

BY LAW NO 22-01

- OF -

THE RURAL MUNICIPALITY OF SPRINGFIELD

Being a by-law of the Rural Municipality of Springfield to provide for the regulations establishing and enabling the Rural Municipality of Springfield Fire and Rescue Service and directing it to provide fire prevention, fire suppression, rescue services, emergency services, the regulation of fires and other hazards and the confirmation of the adoption of the Manitoba Fire Code to be known as the 'Springfield Fire and Rescue Service Enabling By-Law', and the repealing of Rural Municipality of Springfield's By-law 17-19.

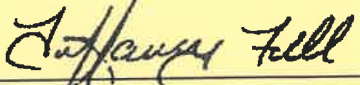
WHEREAS the municipality is empowered under the *Municipal Act* to establish and pass by-laws compliant and consistent with the Province of Manitoba's *Fire Prevention and Emergency Response Act* to establish, enable and maintain a municipal fire and rescue service and define its levels of service;

AND WHEREAS it is deemed expedient and in the public interest to establish, continue and maintain standards concerning fire suppression, rescue, fire prevention activities and all associated activities and services in the municipality, and establish an organization to provide those activities;

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

1. The '*Springfield Fire and Rescue Service Enabling By-law*' consisting of Schedules A and B, is hereby adopted; and,
2. That Rural Municipality of Springfield By-law No. 17-19 and all amendments thereto, is hereby repealed.

DONE AND PASSED in council assembled in Council Chambers, in Oakbank, Manitoba, this 3rd day of May, 2022.



Tiffany Fell
Mayor



Colleen Draper
Chief Administrative Officer

Read a First time this 12th day of April A.D., 2022.

Read a Second time this 3rd day of May A.D., 2022.

Read a Third time this 3rd day of May A.D., 2022.

BY-LAW No 22-01

'SPRINGFIELD FIRE AND RESCUE SERVICE ENABLING BY-LAW'

Being a by-law of the Rural Municipality of Springfield to provide for the regulations establishing and enabling the Rural Municipality of Springfield Fire and Rescue Service and directing it to provide fire prevention, fire suppression, rescue services, emergency services, the regulation of fires and other hazards and the confirmation of the adoption of the Manitoba Fire Code, to be known as the 'Springfield Fire and Rescue Service Enabling By-Law', and the repealing of Rural Municipality of Springfield's By-law 17-19.

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PART I - OPERATIVE AND INTERPRETIVE CLAUSES

1.0 Title and contents

1.1 This by-law may be cited as the '*Springfield Fire and Rescue Service Enabling 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 Rural Municipality of Springfield;
- b) Enable the establishment and organization of the Rural Municipality of Springfield's dedicated fire and rescue/emergency services;
- c) Establish the appointment of a Fire Chief and outline their powers and duties;
- d) Outline the powers and duties of Council in fire protection matters;
- e) Outline the responsibilities of property owners and residents as they relate to this by-law;
- f) Establish the requirements for fire prevention on properties and in buildings;
- g) Establish standards for the containment and suppression of fire originating inside buildings;
- h) Establish standards for the containment and suppression of fire originating outside of buildings which may present a hazard to all or part of the municipality and its neighbouring communities; and,
- i) Authorize and set standards for the operation of emergency services to protect life and property.

2.0 Definitions

2.1 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* and the *Fire Code*.

2.2 In this by-law:

'Additional Services' means any additional expense for a retained private contractor, 'specialist, special equipment, rental for items/resources not normally carried on fire apparatus, or provide/use more materials than are carried on fire apparatus in order to suppress or extinguish a fire, preserve property, prevent a fire from spreading, control and eliminate an emergency, carry out or prevent damage to equipment owned by or contracted to the municipality, assist in or otherwise conduct fire cause investigation or determination or otherwise carry out the duties and functions of the Springfield Fire and Rescue Service and /or to generally make 'safe' an incident or property.

'Administrators' means the Fire Chief, the chief officers, and officers of the Springfield Fire and Rescue Service.

'Authority having Jurisdiction ('AHJ'; 'Authority') 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.

'C.A.O.' means the Chief Administrative Officer of the municipality.

'Chief Officer' means the Chief Officer(s) having authority in the absence of the Fire Chief, to act on the Fire Chief's behalf, and are appointed in accordance with the Rural Municipality of Springfield Personnel and Employment Policies and Procedure Manual as amended, and who will assist the Fire Chief in the operations of the Springfield Fire and Rescue Service in accordance with this position's Terms of Reference description as amended, will command all personnel and activities in their assigned fire

station, and will act on behalf of the Fire Chief in the case of an absence or a vacancy in the office of the Fire Chief.

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

'Core Services' shall mean those as defined in Schedule 'A' of this By-law.

'Council' means the Council for the Rural Municipality of Springfield.

'Designated Alternate' means an individual who by reason of their qualifications, competence, and abilities is designated to temporarily act on behalf, and in the absence of, their superior.

'Emergency Operations' means those activities of the fire and rescue services relating to rescue, fire suppression, emergency medical services, and special operations, including response to the scene of the incident and all functions performed at the scene.

'EMR' means an Emergency Medical Responder commonly known as a First Responder.

'EMS' mean Emergency Medical Services.

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

'Fire Chief' means the senior Chief Fire Officer and Administrator of the Springfield Fire and Rescue Service appointed by the C.A.O. and extends to include the Fire Chief's designated alternate.

'Fire Service' means the Rural Municipality of Springfield Fire and Rescue Service as established by this By-law and comprised of those individuals as set out in the Rural Municipality of Springfield Personnel and Employment Policies and Procedure Manual, as amended.

'Firefighter' means the Fire Chief and any other person employed in, or appointed to, Springfield Fire and Rescue Service and assigned to undertake fire protection services and includes a volunteer Firefighter.

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

'Fire Officer' means that person or persons who may be appointed in accordance with Rural Municipality of Springfield's Personnel and Employment Policies and Procedure Manual that meet the qualifications and successfully both meets and holds the criteria for such employment, including but not limited to Fire Chief Officers, Deputy Chief Officers, Fire Captains, Fire Prevention Officers, Training Officers, Incident Safety Officers, Public Information Officers, Liaison Officers or any other officer appointment.

'Fire Protection Services' the measures taken to prevent and reduce the impact of fire, to protect life and the safety of persons and property from fire, and includes the establishment of a fire suppression and rescue organization, implementation of safety planning practices and drills, education on fire and life safety matters, research, investigation, building construction, safe operations, training and testing of mitigating systems.

'Level of Service' means the degree of or extent of fire protection services that are provided.

'Large-scale Incident' means any fire that may require more resources and personnel than primary responders can provide, as deemed by the Fire Chief or designated alternate.

'Member' means a firefighter or EMS provider engaged by the municipality and includes a member who is an officer.

'Municipality' means the Rural Municipality of Springfield.

'Mutual Aid' means a program to provide/receive assistance in the case of a major emergency in a municipality, community or area where resources in a municipality, community or area have been depleted, but does not include Automatic Aid.

'National Fire Protection Association' (NFPA) is Rural Municipality of Springfield's recognized source of fire service codes, standards, recommended practices.

'National Fire Protection Association Standards' means those fire service and fire protection codes, standards, recommended practices and guides as developed and amended by the National Fire Protection Association and adopted by the Rural Municipality of Springfield.

'On Duty' refers to the time elapsed from the time a member is notified on an emergency (paged for a call for service) until such time that it is reasonable for them to return back to their place of residence or employment.

'Property' shall mean personal and real property.

'Safety Officer' means a Fire Officer tasked specifically to ensure safe practices and conduct of all members within the Springfield Fire and Rescue Service and during emergency incidents, the safe practices and conduct of attending personnel outside of the Springfield Fire and Rescue Service who are also on-scene, and Rural Municipality of Springfield employees present within Springfield Fire and Rescue Service buildings and workplaces, etc, during non-emergency incidents. There are two types of Safety Officer:

- a) Incident Safety Officer: A Functional Sector position assigned by the Incident Commander as a component of the Incident Commander's command staff with the function to assess hazardous and unsafe situations and develop measures for assuring personnel safety. The Incident Safety

- Officer reports directly to the Incident Commander and has the authority to stop and/or prevent unsafe acts at any incident. This assignment lasts only for the duration of the incident; and,
- b) Department Safety Officer: A secondary duty of an individual of Company Officer rank with the responsibility for occupational health and safety in the Springfield Fire and Rescue Service as defined in NFPA Standard 1521 *Fire and Rescue Services Safety Officer*.

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

3.0 Fire Code implementation

- 3.1 The municipality hereby adopts the *Manitoba Fire Regulation 163/98 of The Fires Prevention and Emergency Response Act* as amended from time to time, or any subsequent *Manitoba Fire Code* which may be enacted, as part of this by-law except such portions as hereinafter deleted, modified or amended. Any referent to this by-law is as a reference to the whole by-law including the Code.
- 3.2 This municipality hereby recognizes, and where necessary, relies upon the provision and authority established in the *Wildfires Act*.

4.0 Establishment of the Springfield Fire and Rescue Service

- 4.1 The municipality will maintain within the municipality one (1) fire and emergency service organization titled: 'The Rural Municipality of Springfield Fire and Rescue Service', herewith referred to as the 'Springfield Fire and Rescue Service', and it will be comprised of various divisions, stations and fire apparatus located where deemed appropriate by the Fire Chief and passed by Council.
- 4.2 The Springfield Fire and Rescue Service is, hereby established for the purposes of:
 - a) Prevention of fires through education, inspection and code enforcement;
 - b) Preserving life and property as well as protecting persons and property for injury or destruction of fire and other disasters;
 - c) Providing rescue and emergency medical services; and,
 - d) The acquisition, operation and maintenance of fire apparatus and rescue equipment to preserve life and property as determined by the Fire Chief.

5.0 Response outside of the municipality

- 5.1 The Springfield Fire and Rescue Service will not knowingly respond to any call with respect to a fire or other emergency outside the municipal boundaries except with respect to fire or emergency that, in the opinion of the Fire Chief or designated alternate:
 - a) threatens the municipality or property situated outside the municipality that is own or occupied by the municipality;
 - b) in the municipality which forms part of the Mutual Aid District for which the municipality is a member;
 - c) on property with respect to which an agreement has been entered into with any person or corporation to provide fire protection, or,
 - d) under circumstances where human life is in jeopardy.
- 5.2 The municipality may elect into a service agreement, pursuant to the authorisation granted by Section 266 of the *Municipal Act* with another municipality, Provincial Park, First Nation or business to provide

or have provided emergency services to include emergency medical/first responder and rescue service. Such agreements will require prior approval of Council.

- 5.3 The Springfield Fire and Rescue Service shall be a participating member of the North-East Mutual Aid District.

6.0 Requesting additional assistance/equipment

- 6.1 The Fire Chief or the administrator of the Springfield Fire and Rescue Service or designated alternate when present at a fire or other incident, shall have the right and authority to request from any member of the North-East Mutual Aid District, assistance in the control and suppression of fire as well as any other type of emergency, and this shall also apply to any other agency with which the municipality has entered into an agreement pertaining to Springfield Fire and Rescue Service.
- 6.2 The Fire Chief or the administrator of the Springfield Fire and Rescue Service or designated alternate when present at a fire or other incident, shall have the right and authority to dispatch Springfield Fire and Rescue Services resources in order to respond to a request from any member of the North-East Mutual Aid District for assistance in the control and suppression of fire as well as any other type of emergency, and this shall also apply to any other agency with which the municipality has entered into an agreement pertaining to Springfield Fire and Rescue Service.
- 6.3 The Fire Chief or designated alternate of the Springfield Fire and Rescue Service present at any emergency incident shall have the right and authority to request from any able-bodied adult person assistance during an emergency incident and any such person, while acting under the direction of the Fire Chief or designated alternate, shall be deemed a temporary employee of the Springfield Fire and Rescue Service.
- 6.4 The Fire Chief or the administrator of the Springfield Fire and Rescue Service or designated alternate when present at an emergency incident shall have the right and the authority to authorize payment for the use of any equipment or resource for the immediate purpose of fighting a fire or preserving life and property.

7.0 Cost recovery

- 7.1 If, as a result of the Springfield Fire and Rescue Service response to a fire or emergency incident, the Fire Chief or designated alternate determines it necessary to:
- a) Incur additional expenses;
 - b) Retain a private contractor;
 - c) Rent special equipment not normally carried on a fire apparatus; or,
 - d) Use more materials than are carried on a fire apparatus in order to:
 - i. Suppress a fire;
 - ii. Extinguish a fire;
 - iii. Preserve property;
 - iv. Prevent a fire from spreading;
 - v. Control and emergency;
 - vi. Eliminate an emergency;
 - vii. Prevent damage to equipment owned by or contracted to the municipality,
 - viii. Assist in or otherwise conduct fire cause investigation or determination;
 - ix. Carry out the duties and functions of the Springfield Fire and Rescue Service; and/or,
 - x. Otherwise generally make 'safe' an incident or property.
- 7.2 Cost recovery will be based on the most current Rural Municipality Springfield's fees and charges by-laws, and such costs shall be the responsibility of the owner of the property requiring or causing the need for the Additional Service.

7.3 Within a reasonable length of time, a complete investigation and collection of information of any large-scale incident will be undertaken, and the Fire Chief or designated alternate shall submit an invoice including a detailed listing of all expenses to the responsible party.

8.0 Municipal Council direction

8.1 Any direction given by Council for the Fire Chief or designated alternate shall be done so through the C.A.O.'s office, and any reporting back shall follow the same order.

9.0 Restrictions

9.1 It shall be the sole responsibility of the Fire Chief or designated alternate to operate within the Springfield Fire and Rescue Service pursuant to the Fire Chief's job description, and Council shall not direct the Fire Chief or designated alternate in the day-to-day conducting of the Springfield Fire and Rescue Service operations.

PART II - AUTHORITY / DUTIES / GENERAL REQUIREMENTS OF PERSONNEL

10.0 Council shall determine remuneration

10.1 Council shall determine remuneration of all members of the Springfield Fire and Rescue Service by resolution.

11.0 Appointment of a Fire Chief

11.1 The C.A.O is responsible for the appointment, supervision, evaluation, discipline, suspension or termination of a Fire Chief.

12.0 Fire Chief

12.1 The Fire Chief shall be responsible for all aspects of the administration, operation and conduct of the Springfield Fire and Rescue Service.

12.2 The Fire Chief shall have the power and authority to make general orders, rules, regulations, policies and or guidelines as may be considered necessary for the:

- a) Governance, command, good order and discipline of the Springfield Fire and Rescue Service;
- b) Prevention of fires occurring within the Rural Municipality of Springfield;
- c) Management, control and extinguishment of fires occurring within the Rural Municipality of Springfield;
- d) Protection of Rural Municipality of Springfield property in general, and Springfield Fire and Rescue Service property specifically;
- e) Conduct of the Springfield Fire and Rescue Service members;
- f) Overall operational efficiency, discipline and training standards of the Springfield Fire and Rescue Service,

as long as those orders, rules, regulations, policies and/or guidelines do not conflict with the provisions of any by-law of the Municipality.

- 12.3 The Fire Chief may appoint a designate to act on his/her behalf during his/her absences.
- 12.4 The Fire Chief and designate as the *authority having jurisdiction*, shall enjoy and may apply and/or exercise all or any part thereof, but not be limited to, the following legislation:
- a) *Canadian 'National Fire Code'*;
 - b) *Canadian 'National Building Code'*;
 - c) Province of Manitoba '*Fire Prevention and Emergency Response Act*' -C.C.S.M. c. F80;
 - d) Province of Manitoba '*Wildfires Act*' - C.C.S.M. W128;
 - e) RM of Springfield '*Springfield Fire and Rescue Service Enabling By-law*';
 - f) RM of Springfield '*Open Fires and Controlled Burning By-law*';
 - g) RM of Springfield '*Fire Prevention and Fire Investigation By-law*'; and/or,
 - h) any other relevant and/or applicable legislation, regulation or directive,
- as the Fire Chief or designate so deems as necessary for any aspect of fire protection.
- 12.5 The Fire Chief and designate:
- a) Shall take all measures for the prevention, control and extinguishment of fires to protect life and property;
 - b) Shall authorize and set standards for the operation of emergency services to protect life and property.
 - c) Shall enforce all general orders and Springfield Fire and Rescue Service' Rules and Regulations, Standard Operating Procedures and provisions of municipal by-laws;
 - d) Shall establish the prerequisites and requirements for recruit applicants and for the overall recruitment process;
 - e) Shall establish the requirements for fire prevention on properties and in buildings;
 - f) Shall establish standards for the containment and suppression of fire originating inside buildings;
 - g) Shall establish standards for the containment and suppression of fire originating outside of buildings which may present a hazard to all or part of the municipality and its neighbouring communities; and,
 - h) May prescribe limits within the vicinity of a fire that any person or vehicle may be permitted to enter, and may authorize any police officers present to close off such portions of highways, streets, road or lanes as deemed as necessary;
 - i) Shall submit on a monthly basis to the C.A.O.'s office a record of attendance of members at all emergency responses, practices and meetings for the purpose of payroll preparations;
 - j) Shall submit monthly incident and activity reports to the C.A.O.'s office;
 - k) Shall prepare and submit to the C.A.O.'s office for approval, the annual budget estimates of the Springfield Fire and Rescue Service and be responsible for adhering to those estimates once adopted in budget and reporting any expected variances of annual estimate once known;
 - l) Shall submit to the C.A.O.'s office annually, based on a calendar year and at quarterly intervals or as requested, records that include updated inventory, fire prevention and inspection records;

- m) Shall submit to the C.A.O.'s office on an annual basis, personnel records for all members of the Springfield Fire and Rescue Service;
- n) Shall submit in writing within twenty-four (24) hours of the incident, Accident and Workers Compensation forms to the C.A.O.'s office when any member is injured while on duty;
- o) Shall review annually and in consultation with the Springfield Fire and Rescue Service senior chief officers, the Springfield Fire and Rescue Service's Standard Operating Procedures, Rules and Regulations, general membership requirements and the following municipal by-laws:
 - I. The RM of Springfield's '*Springfield Fire and Rescue Service Enabling By-law*';
 - II. The RM of Springfield's '*Open Fires and Controlled Burning By-law*', and;
 - III. The RM of Springfield's '*Fire Prevention and Fire Investigation By-law*';
- p) Shall report all fires to the Office of the Fire Commissioner to meet the requirements of the Province of Manitoba's 'Fire Prevention and Emergency Response Act';
- q) Shall ensure that every vehicle owned by the Springfield Fire and Rescue Service is inspected by a valid inspection mechanic as per the requirement of Regulation 76/94 of the Province of Manitoba's 'Highway Traffic Act', and other relevant legislation;
- r) Shall facilitate and delegate training of members in firefighting, fire prevention, building inspection and pre-fire planning;
- s) Shall attend or have a designated officer attend North-East Mutual Aid District meetings and provide minutes upon request;
- t) Shall be the Official Fire guardian under the Province of Manitoba's 'Wildfires Act'; and,
- u) Submit as soon as possible to the Mayor and C.A.O. a verbal or written summary of any large event or incident as well as provide updates during any incident that may require an ongoing response or attendance by the Springfield Fire and Rescue Service.

13.0 Duties of the municipality

- 13.1 The municipality shall indemnify and save harmless any and all members of the Springfield Fire and Rescue Service for the loss, damage or expenses suffered by each member as a result of the performance of their duty as a member of the Springfield Fire and Rescue Service, so long as the member is not in contravention of any requirements of this by-law or Standard Operating Procedures.
- 13.2 Members attending to legal proceedings on behalf of the Rural Municipality of Springfield will be covered for the loss of wages at the rate of the members' regular wage (actual wage with proof being submitted to the Fire Chief) while the member is away from his regular employment minus as fee paid to the witness by the court.
- 13.3 If the member is on a scheduled day-off from regular employment during such proceedings, the member will be entitled to payment from the Springfield Fire and Rescue Service at their hourly rate as a member.

PART IV - OFFENCES AND PENALTIES

14.0 Tampering or interference

- 14.1 It is 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 location unless authorized by the Fire Chief or designated alternate.
- 14.2 No person shall in any way, impede, hinder any member of the Springfield Fire and Rescue Service at in the suppression and control of a fire or any other incident.

14.3 No person engaged in fighting a fire shall neglect or refuse to obey a lawful order of the Fire Chief or designated alternate.

15.0 Penalties

15.1 It is an offence to contravene any provision of this By-law.

15.2 Any offence is subject to a penalty of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00)

SCHEDULE B
CORE SERVICES

1. Core services provided by the Springfield Fire and Rescue Service shall consist of, but are not limited to, the following:

- a) Aircraft Incidents;
- b) Assist/Stand-by Police/Ambulance/Hydro-electric emergency activities;
- c) Fire Code Enforcement;
- d) Fire Investigation;
- e) Fire Prevention Inspections and Activities;
- f) Fire Suppression – Grasslands;
- g) Fire Suppression – Structural;
- h) Ground Search and Rescue;
- i) Hazardous Materials Incident Response;
- j) Plans Examinations;
- k) Pre-fire Planning;
- l) Property Conservation Responses (due to fire fighting/fire rescue activities);
- m) Provision of Mutual Aid and Automatic Aid responses;
- n) Provision of Subject-Matter Expertise and Opinion in Court;
- o) Public Assistance;
- p) Public Fire/Life Safety Education;
- q) Public Relations Activities;
- r) Railroad Incidents;
- s) Rescue;
- t) Smoke/Fire/O2/Radon Alarms;
- u) Technical Rescue;
- v) Vehicular extinguishment, extrication and rescue