

BY LAW NO 22-02

- OF -

THE RURAL MUNICIPALITY OF SPRINGFIELD

Being a by-law of the Rural Municipality of Springfield to provide for the regulations for fire prevention activities, fire inspections, fire investigations and, offences and penalties to be known as the 'Fire Prevention, Fire Inspections and Fire Investigations By-law'.

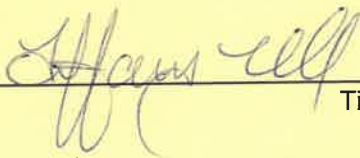
WHEREAS the municipality is empowered under the Municipal Act to establish and pass by-laws compliant and consistent with the Province of Manitoba's *Fire Prevention and Emergency Response Act* to regulate fire prevention activities, fire inspections and fire investigations.

AND WHEREAS it is deemed expedient and in the public interest to establish, continue and maintain standards concerning fire prevention activities, fire inspections and fire investigations in the municipality.


NOW THEREFORE the Municipal Council of the RM of Springfield in meeting duly Assembled, enacts as follows:

1. The 'Fire Prevention, Fire Inspections and Fire Investigations By-law' consisting of Schedule A is hereby adopted.
2. That RM of Springfield Bylaw No 17-19 and all amendments thereto, is hereby repealed.

DONE AND PASSED in council assembled in Council Chambers, in Oakbank, Manitoba, this 15th day of February A.D. 2022.



Tiffany Fell
Mayor



Colleen Draper
Chief Administrative Officer

Read a First time this 1st day of February A.D. 2022.
Read a Second time this 15th day of February A.D. 2022.
Read a Third time this 15th day of February A.D. 2022.

Schedule A

BY-LAW No 22 – 02

FIRE PREVENTION, FIRE INSPECTIONS AND FIRE INVESTIGATIONS BYLAW

A bylaw of Rural Municipality of Springfield to provide for fire prevention and the regulations for open burning, fire inspections, fire bans, other fire/life safety hazards and, offences and penalties to be known as the 'Fire Prevention, Fire Inspections and Fire Investigations By-Law'.

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BY-LAW No 22-02

“FIRE PREVENTION, FIRE INSPECTIONS AND FIRE INVESTIGATIONS BY-LAW”

SCHEDULE A

PART I - OPERATIVE AND INTERPRETIVE CLAUSE

1.0 Title and contents

1.1 This by-law may be cited as the “FIRE PREVENTION, FIRE INSPECTIONS AND FIRE INVESTIGATIONS BY-LAW”

1.2 The regulations established by this by-law are deemed necessary in order to:

- a) Ensure general conformance with the objectives and policies of the R.M. of Springfield.
- b) Outline the powers and duties of Council, the Fire Chief, or the Fire Chief's Deputy or Designate, and/or responsibility of property owners and residents as they relate to this bylaw.
- c) Establish standards for fire prevention on properties and in buildings
- d) Establish standards for the prevention of fires originating inside buildings
- e) Establish standards for the prevention of fires that may originate outside of buildings which may present a hazard to all or part of the municipality and its neighbouring communities
- f) Authorize and set standards for the operation of fire prevention services to protect life and property
- g) Set standards for the transportation/storage of flammable and combustible substances

2.0 Definitions

Unless otherwise provided, or unless the context otherwise requires, words and expressions in this by-law have the same meaning and effect as they have in the *Municipal Act*, the *Fire Prevention and Emergency Act*, the *Wildfire Act* and the *Fire Code*.

In this by-law:

'Administrators' means the Fire Chief, Deputy Chief and Officers of the Springfield Fire and Rescue Services.

'Assisted Living, Assisted living facilities' means any memory-care facilities and nursing homes referred to as "Retirement Homes".

'Authority Having Jurisdiction (AHJ)' means the administrator(s) of the Springfield Fire and Rescue Service, or the responsible municipal, provincial or federal official with legal authority for controlling the subject referred to which includes, without restricting the generality thereof municipal Fire Prevention Officers and Fire Inspectors.

'Captain' means an officer holding Company Officer rank and having authority in the absence of the Fire Chief or Deputy Fire Chief.

'C.A.O.' means the Chief Administrative Officer of the municipality – in this case, the Rural Municipality of Springfield.

Carbon Monoxide (CO) Detector means a device that detects the presence of the carbon monoxide (CO) gas to prevent carbon monoxide poisoning.

'Code' means the latest edition of the Manitoba Fire Code C.C.S.M cF80.

'Day Care facility' means an establishment offering daycare to pre-school children enabling their parents to work full time or have extended relief if child-care is a problem

'Deputy Chief' means the Deputy Chief, being the Springfield Fire and Rescue Services second-senior chief officer having authority in the absence of the Fire Chief.

"Designate", means in this by-law, a member of the Springfield Fire and Rescue Service appointed and authorized to speak and act on behalf of the Fire Chief.

'Dwelling' means one or more rooms used or intended to be used as a single housekeeping unit with cooking, sleeping and sanitary facilities.

'Dwelling, Live-Work' means a dwelling unit that includes working space accessible from the living area, regularly used by one or more of the residents of the dwelling unit but does not include a home-based business.

'Dwelling, Multi-Unit' means a building, located on a single site, containing three (3) or more dwellings (for example, row houses, town houses, or apartment buildings).

'Dwelling, Single-Unit' means a building, located on a single site, containing one (1) dwelling.

'Dwelling, Two-Unit' means a building, located on a single site, containing two (2) dwellings (for example, a duplex or a side-by-side).

"F" Occupancies' means: as described in the National Fire Code of Canada, the principal occupancy for which a building, or part thereof, is used or intended to be used, and shall be deemed to include the subsidiary occupancies that are an integral part of the principal occupancy classification as follows:

1. F1 – High-hazard industrial occupancies;
2. F2 – Medium-hazard industrial occupancies; and,
3. F3 – Low-hazard industrial occupancies.

'Fire Ban' means an established period of time during which the Fire Chief or Designate declares a ban on open-air fires.

'Fire Chief' means the senior fire officer and administrator of the Springfield Fire and Rescue Service appointed from time to time by the C.A.O. in consultation with Council, and extends to include, in their absence, the Fire Chief's Designated alternate.

'Fire Code' means the Manitoba Fire Code.

'Fire Inspector' means the inspector, or any other person or agency employed to act for the municipality partially or wholly responsible for fire safety with the municipality.

'Fire investigation' means the scientific analysis and investigation process of fire-related incidents to determine the fire's origin and cause.

'Fire Safety Inspection' means an inspection of land or premises to determine:

- a) whether the land or premises complies with the Fire Prevention and Emergency Response Act, its regulations, and RM Springfield's by-laws; and,
- b) what actions or measures are necessary to eliminate or reduce the effects of a fire or other emergency that might occur on the land or premises.

'Group Homes' means (typically) a single-family dwelling for special populations that need a supervised living environment. Common examples include children and youth in care, individuals with developmental or physical disabilities, individuals recovering from substance abuse, teenaged mothers, or victims of domestic violence.

'Group Living' means those apartment complexes restricted by age, usually fifty-five (55) and older. Rent may include community services such as recreational programs, transportation services, and meals served in a communal dining room.

'Hospice' means

1. a lodging for travelers, young persons, or the underprivileged especially when maintained by a religious order;
2. a program designed to provide palliative care and emotional support to the terminally ill in a home or homelike setting so that quality of life is maintained and family members may be active participants in care;
3. any facility that provides such a program.

'Member' means the Fire Chief, a Chief Officer, officer, firefighter or EFR provider engaged by the municipality to serve within the Springfield Fire and Rescue Service to provide fire suppression and rescue, fire prevention or other fire protection activities and services.

'Nursing Home/Personal Care Home' means a facility dedicated specifically to providing care for those individuals whose long-term care needs can no longer be met appropriately at home by the family and/or by supporting community services.

'Outdoor Solid Fuel Appliance (i.e.: outdoor wood burning furnace)' means an outdoor wood burning appliance or a solid fuel burning appliance which is used for the space heating of buildings, the heating of water or other such purpose and which is located in a separate building or on the exterior of the building which it serves.

'Property' means personal and real property.

'Residential Zoned' means land used in which housing predominates, as opposed to industrial and commercial areas, and will include but not be limited to single-family housing, multi-family residential, or mobile homes.

'Retirement communities' means communities of separate and autonomous homes for residents for which residency is restricted by age, usually fifty-five (55) and older. Rent may include community services such as recreational programs, transportation services, and meals served in a communal dining room.

'Retirement Residence/Old People's Home/Old Age Home' means a multi-residence housing facility intended for the elderly, whereby residents have an apartment-style room or suite of rooms with additional facilities are provided within the building, including facilities for meals, gatherings, recreation activities, and some form of health or hospital care. They differ from a Nursing Home primarily in the level of medical care given.

'Seniors Residence(s)' in this by-law does NOT include privately owned residential properties resided-in by the owner, but does mean any type of retirement home, retirement residence or seniors' home or similar situation where a community of seniors live, which focused around flexibility and independence where residents can choose to have a fully independent lifestyle or have some care and personalized services, and may extend to include:

1. Assisted Living, Assisted Living Facilities;
2. Independent Living with services;
3. Retirement Residence (Old People's Home, Old Age Homes);
4. Retirement communities;
5. Nursing Home/Personal Care Home;
6. Seniors Supported Housing; and,
7. Group Living complexes

"Seniors Supported Housing' means an intermediate care option between living in one's own home and moving into a Personal Care Home. Supportive housing tenants live in their own apartment but within a group community setting. Typically, tenants require help with meals, laundry, and light housekeeping, and may have 24-hour on-site personal support available to complete personal tasks like bathing, dressing and grooming. Supportive housing tenants may also require some (but not 24-hour) professional home care services as deemed eligible by the home care program. Tenants are approved by stakeholders to reside in these dwellings as part of the continuing care eligibility assessment process, meaning that supportive housing is a formal component of Manitoba's continuum of older adult care.

Smoke Alarm means a fire-protection device that automatically detects and gives a warning of the presence of smoke.

Smoke Alarm Standard - CAN/ULC-S531:2019 which covers:

1. electrically operated single and multiple station smoke alarms for open area protection in indoor locations and portable smoke alarms used as "travel" alarms.
2. single station smoke alarm (ionization, photoelectric units with supplementary heat detection, combination smoke type, multi-criteria type) described as a self-contained fire alarm device consisting of electrical components including a smoke sensor/chamber, an alarm, and means to connect to a power supply. A supplemental heat detector, remote audible signaling accessory terminals, and an integral transmitter to power a remote audible signaling appliance may be incorporated into the smoke alarm assembly.
3. Smoke alarms not intended for interconnection are defined as single-station type.
4. Multiple station units are single station smoke alarms that are:
 - a) Interconnected so that activation of one results in alarm sounding by all interconnected smoke alarms, or

- b) Smoke alarms that are connected to remote heat detectors or heat alarms.
5. These requirements cover all remote accessories that are to be connected.
6. This standard does not cover:
- a) Non-self-contained type smoke detectors intended for connection to a household or industrial system control unit.
 - b) Mechanically operated single and multiple station fire alarm devices that are specified as Single and Multiple Station Heat Alarms
 - c) Heat detectors
 - d) Accessory that transmits alarm to a constantly attended, remote monitoring location.
 - e) A gas and vapor detector or sensor incorporated into a smoke alarm assembly.

'Springfield Fire and Rescue Service' means the Rural Municipality of Springfield's established Fire Prevention organization including, the fire stations, fire/rescue apparatus and assigned firefighters within the municipality.

PART II FIRE PREVENTION

3.0 General

- 3.1 No person shall permit any accumulation of combustible growth, waste or rubbish of any kind which in the opinion of the Fire Chief or Designate is liable to catch fire and endanger property, to be, or to remain, on the premises.
- 3.2 All/any growth which is liable to catch fire and endanger property shall be cut down and removed by the owner or occupant of the premises on which the growth is located.
- 3.3 If not complied with, the Fire Chief or Designate may cause the removal/remedy work to be completed and bill the owner of the premises for costs.
- 3.4 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, piled or otherwise sorted as to keep them clear of windows and doors to provide clear ingress and egress to and from any part of the premises or building;
 - b) Kept away from all sources or potential sources of ignition;
 - c) The Authority having Jurisdiction can order a company at the owner's expense to make safe any premise for any violation for the aforementioned
- 3.5 Combustible materials and products shall not be stored in proximity to heat sources.
- 3.6 All owners/occupants of all buildings and properties shall comply with relevant by-laws and Acts and directions from SFRS Fire Officials in matters of fire prevention.
- 3.7 The Fire Chief or Designate of the Springfield Fire and Rescue Services shall, from time-to-time, direct SFRS Fire Inspection officers to attend and inspect occupancies within the Municipality including, but not limited to:
- a) Day Care Centres;
 - b) Seniors' Residences, including, but not limited to:
 - i. Assisted Living/Assisted Living Facilities;
 - ii. Group Living and Group Living complexes;
 - iii. Nursing Home/Personal Care Homes;

- iv. Retirement communities;
 - v. Retirement Residences (Old People's Homes, Old Age Homes); and,
 - vi. Seniors' Supported Housing
- c) Group Homes;
 - d) Hospices;
 - e) Nursery schools, Kindergartens, Grade Schools, High Schools, Colleges, Educational Boarding Schools, and specialized/trade educational/training institutions/facilities; and,
 - f) F type Occupancies.

4.0 Sky lanterns prohibited

- 4.1 No person shall ignite or release while ignited a sky lantern within the Rural Municipality of Springfield.
- 4.2 Any person who offers for sale, causes to be sold, permits to be sold, or otherwise distributes sky lanterns within the Rural Municipality of Springfield must post a notice in a conspicuous location located in the point-of-sale point-of-sale area which indicates that igniting sky lanterns or releasing sky lanterns while ignited is not permitted within the Rural Municipality of Springfield.

5.0 Pyrotechnics special effects displays

- 5.1 No person may ignite, fire or set-off any pyrotechnic special effects or cause any pyrotechnic special effects fireworks to be ignited, fire or set off except in conformity with the Pyrotechnics Special Effects Manual as published by the Explosives Regulatory of Natural Resources Canada.
- 5.2 A fireworks supervisor, flame effect operator must report to the Fire Chief or Designate in the event of any accident, injury, damage to property or misfire and such, and such report shall include the type, make and brand of firework, flame effect or pyrotechnic product involved in the incident.

6.0 Smoke Alarms

6.0.A Standards referenced in this By-Law:

- a) Canada/Underwriters Laboratories of Canada Standard: CAN/CSA-6.19, "Residential Carbon Monoxide Alarming Devices";
 - b) Canada/Underwriters Laboratories of Canada Standard: CAN/ulc-S524, "Installation of Fire Alarm Systems",
 - c) Canada/Underwriters Laboratories of Canada Standard: CAN/ulc-S531, "Standards for Smoke Alarms";
 - d) Canada/Underwriters Laboratories of Canada Standard: CAN/ulc-S553, "Installation of Smoke Alarms";
 - e) Canada/Underwriters Laboratories of Canada Standard: CAN/ulc-S537, "Verification of Fire Alarm Systems";
 - f) National Fire Prevention Association Standard 72, "National Fire Alarm and Signaling Code";
 - g) National Fire Prevention Association Standard 720-2009, "Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment."
 - h) (US) Underwriters Laboratory Standard UL 2034, "Single and Multiple Station Carbon Monoxide Alarms".
- 6.1 As per Manitoba Fire Code 2.1.3.3, except as permitted in Sentence 6.6 of this by-law, smoke alarms conforming to CAN/ulc-S531, "Standards for Smoke Alarms", shall be installed in

each dwelling unit and, except for care, care and treatment or detention occupancies required to have a fire alarm system, in each sleeping room not within a dwelling unit.

- 6.2 At least one (1) smoke alarm shall be installed on each story and mezzanine of a dwelling unit.
- 6.3 On any story of a dwelling unit containing sleeping rooms, a smoke alarm shall be installed in,
 - a) each sleeping room, and
 - b) a location between the sleeping rooms and the remainder of the story, and if the sleeping rooms are served by a hallway, the smoke alarm shall be located in the hallway.
- 6.4 A smoke alarm shall be installed on or near the ceiling.
- 6.5 Except as permitted by Sentence 6.6, smoke alarms required by Sentence 6.1 shall,
 - a) be installed with permanent connections to an electrical circuit,
 - b) have no disconnect switch between the overcurrent device and the smoke alarm, and
 - c) in case the regular power supply to the smoke alarm is interrupted, be provided with a battery as an alternative power source that can continue to provide power to the smoke alarm for a period of not less than seven (7) days in the normal condition, followed by four minutes of alarm.
- 6.6 Suites of residential occupancy are permitted to be equipped with smoke detectors in lieu of smoke alarms, provided the smoke detectors are,
 - a) capable of independently sounding audible signals within the individual suites, except as provided by Sentence 6.7,
 - b) installed as per CAN/ulc-S531CAN/ulc-S524, "Installation of Fire Alarm Systems",
 - c) verified in conformance with CAN/ulc-S537, "Verification of Fire Alarm Systems", and
 - d) form part of the fire alarm system.
- 6.7 Smoke detectors permitted to be installed in lieu of smoke alarms as provided in Sentence 6.6, are not required under Sentence 6.6.b to sound an alarm throughout the rest of the building, provided they sound localized alarms within individual suites and otherwise meet the requirements of Clause 6.6.b.
- 6.8 If more than one smoke alarm is required in a dwelling unit, the smoke alarms shall be wired so that the actuation of one smoke alarm will cause all smoke alarms within the dwelling unit to sound.
- 6.9 A smoke alarm required by Sentence 6.1 shall be installed in conformance with CAN/ulc-S553, "Installation of Smoke Alarms".
- 6.10 Except as permitted by Sentence 6.11, a manually operated silencing device shall be incorporated within the circuitry of a smoke alarm installed in a dwelling unit so that it will silence the signal emitted by the smoke alarm for a period of not more than ten (10) minutes after which the smoke alarm will reset and again sound the alarm if the level of smoke in the vicinity is sufficient to reactivate the smoke alarm.
- 6.11 Suites of residential occupancy equipped with smoke detectors installed in conformance with CAN/ulc-S524, "Installation of Fire Alarm Systems", as part of the fire alarm system in lieu of smoke

alarms as permitted by Sentence 6.6, need not incorporate the manually operated silencing device required by Sentence 6.10.

- 6.12 The sound patterns of smoke alarms shall,
- a) meet the temporal patterns of alarm signals, or
 - b) be a combination of temporal pattern and voice relay.
- 6.13 Smoke alarms required by Sentence (1) shall have a visual signaling component conforming to NFPA 72, "National Fire Alarm and Signaling Code" s. 18.5.3.
- 6.14 The visual signaling component required by Sentence (13) need not,
- a) be integrated with the smoke alarm provided it is interconnected to it;
 - b) be on battery backup; or,
 - c) have synchronized flash rates, when installed in a dwelling unit.
- 6.15 The luminous intensity for visual signaling components required by Sentence 6.13 that are installed in sleeping rooms shall be a minimum of one-hundred and seventy-five (175) cd.
- 6.16 Smoke alarms required in suites in a retirement home or smoke detectors permitted to be installed in lieu of smoke alarms as provided in Sentence 6.6 shall upon actuation provide an audible and visual signal to staff serving those suites, so that the suite containing the actuated smoke alarm or smoke detector can be easily identified.

7.0 Carbon Monoxide (CO) Detectors

- 7.1 Carbon monoxide detection and warning equipment shall be installed in a building or a part of a building that is required to be inspected under Section 1 of the Fire Safety Inspections Regulation, Manitoba Reg 73/2007, if a risk of carbon monoxide exposure exists in the building or part of the building.
- 7.2 Carbon monoxide detection and warning equipment that is required to be installed shall be installed in conformance with NFPA 720-2009 "Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment."
- 7.3 A carbon monoxide alarm that is required to be installed may be battery operated.
- 7.4 All installations of carbon monoxide detection and warning equipment must be acceptable to the authority having jurisdiction.

8.0 Location of Carbon Monoxide Alarms

- 8.1 Where a fuel-burning appliance is installed in a suite of residential occupancy, a carbon monoxide alarm shall be installed adjacent to each sleeping area in the suite.
- 8.2 Where a fuel-burning appliance is installed in a service room that is not in a suite of residential occupancy, a carbon monoxide alarm shall be installed,
- a) adjacent to each sleeping area in every suite of residential occupancy that is adjacent to the service room, and
 - b) in the service room.

8.3 Where a storage garage is located in a building containing a residential occupancy, a carbon monoxide alarm shall be installed adjacent to each sleeping area in every suite of residential occupancy that is adjacent to the storage garage.

9.0 Installation and Conformance to Standards

9.1 The carbon monoxide alarms required by Article 6.2.12.2. shall,

- a) be permanently connected to an electrical circuit and shall have no disconnect switch between the overcurrent device and the carbon monoxide alarm,
- b) be wired so that its activation will activate all carbon monoxide alarms within the suite, where located within a suite of residential occupancy,
- c) be equipped with an alarm that is audible within bedrooms when the intervening doors are closed, where located in a suite of residential occupancy, and conform to,
 - i. Canada/Underwriters Laboratories of Canada Standard: CAN/CSA-6.19, "Residential Carbon Monoxide Alarming Devices", or
 - ii. Underwriters Laboratory Standard UL 2034, "Single and Multiple Station Carbon Monoxide Alarms".

PART III FIRE INVESTIGATIONS AND FIRE SAFETY INSPECTIONS

10.0 Entry for investigation of fire

10.1 For the purpose of investigating the cause, origin and circumstances of a fire that has occurred on land or premises, the Fire Chief or a Designate may, with or without the consent of the owner or occupant, and without a warrant, enter on the land or premises.

11.0 Entry onto adjacent premises

11.1 The Fire Chief or Designate who enters on land or premises under the *Fire Prevention and Emergency Response Act* subsection (1) and this by-law may, without a warrant on adjacent land or premises if the entry is necessary to investigate the cause, origin and circumstances of the fire.

12.0 Closure of land or premises

12.1 The Fire Chief or Designate who enters land or premises under this Section may close the land or premises and prevent entry by any other person for the length of time necessary to complete the investigation of the fire.

13.0 Entry for fire safety inspection

13.1 The Fire Chief or a Designate may without a warrant enter on land or premises, other than a dwelling, at any reasonable time to conduct a fire safety inspection.

14.0 Entry into dwelling with consent

14.1 The Fire Chief or Designate may enter and conduct a fire safety inspection of a dwelling with the consent of the owner or occupant.

15.0 Warrant for entry into dwelling

15.1 On application by the Fire Chief or Designate, a Justice may at any time issue a warrant authorizing the Fire Chief or Designate named in the warrant to enter and inspect a dwelling, if the Justice is

satisfied there are reasonable grounds to believe that entry to the dwelling is necessary for the purpose of conducting a fire safety inspection, and

- a) entry has been refused or there are reasonable grounds to believe that entry will be refused;
- b) the occupant is temporarily absent; or
- c) the dwelling is unoccupied.

16.0 Conditions

16.1 A warrant may be made subject to any conditions specified in it.

17.0 Use of force

17.1 The Fire Chief or Designate named in the warrant may use whatever reasonable force is necessary to execute the warrant and may call on a peace officer for assistance in executing it.

18.0 Fees for inspections

18.1 A fee for carrying out a fire safety inspection under this Section may be charged by the Fire Chief or Designate or the Authority Having Jurisdiction where the inspection is carried out by a local assistant to the Office of the Fire Commissioner and may be collected in the same manner as a cost under the *Fire Prevention and Emergency Response Act* subsection 18(4).

19.0 Identification

19.1 The Fire Chief or Designate entering on land or premises under the *Fire Prevention and Emergency Response Act* Section 6 or 7 and this by-law must produce identification when requested to do so.

20.0 General investigation and inspection powers

20.1 For the purposes of a fire investigation or fire safety inspection, the Fire Chief or Designate entering on land or premises under the *Fire Prevention and Emergency Response Act* Section 6 or 7 and this by-law may

- a) examine or require the production of a document, record or other thing;
- b) remove any relevant document, record or other thing for review, examination or copying;
- c) require that any machinery, equipment or device be operated, used or set in motion, under specified conditions; and
- d) conduct tests, take and remove samples, take photographs and copies and make videotapes and other images, electronic or otherwise.

21.0 Assistance of others

21.1 The Fire Chief or Designate who enters land or premises under the *Fire Prevention and Emergency Response Act* Section 6 or 7 and this by-law may take any other person, and/or any equipment or materials, to assist in the investigation or inspection.

22.0 Copying documents and records

22.1 The Fire Chief or Designate may use equipment at the place of the fire investigation or fire safety inspection to make copies of relevant documents and records and may remove the copies from the place for further examination.

23.0 Obligation to produce and assist

23.1 If under the *Fire Prevention and Emergency Response Act* subsection (1) and this by-law, the Fire Chief or Designate requires that a document, record or other thing be produced, the person who has custody or control of the document, record or thing must produce it and, in the case of a document or record, must on request provide any assistance that is reasonably necessary to interpret it or to produce it in a readable form.

24.0 Documents, records and things removed

24.1 The Fire Chief or Designate who removes a document, record or other thing under the *Fire Prevention and Emergency Response Act* subsection (1) and this by-law must

- a) make it available, on request, to the person from whom it was removed, at a time and place that is convenient for the person and for the Fire Chief or Designate who removed it; and
- b) return it to the person from whom it was removed within a reasonable time, unless its retention is required for an inquiry or prosecution under this Act.

25.0 Copy admissible in evidence

25.1 A document certified by the Fire Chief or Designate to be a copy of a document or record obtained under this Section

- a) is admissible in evidence without proof of the office or signature of the person purporting to have made the certificate; and
- b) has the same probative force as the original document or record.

26.0 Inquiries regarding inspections

26.1 For the purpose of a fire safety inspection, the Fire Chief or Designate may make any reasonable inquiry of any person, orally or in writing.

27.0 Immediate actions may be taken

27.1 During the course of or after investigating a fire or carrying out a fire safety inspection, the Fire Chief or Designate may take any of the following actions that they consider necessary, with respect to the land or premises, for the immediate protection of persons and property:

- a) cause the land or premises to be closed immediately and persons on the land or premises to be removed;
- b) post a fire watch, make repairs to existing fire safety systems and install temporary safeguards, including fire extinguishers and smoke alarms;
- c) eliminate ignition sources and remove combustible or explosive material or anything that may constitute a fire menace and dispose of that material or thing in accordance with any directives issued by the Fire Commissioner under the *Fire Prevention and Emergency Response Act* clause 2(3)(g) and/or the Fire Chief or Designate under this by-law.
- d) do any other thing that the Fire Chief or Designate reasonably believes is immediately required to remove or reduce the threat to life or property.

28.0 Notice of actions to owner and occupants

28.1 After taking an action under the *Fire Prevention and Emergency Response Act* subsection (1) and this by-law, the Fire Chief or Designate must promptly give notice to the owner of the land or premises, and, if it is occupied by someone other than the owner, to the occupant.

29.0 Content of notice

29.1 A notice under the *Fire Prevention and Emergency Response Act* subsection (2) and this by-law must describe the location of the land or premises and state the reason for the entry and the actions taken.

30.0 Orders re investigation or inspection

30.1 During the course of or after investigating a fire or carrying out a fire safety inspection, the Fire Chief or Designate may, in writing, order the owner, the occupant or both

- a) to do one or more of the following:
 - i. remove buildings, structures, combustible or explosive material or any other thing that may constitute a fire hazard from the land or premises,
 - ii. demolish or make structural and other repairs or alterations, including material alterations, to buildings or structures on the land or premises,
 - iii. install or modify things relating to the containment of a possible fire, means of egress,
 - iv. fire alarms, and the detection and suppression of fires,
 - v. install and use specified equipment or devices to contain hazardous material on the land or premises and, in the event of a fire, to remove or transport the material,
 - vi. discontinue manufacturing, producing or fabricating any material, device or other thing that creates or poses an undue risk of fire or explosion,
 - vii. take any other measure necessary to remedy any contravention of the *Fire Prevention and Emergency Response Act*, its regulations or this by-law;
- b) to close the land or premises and prevent persons from entering until the corrective actions ordered under clause (a) have been completed; or
- c) to take any other measure necessary for fire safety on the land or premises.

31.0 Contents of order

31.1 An order may

- a) direct a person to stop doing something or change the way in which the person is doing it;
- b) direct the person to take any action or measure necessary to remedy the contravention of the *Fire Prevention and Emergency Response Act*, its regulations or this by-law, including the removal or demolition of a building or structure, and, if necessary, to prevent a re-occurrence of the contravention;
- c) specify the time within which the person must comply with the order;
- d) state that if the person fails to comply with the order within the specified time, the person may be required to pay an administrative penalty; and
- e) state that if the person fails to comply with the order within the specified time, the Fire Chief or local authority will take the action or measure ordered at the expense of the person.

32.0 Order also must set out review or appeal

- 32.1 An order made by a Fire Chief or Designate must state that the person to whom it is directed has the right to have the order reviewed under the *Fire Prevention and Emergency Response Act*, Section 15. An order made by the Fire Chief or Designate must state that the person to whom it is directed has the right to appeal the order under Section 16.

33.0 Period for compliance may be extended

- 33.1 When an order specifies a time period within which the person must comply, the period may be extended by the Fire Chief or Designate who made the order, unless a review of the order has been requested or it has been appealed.

34.0 Service of order

- 34.1 Subject to the *Fire Prevention and Emergency Response Act* subsections (2) and (3), the Fire Chief or Designate who made the order under Section 12 must ensure that a copy of it is served on the owner and any occupant of the land and premises, in accordance with Section 43.

35.0 Service re multi-unit building

- 35.1 In the case of an order respecting a building that contains two or more units intended for separate occupancy, the order is deemed to be served on the occupants of the building if a copy of it is posted in a conspicuous place on the outside of or near to the building.

36.0 Service of closure order

- 36.1 If an order is made under the *Fire Prevention and Emergency Response Act* clause 12(1)(b) requiring the closing of land or premises, the Fire Chief or Designate who made the order must ensure that a copy of the order
- a) is posted on the land or premises; and
 - b) served on the owner of the land or premises if the owner is in Manitoba and their whereabouts are known.

37.0 Remediating contraventions

- 37.1 The Fire Chief or a local authority may take whatever action or measures are necessary to remedy a contravention of the *Fire Prevention and Emergency Response Act*, its regulations or this by-law to prevent a re-occurrence of the contravention, if
- a) the Fire Chief or Designate has made an order under Section 12;
 - b) the order contained a direction referred to in clause 12(2)(b);
 - c) the person to whom the order was directed failed to comply with the order within the specified time; and
 - d) as applicable, the period for requesting a review or appealing the order has passed, or a review; or,
 - e) appeal of the order has been decided and the decision
 - i. confirms the order, or
 - ii. varies the order, but the person failed to comply with the order as varied.

38.0 Closure of premises

- 38.1 If the order under the *Fire Prevention and Emergency Response Act* Section 12 directs that buildings or structures be demolished or removed from the land or premises, the Fire Chief or Designate or local authority may under this section close the premises and use reasonable force to remove occupants.

PART V OFFENCES AND PENALTIES

39.0 Tampering or Interference

- 39.1 It is an offence for any person to deliberately tamper with, damage, discharge, remove or otherwise disable, make unusable, disconnect or shut-off without authorization, any fire protection equipment, any fire alarm system or component thereof, any fixed fire protection systems or any fire fighting equipment.

- 39.2 No person shall in any way impede or hinder any member of the Springfield Fire and Rescue Services during any fire inspection or fire investigation at any incident.

40.0 Penalties

- 40.1 It is an offence to contravene any provision of this By-Law. Any offence is subject to penalty of not less than one-hundred dollars (\$100.00) or not more than one-thousand dollars (\$1,000).

PART VI REVIEW OF ORDER

41.0 Request for review by Fire Commissioner

- 41.1 A person to whom a Fire Chief or Designate has directed an order may submit a request to the Fire Commissioner for a review of the order, which must be in writing and must include:

- a) the person's name and address and the reasons for requesting the review; and
- b) a copy of the order.

42.0 Time limit for seeking review

- 42.1 A request for review of an order must be made within the following times:

- a) if the order requires compliance in less than fourteen (14) days, within the time specified for compliance;
- b) in any other case, within fourteen (14) days after the person received or is deemed to have received the order.