrestor, grill or mesh with openings no larger than 12 mm (½ "x ½ ") shall be used to cover the entire area of the outdoor fire pit. An outdoor fireplace (chimney) and an outdoor solid fuel fireplace chimney shall be equipped with a noncombustible spark arrestor, with openings no larger than 12 mm (½ "x ½ ") and cover the entire surface area of the chimney opening.
  - f) A minimum clearance of 3 meters (10 feet) measured from the nearest fire pit edge shall be maintained from any combustible buildings or sheds or other combustible structures such as fences, trees, hydro poles. A minimum distance of 3 meters (10 feet) shall also be maintained from neighboring property lines.
  - g) Outdoor solid fuel receptacles shall be installed as per the manufacturer's instructions if available and shall conform to all required clearances to combustible structures or materials. In no instance shall the required clearance be less than 3 meters (10 feet).
  - h) When in use, outdoor fire pits and outdoor solid fuel receptacles shall be continuously supervised by an adult. All fires must be limited in size so that they are readily controllable. A means of extinguishment such as a portable fire extinguisher, pail of water, sand or garden hose shall be readily available on site. All fires must be completely extinguished before leaving the site.
  - i) Outdoor fire pits, outdoor fireplaces (chimney), and outdoor solid fuel receptacles shall not be utilized during wind conditions exceeding 25 kilometers per hour (15 miles per hour) or during extreme drought conditions whereby such utilization may cause an undue fire hazard.
  - j) Only clean, dry wood or charcoal briquettes may be burned in outdoor fire pits, outdoor fireplaces (chimney), and outdoor solid fuel receptacles. Outdoor fire pits, outdoor fireplaces (chimney), or outdoor solid fuel receptacles may not be utilized for the burning of garbage, rubbish, debris, previously painted or treated wood or any other fuel which when burned, may result in the release of dense smoke, or obnoxious odors.
  - k) Smoke from outdoor fire pits and outdoor solid fuel receptacles shall not negatively impact neighboring properties. Do not burn wet or damp wood which may contribute greatly to heavy smoke propagation.
54. Notwithstanding section 53 above, no permit shall be required to light, ignite, or start or allow or cause to be lighted, ignited, or started a small contained fire in a barbeque, grill or similar devise used to cook food.

## **Barbecuing**

55. Every person who uses a barbecue or similar device shall:
- a) use the barbecue in a reasonable and safe manner; and
  - b) comply with all federal and provincial regulations governing the use and storage of propane cylinders.
56. If any person uses a barbecue or similar device on a balcony, the following provisions shall apply:
- a) solid fuel barbecues or similar cooking devices shall not be used;
  - b) any type of barbecue prohibited on wooden balconies shall not be used thereon;
  - c) propane cylinders shall not exceed the 20-pound size;
  - d) if a building has a freight or service elevator, propane cylinders shall be delivered to and from the dwelling units within the building using that elevator. If a building has a passenger elevator only, propane cylinders may be delivered to and from the dwelling units within the building using that elevator as long as no passengers other than the person who owns the tank or maintenance or delivery personnel are on the elevator at the time of the delivery.

## **Wood Piles**

57. It shall be an offence for any person to pile or allow to be piled any lumber or wood on private property within three meters of the exterior of any dwelling. This shall not apply to lumber in transit or in the process of erection on an active construction site.

## **Storage of Containers**

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

## **Portable Fire Extinguishers**

59. Portable fire extinguishers shall be:
- a) provided and located in accordance with the requirements of the Code;

- b) maintained and/or hydro-statically tested in accordance with the requirement of the code.

### **Chimney Pipes**

- 60. 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 10 days, the Fire Chief may cause the work to be done and the cost therefore shall be the responsibility of the owner. Failure for the owner or occupier to pay these costs will result in these costs being added to the real property taxes of the premises and collected in the same manner as taxes.

### **Fire Hydrants**

- 61. The location and spacing of public and private fire hydrants shall be subject to approval of City of Dauphin Public Works and Operations and Dauphin Fire Department.

### **Private Hydrants**

- 62. Private hydrants shall be maintained by the City's Public Works Department at the cost and expense of the owner.
- 63. The type and color of privately owned fire hydrants shall conform to the standards set out by City of Dauphin Public Works and Operations.
- 64. Every owner shall ensure that an area with a radius of one meter (3 feet) is maintained clear and unobstructed around each fire hydrant or fire department connection, and in clear view from the roadway when approached from either direction. No equipment, facilities, or landscaping shall be placed adjacent to any hydrant outlet.

### **Fire Department Connections**

- 65. Every Fire Department connection shall meet the following specifications and requirements:
  - a) a 100 mm (4 in.) Storz connection with cap facing fire lane or public street.
  - b) shall be installed at a height of 457 mm (18 in.) to 1219 mm (48 in.) above the street or ground level;
  - c) shall be located remotely from the building face and away from any hazards and at least 1,500 mm (60 inches) away from any ornamental light standard, utility pole, electrical kiosk or driveway; and
  - d) shall be installed in a location accessible to Fire Rescue Vehicles as approved by the Fire Chief

### **Property Maintenance**

- 66. All buildings and properties shall be adequately maintained, free from debris and combustible or flammable substances, and able to keep all openings to the buildings securely closed and fastened to prevent entry of unauthorized persons and to guard against fire or the risk of fire.

67. If the owner fails to secure a vacant building within a reasonable time or on notice by the Fire Chief, the Fire Chief may enter on the property and cause the necessary work to be conducted by employees, agents, or contractors of the City. The total cost shall be the responsibility of the owner. If the owner does not pay, the costs shall be added to the real property taxes for the premises and collected in the same manner as taxes.
68. If any building is vacant, abandoned, unoccupied, or fire damaged and poses a hazard to public, firefighting or emergency personnel safety, in accordance with Section 12(1) of *The Fires Prevention and Emergency Response Act*, the Dauphin Fire Department may, in writing, order the owner, the occupant, or both, to remove the building and/or structure.
69. If any vehicle, trailer, and/or article of machinery is deemed by the Dauphin Fire Department to pose a hazard to public, firefighting, or emergency personnel safety, it shall be referred to the City of Dauphin to be dealt with under the current Property Standards Bylaw.
70. If any property contains any combustible and/or explosive materials and/or unsightly piles of rubbish and/or garbage that are deemed by Dauphin Fire Department to pose a hazard to public, firefighting or emergency personnel safety, it shall be referred to the City of Dauphin to be dealt with under the current City bylaw and enforced in accordance with Section 12(1) of *The Fires Prevention and Emergency Response Act*.

#### **Charges for False Fire Alarms**

71. Charges shall be payable by the owner of the property causing a false fire alarm as stated in the City of Dauphin Fees and Charges Bylaw.
72. Where any fees remain unpaid at December 31 of each year (and the invoice is more than 30 days in arrears), the said fees imposed by the Municipality may be collected in the same manner as a tax may be collected or enforced under *The Municipal Act*.

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

73. 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.

## Part X: FIREWORKS

### Sale of Fireworks

74. No person can display fireworks for sale within the municipality.
75. Notwithstanding Section 74, static displays of fireworks, fireworks posters, or other advertising advising of the availability of fireworks is allowed.
76. Only a person who possesses a valid **Permit for the Sale of Fireworks** issued as per **Schedule "F"** appended to and forming part of this bylaw and any amendments thereto, by the Fire Chief or Fire Inspector Officer may sell fireworks.
77. A person selling fireworks pursuant to this section must obtain a **Permit for the Sale of Fireworks** prior to sale of any fireworks. This permit is for the calendar year, and is renewable January 1 of every year. The person selling fireworks must present this permit for inspection by the Fire Chief or Authority Having Jurisdiction, upon request.

### Storage and Disposal

78. The storage of fireworks and the disposal of unused fireworks shall be in compliance with *The Explosives Act (Canada)*.

### Permit Required To Purchase, Fire or Set Off Fireworks

79. No person shall purchase fireworks, fire, set off, or otherwise ignite any fireworks in the City except under a "**Permit For Setting Off Fireworks**" (Schedule "G") issued by the Fire Chief or Fire Prevention Officer and in compliance with requirements and conditions contained in this section of the bylaw.

### Permit Requirements

80. The Fire Chief, at his absolute discretion, may authorize the setting off of fireworks in conjunction with a proposed fireworks display.
81. Any person desiring to fire, set off, or otherwise ignite any low hazard fireworks, or conduct a fireworks display including **low hazard** fireworks only, shall make application to the Fire Chief for a "**Permit For Setting Off Fireworks**" (Schedule "G") on which shall state the following:
  - a) The name, address and proof of age and identity of the person to whom the permit is to be issued.
  - b) Where applicable, the name and address of an executive officer or other person responsible for the person receiving the permit.
  - c) The place and date upon which the display is to be held;
  - d) The name and address of each person under whose conduct and supervision the display shall be held.
82. High Hazard Fireworks can only be purchased, fired, set off, or otherwise ignited subject to *The Explosives Act (Canada)*.

83. Any applicant for a "Permit for Setting Off Fireworks" (Schedule "G") as referred to in Sections 79 and 81 may prove his identity and his age by presenting driver's license, birth certificate, or other identification satisfactory to the Fire Chief.
84. No person shall utilize the property of any other person for a fireworks display without the written permission of the owner.
85. The Fire Chief may, at his discretion, require any applicant to comply with the High Hazard Fireworks Standards.

#### Conditions under Fireworks Permit

86. The following conditions shall apply to the firing or setting off of fireworks or holding of a fireworks display under a permit issued pursuant to Section 83 hereof:
  - a) the display of Low Hazard Fireworks shall be carried out under the direct conduct and supervision of at least one responsible person, who shall be designated in the authorization, and shall be at least eighteen years of age.
  - b) notwithstanding Section 86(a), authorization shall not be required for the use of sparklers which may be used in a display so long as such display is conducted by or under the supervision of a person eighteen years of age or older. The sale and use of Christmas crackers and caps for toy guns are not regulated by this bylaw.
87. The display of High Hazard Fireworks shall be carried out under the direct conduct and supervision of a person approved by the Chief Inspector of Explosives.
88. A display under Section 86(a) or (b) shall be conducted in a manner consistent with all safety procedures specified in regulations issued pursuant to *The Explosives Act (Canada)*, and continue only while:
  - a) All proper precautions are being observed in order to keep spectators at a safe distance from the location where the fireworks are being set off; and
  - b) All proper precautions are being observed in order to protect public and private property; and;
  - c) Proper fire extinguishing equipment is available.
89. No display shall be held without compliance with the distance restrictions as set out in *The Explosives Act (Canada)*.
90. All unused fireworks and all debris shall be removed and disposed of in accordance with provisions of *The Explosives Act (Canada)*.
91. Where the display is to be held on or above City owned property, or on or above property over which the City has possession or control, the person to whom the authorization is issued shall, prior to holding the display, deposit the following with the Fire Chief or Fire Prevention Officer:
  - a) A written undertaking by the person to indemnify the municipality for any liability that the City may incur as a result of damages arising out of the fireworks display;

- b) An insurance policy containing provisions including the amount of liability coverage acceptable to the Council, which provides for the protection and indemnification of the City in respect of any liability that the City may incur as a result of damages arising out of the fireworks display.

#### **Fireworks Sales Permit Authorization**

92. **"Permits for the Sale of Fireworks"** (Schedule "F") shall only be issued to those persons who after inspection by the Fire Chief or Fire Prevention Officer, have been determined to meet all applicable provisions of the Fire Code, Building Code, and *The Explosives Act (Canada)* and payment of an annual applicable fee to City Hall.
93. Notwithstanding Section 92, a person may have possession of fireworks for the purpose of sale if such person has previously obtained a **"Permit for the Sale of Fireworks"** (Schedule "F") from the Fire Chief.

#### **Right of Appeal**

94. An applicant denied authorization by the Fire Chief or Authority Having Jurisdiction, pursuant to this Part, may appeal to Council so long as such appeal is made in writing and directed to the municipal office within seven days of a refusal by Fire Chief.

## PART XI: ORDERS/PENALTIES

95. If the Authority Having Jurisdiction finds that any provision of the code or this Bylaw 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 the Code or this Bylaw applies, which, in his opinion, constitutes a fire hazard or otherwise constitutes a hazard to life, property, or both, he may make such Order to ensure full and proper compliance with the Code or this Bylaw and, in particular but without limiting the generality of the foregoing, he may:

- a) make to the owner/occupier of the building or property such recommendation as he deems necessary to correct the contravention or to ensure compliance with the Code or this By-Law, or to remove the hazards referred to in;
- b) make such Orders as he deems necessary with respect to any of the matters referred to in the Code or this Bylaw;

An Order made under this bylaw shall be in writing (signed by the Authority Having Jurisdiction) and may be directed to the owner and/or occupier of the building or property in respect of which the Order is made.

96. Notwithstanding any other provision of the Code, or of this Bylaw, where an Order under this section has been made and not complied with within the time limits prescribed by the Authority Having Jurisdiction in the notice issued pursuant to this section, then the City or its agent may undertake such action as authorized by Council to clean-up the problems identified in the notice. The total cost shall be the responsibility of the owner. If the owner does not pay this bill, then all costs may be added to the real property taxes for the premises and collected in the same manner as normal taxes.

Any Order made under this bylaw shall be served:

- a) Personally upon the person to whom it is directed; or
- b) By registered or regular mail; or
- c) By posting a copy of the order in a conspicuous place on the building or property if the person to whom it is directed cannot be found, is not known, or refuses to accept service of said order.

In the case of service by regular mail, the Order shall be deemed to have been received on the fifth business day subsequent to the date it is mailed.

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

- a) Any provision of this bylaw, or any provision of any other bylaw that by this bylaw is made applicable to proceedings taken or things done under this bylaw; or
- b) Any provision of any bylaw, Regulation or Order enacted or made by Council; or
- c) Any Order made by this bylaw or any condition attached to a permit or to which the permit is subject;



for which no other penalty is specifically provided, is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$100.00 or more than \$1,000.00 for each days neglect or failure to comply therewith, and if in default of payment of the fine, to imprisonment for a term not exceeding 30 days.

98. 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 if in default of payment of the fine, to imprisonment for a term not exceeding 14 days.
99. Notwithstanding the provision of Section 98, any person who contravenes, disobeys, refuses, or neglects to obey the provisions of this bylaw, shall have committed an offence. Without restricting the generality of the foregoing, **Schedule "I"**, "Instant Violations" appended to and forming part of this bylaw and any amendments thereto contains a listing of offences which qualify as compliance violations.
100. Everyone who commits an offence under Section 99 is guilty of that offence and liable to a fine as set out in the Offence Notice, **Schedule "I"** appended to and forming part of this bylaw and any amendments thereto, and when issued by the Fire Chief or other designated officer, be levied a penalty of:
- |            |   |
|------------|---|
| \$100 Fine | for the first occurrence  |
| \$200 Fine | for the second occurrence within the same 12 month period               |
| \$500 Fine | for the third or subsequent occurrence within the same 12 month period. |
- Or as set out in the City's Fees and Charges Bylaw.
101. Any person receiving an Offence Notice shall pay to the City the amount set out on the Offence Notice as a fine within 14 days of the alleged offence.
102. Any person receiving an Offence Notice may pay the said penalty outlined on the said Offence Notice, voluntarily at the Dauphin City Hall, 100 Main Street, Dauphin, Manitoba between the hours of 9:00 A.M. and 4:30 P.M., Monday through Friday, except statutory holidays.
103. Upon payment for such contravention, the employee of the City of Dauphin authorized to receive any fine stated in Section 100 shall issue a receipt.
104. Upon payment of the penalty, he/she shall not be liable to prosecution for the contravention in respect to which the payment is made.

#### Appeal

105. Any person claiming to be injuriously affected by a decision or order issued under this bylaw may appeal to the Fire Commissioner (as outlined in *The Fires Prevention and Emergency Response Act*).

## PART XII: REPEAL AND ENACTMENT

### Repeal

106. Bylaws 10/95, 4295, 3894, 3806, 3441, 3324, 3211, and 110 together with any amending bylaws, be and the same are hereby repealed.

The repeal of these bylaws shall not revive any bylaw or any provision of any bylaw repealed by them, nor shall the said repeal prevent the effect of any saving clause in the said bylaw or the application of the said bylaw or any other bylaw or provision of law formerly in force to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply.

The repeal of the said bylaws 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; or
- b) 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
- c) any act, deed, right, title, interest, grant, assurance, registry, rule, regulation, contract, lien, charge, matter, or thing had, done, made, acquired, established, or existing at the time of such repeal; or
- d) any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal; or
- e) any bond, note, debenture, debt, or other obligation made, executed, or entered into by the City at the time of such repeal.

The repeal of the said bylaws shall also not defeat, disturb, invalidate, or prejudicially affect any matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal.

### Validity of Bylaw

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

**DONE AND PASSED** by Council of the City of Dauphin in Regular Session assembled, this 11<sup>th</sup> day of March, A.D., 2013.

  
\_\_\_\_\_  
Eric Irwin, Mayor

  
\_\_\_\_\_  
Brad D. Collett, Chief Administrative Officer

READ A FIRST TIME this 25<sup>th</sup> day of February, A.D. 2013.  
READ A SECOND TIME this 11<sup>th</sup> day of March, A.D., 2013.  
READ A THIRD TIME this 11<sup>th</sup> day of March, A.D., 2013.

## SCHEDULE "A"

### COST RECOVERY FEES

<b>Clause(s)</b>	<b>Cost Recovery</b>	<b>Current Fee</b>
29	Fee for demolishing premises	Cost of contractor to demolish and dispose of building remains
30, 31, 32, 36	Fee for securing premises	Cost of contractor to secure building
73	Fee for removing or clearing flammable debris from property	Cost of City or contractor to clear or clean up debris
	Fee for Fire Safety Inspection	As per City Fees and Charges Bylaw
37, 77	Excessive False Alarm Fee	As per City Fees and Charges Bylaw
27	Fee For Third Party Fire Safety Inspection	As per City Fees and Charges Bylaw
	Fee for standby time for waiting for contact person to arrive over the specified time	\$200.00 per hour after the time specified of 45 minutes
	Fee for extinguishing "outdoor burning" fire	As per City Fees and Charges Bylaw

## SCHEDULE "B"

### Structure, Policies, Job Descriptions, & Operating Guidelines Of The Dauphin Fire Department (DFD)

1. Full strength of the DFD shall be 36 frontline members; this number may be increased at any time necessary, plus any number of recruits.
2. Auxiliary Firefighters will be recognized but are not included as "frontline" firefighters.
3. Officer Positions below the Fire Chief will be filled only by qualified DFD members. DFD Members can apply for the position when posted internally.
4. The administration, training, and operation of the department shall follow National Fire Protection Association (NFPA), Occupational Safety and Health Association (OSHA), Manitoba Workplace Health & Safety Standards, as well as the Manitoba Department of Labour. Provincial standards for training and fire department operations are set out by the Manitoba Office of the Fire Commissioner (OFC).
5. Policies and Operating Guidelines of the department will be adhered to. The establishment and creation of Policies and Operating Guidelines shall be done by members of the "Frontline Firefighters". However, if "Frontline Firefighters" are not interested in establishing or don't have the time to commit to Policies and Operating Guidelines creation, the Fire Chief will assure Policies and Operating Guidelines are written for the operation of the department.
6. The Fire Chief & Officers of DFD recognize the creation of an independent Firefighters Association for the membership. This association will be operated by the Firefighters themselves under their own constitution and bylaws.
7. The Fire Chief and Officers recognize the creation of a "Spouses Auxiliary".
8. The Fire Chief and Officers recognize the creation of a Firefighter Cadet Program.

## **SCHEDULE "C"**

### **List of Remunerated Positions of the Dauphin Fire Department**

- Fire Chief
- Deputy Fire Chief
- Assistant Deputy Fire Chief
- Captains
- Lieutenants
- Auxiliary
- New Trainee
- Probationary Firefighter
  - 1<sup>st</sup> Class
  - 2<sup>nd</sup> Class
  - 3<sup>rd</sup> Class
- Firefighters
- Equipment Captian

### **List of Other Items for which Dauphin Fire Department Members May be Remunerated**

- Weekend Standby
- Weekday Standby
- Training

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

## **SCHEDULE "D"**

### **Emergency Services Provided by Fire Department**

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

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

- a) Fire prevention and fire suppression, which includes structural fire fighting for rescue, fire control, and property conservation;
- b) Investigation of the cause of fire and origin determination;
- c) Preservation of life and property and protection of persons and property from injury or destruction by fire;
- d) Rescue and emergency medical services;
- e) Salvage operations;
- f) The ability to enter into agreements with other municipalities or persons for the joint use, control, and management of fire extinguishing apparatus and equipment;
- g) Purchase and operation of apparatus and equipment for extinguishing fires or preserving life and property;
- h) Water rescue and Low angle rescue;
- i) Off Road vehicle accidents that occur on municipal roadways involving other forms of vehicles;
- j) Hazardous material responses;
- k) Vehicle extrication;
- l) Farm accident rescue;
- m) Ground search and rescue;
- n) fire prevention inspections and public safety education
- o) Aircraft rescue and firefighting;
- p) Pre-fire planning;
- q) Precautionary standby;

- r) Extinguishing and prevention of grass fires;
- s) Extinguishing and prevention of urban interface fires;
- t) Flood response;
- u) Response to any request that the Fire Department deems an emergency, including but not limited to, Carbon Monoxide alarms, animals in peril and gas odors.



Dauphin Fire Department  
121 - 2<sup>nd</sup> Street N.W.

Dauphin MB R7N 1G6  
(204) 622-3100

SCHEDULE "E"



Open Air Fire Permit

The Undersigned hereby applies for a permit to burn in accordance with this application, all the Bylaws, Regulations, and Acts applicable thereto, and all conditions stated on this document and appendices.

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

Location Of Proposed Burn: (mailing address) \_\_\_\_\_

Owner Of Property: \_\_\_\_\_

Address Of Owner: \_\_\_\_\_ Phone No: \_\_\_\_\_

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

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

Phone No: \_\_\_\_\_

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

Burn Shall Be Extinguished - Date: \_\_\_\_\_ Time: \_\_\_\_\_

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

1. The person/firm conducting the burn shall place the material to be burned in an area located a reasonable distance, which will be determined on site by the Fire Chief and/or Fire Inspector, away from all other combustible materials on the property.
2. The fire shall be supervised and kept under control at all times.
3. The fire shall be completely extinguished upon completion of the burn.
4. The person or firm conducting the burn shall have readily available, at the site, an adequate means of extinguishing the fire if it becomes necessary to do so.
5. The applicant shall bear responsibility for all damages and injuries which may result from the burning carried out under this permit.
6. The applicant shall notify the Fire Chief and/or Authority Having Jurisdiction 2 working days prior to performing the burn, and no burning shall commence until the Fire Chief and/or Authority Having Jurisdiction performs an inspection of the burn site.
7. No fire shall be set when fire conditions are extreme or hazardous.

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

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

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

Applicant: \_\_\_\_\_ Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**Note:** This permit may be cancelled by the Fire Chief of the City of Dauphin at any time.

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

Validated By: \_\_\_\_\_ Date: \_\_\_\_\_ Fee: \$ \_\_\_\_\_  
Fire Chief or Authority Having Jurisdiction

Fee Paid: \_\_\_\_\_ City Receipt # \_\_\_\_\_

Payable at City Hall - 100 Main Street South, Dauphin MB





**Dauphin Fire Department**  
 121 - 2<sup>nd</sup> Street N.W.  
 Dauphin MB R7N 1G6  
 (204) 622-3100

SCHEDULE "F"



**APPLICATION & PERMIT FOR THE SALE OF FIREWORKS**  
 (within the City of Dauphin)

Business Name: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_ Age of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: Business: \_\_\_\_\_ Cell: \_\_\_\_\_

Sale Location and Address: \_\_\_\_\_

- \_\_\_ Retail Store
- \_\_\_ Vending Structure (Trailer/Tent/Vehicle)
- \_\_\_ Other (Provide Details): \_\_\_\_\_

Nature of Fireworks to be Sold  
 Low Hazard Fireworks: Yes/No  
 High Hazard Fireworks: Yes/No

Fireworks Display  
 Static Display: Yes/No  
 Advertising: Yes/No

The applicant acknowledges having read the Fire Prevention Bylaw 01/2013 pertaining to the sale and discharge of fireworks and has completed this application accurately and truthfully. By signing this application, the undersigned agrees to comply with all provisions of the bylaw and all safety measures established by the Fire Chief of the City of Dauphin, or his designate.

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

Sales Permit Expires December 31<sup>st</sup> of each year.

Inspections (to be completed by the Dauphin Fire Department)

- Conforms to the Fire Code: Yes/No
- Conforms to the Building Code: Yes/No
- Conforms to the Act: Yes/No

Fire Department Comments/Conditions: \_\_\_\_\_

This Application/Permit is APPROVED/REJECTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
 Dauphin Fire Department - Fire Chief or Authority Having Jurisdiction

Signature \_\_\_\_\_

Date \_\_\_\_\_

Fee Paid: \_\_\_\_\_  
 Obtain from City Hall or Fire Hall

City Receipt: \_\_\_\_\_



Dauphin Fire Department  
121 - 2<sup>nd</sup> Street N.W.

Dauphin MB R7N 1G6  
(204) 622-3100

SCHEDULE "G"



# APPLICATION & PERMIT FOR SETTING OFF FIREWORKS

(within the City of Dauphin)

Name of Applicant: \_\_\_\_\_ Age of Applicant: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

Applicant Telephone Number: Home: \_\_\_\_\_ Cell: \_\_\_\_\_

Address/Location of Fireworks Discharge: \_\_\_\_\_

Date: \_\_\_\_\_ Between the Hours of \_\_\_\_\_ and \_\_\_\_\_

Name of Person Supervising or Conducting the Discharge: \_\_\_\_\_ Age: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: Home: \_\_\_\_\_ Cell: \_\_\_\_\_

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

PERMISSION IS GRANTED/NOT GRANTED to the above applicant as named on this Permit to carry on the actions for which this permit was issued in a lawful manner in the City of Dauphin and for the duration specified in the Permit. This Permit must be displayed in a prominent location at the place of discharge. This Permit is non-refundable. This Permit is non-transferable. This Permit expires at 11:59 pm on \_\_\_\_\_, 20\_\_.

Fire Department Comments/Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dauphin Fire Department - Fire Chief or Authority Having Jurisdiction

Signature \_\_\_\_\_

Date \_\_\_\_\_

Fee Paid: \_\_\_\_\_  
Obtain from City Hall or Fire Hall

City Receipt: \_\_\_\_\_

## SCHEDULE "H"

### INSTANT VIOLATIONS

<u>TICKET CODE</u>	<u>INSTANT VIOLATIONS</u>
01	Exists, Blocked or Defective
02	Defective exit lights or emergency lights
03	Neglect to maintain fire alarm equipment
04	Improper storage waste materials
05	Improper storage flammable/combustible/compressed liquids
06	Blocked fire separation doors
07	Wedged fire separation doors
08	Outdoor burning without a permit
09	Open air burning without a permit
10	Leaving permitted fire unattended
11	Insufficient fire control at permitted fire site
12	Lumber/wood piled within 3 metres of any dwelling
13	Improper storage of containers
14	Neglect to provide/maintain fire extinguishing equipment
15	Storage of excess flammable/combustible/compressed liquids or hazardous materials without a permit
16	Fire or life safety hazard
17	Failing to obtain Permit for the Sales of Fireworks
18	Failing to obtain Permit for Setting Off Fireworks
19	Failing to attend a Fire Safety Inspection
20	Other: (Specify)
21	Warning Ticket (for first time offence, if warrants)

1<sup>st</sup> Violation - \$100 fee

2<sup>nd</sup> Violation - \$200 fee (in a 12 month period)

3<sup>rd</sup> (and subsequent) Violation - \$ 500 fee (in a 12 month period)

SCHEDULE "1"

Offence Notice



CITY OF DAUPHIN  
OFFENCE NOTICE



The undersigned, being an Officer, says that (s)he has reasonable and probably grounds to believe and does believe that at Dauphin, Manitoba, on the:

Day:	Month:	Year:	Time:	AM/PM
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Owner's Name:

Owner's Address:

Location of Violation:

Ticket Code	Violation	1 <sup>st</sup> Offence: \$100	2 <sup>nd</sup> Offence: \$200	3 <sup>rd</sup> Offence: \$500
01	Exists, Blocked or Defective			
02	Defective exit lights or emergency lights			
03	Neglect to maintain fire alarm equipment			
04	Improper storage waste materials			
05	Improper storage flammable/combustible /compressed liquids			
06	Blocked fire separation doors			
07	Wedged fire separation doors			
08	Outdoor burning without a permit			
09	Open air burning without a permit			
10	Leaving permitted fire unattended			
11	Insufficient fire control at permitted fire site			
12	Lumber/wood piled within 3 metres of any dwelling			
13	Improper storage of containers			
14	Neglect to provide/maintain fire extinguishing equipment			
15	Storage of excess flammable/combustible/compressed liquids or hazardous materials without a permit			
16	Fire or life safety hazard			
17	Failing to obtain Permit for the Sales of Fireworks			
18	Failing to obtain Permit for Setting Off Fireworks			
19	Failing to attend a Fire Safety Inspection			
20	Other: (Specify)			
21	Warning Ticket (for first time offence, if warrants)			

Issued By:

Amount Paid:

Issued in accordance with the City of Dauphin Fire Prevention and Emergency Services Bylaw 01/2013.  
Payable within 14 days of the Offence(s).

**SUMMONS**

**VOLUNTARY PAYMENT OF FINE:**

**Make cheque or money order payable to  
City of Dauphin  
100 Main Street South, Dauphin, MB, R7N 1K3**

**Payment can be made by Mail or  
In Person**

**Hours: 9:00 am – 4:30 pm, Monday to Friday  
OR may be dropped off in the after-hours drop box  
(north door of City Hall)**