

TOWN OF ALTONA
BY-LAW 1832/2025

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

WHEREAS Section 232(1) of *The Municipal Act*, C.C.S.M. c. M225 (the "Act") provides authority for the Town to pass by-laws for municipal purposes respecting the following matters:

- (a) The safety, health, protection and well-being of people, and the safety and protection of property;
...
- (i) preventing and fighting fires;
- (j) the sale and use of firecrackers and other fireworks, the use of rifles, guns, and other firearms, and the use of bows and arrows and other devices;
...
- (n) businesses, business activities and persons engaged in business;
...
- (o) the enforcement of by-laws;

AND WHEREAS, subsection 236(1) of the Act provides, in relevant part, as follows:

Content of by-laws under clause 232 (1)(o)

236(1) Without limiting the generality of clause 232(1)(o) (enforcement of by-laws) and subject to subsection (3), a by-law passed under that clause may include provisions

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- (a) providing for procedures, including inspections, for determining whether by-laws are being complied with; and
- (b) remedying contravention of by-laws, 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 by-law,
 - (iii) providing that an amount owing under subclause (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 a contravention,
 - (v) charging and collecting costs incurred in respect of acting under subclause (iv),
 - (vi) imposing a sentence of imprisonment for not more than six months for the commission of offences or nonpayment of fines.

AND WHEREAS fire suppression and enforcement is not precluded by subsection 236(3) of the Act from being enforced by penalty notice and administrative penalty.

AND WHEREAS subsection 232(2) of the Act provides, in relevant part, as follows:

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Exercising By-Law-making powers

232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

(a) regulate or prohibit;

...

(c) deal with any development, activity, industry, business, or thing in different ways, or divide any of them into classes and deal with each class in different ways;

...

(e) subject to the regulations, provide for a system of licences, permits or approvals, including any or all of the following:

- (i) establishing fees, and terms for payment of fees, for inspections, licences, permits and approvals, including fees related to recovering the costs of regulation,
- (ii) establishing fees for licences, permits and approvals that are higher for persons or businesses who do not reside or maintain a place of business in the municipality,
- (iii) prohibiting a development, activity, industry, business or thing until a licence, permit or approval is granted,
- (iv) providing that terms and conditions may be imposed on any licence, permit or approval, and providing for the nature of the terms and conditions and who may impose them;

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- (v) providing for the duration of licences, permits and approvals and their suspension or cancellation or any other remedy, including undertaking remedial action, and charging and collecting the costs of such action, for failure to pay a fee or to comply with a term or condition or with the by-law or for any other reason specified in the by-law; and
- (vi) providing for the posting of a bond or other security to ensure compliance with a term or condition;
- (f) except where a right of appeal is already provided in this or any other Act, provide for an appeal and the body that is to decide the appeal, and related matters.

AND WHEREAS Section 264 of the Act provides that every Town must provide fire protection services within its boundaries to reduce the danger of fire, which may include education programs, inspections of property, the installation of alarms, instructions on fighting fires, the provision of fire fighting equipment and a fire protection force.

AND WHEREAS it is the public interest to establish, continue, and maintain fire prevention and emergency service standards in The Town of Altona;

AND WHEREAS it is in the public interest to regulate or prohibit the use and sale of fireworks and firearms in the Town of Altona;

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NOW THEREFORE THE COUNCIL OF THE TOWN OF ALTONA IN COUNCIL
ASSEMBLED ENACTS AS FOLLOWS:

PART I: INTERPRETATION AND DEFINITIONS

1. Interpretation

It is the purpose of this by-law to:

- a. continue the Fire Department, as hereafter defined, as an established department of the Town;
- b. provide for fire prevention, suppression and protection services;
- c. provide for inspections of buildings, structures and premises in relation to fire and life safety;
- d. provide regulations for the storage and handling of flammable and combustible liquids, dangerous goods and hazardous substances and waste
- e. provide for the operation of rescue and emergency services; and
- f. prohibit the sale or use of fireworks within the Town, except in accordance with this by-law.

2. Definitions

Unless otherwise provided, or unless the context otherwise requires, words and expressions in this by-law have the same meaning as the same words and expressions in *The Municipal Act*, C.C.S.M. c. M225 (the "Act") and in the Manitoba Fire Code.

In this by-law:

- a. **"Authority Having Jurisdiction"** means the Fire Chief or in their absence the Acting Fire Chief, Deputy Fire Chief, or the

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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 Inspector.

- b. **"Town"** means The Town of Altona or the area contained within the boundaries thereof.
- c. **"Code"** means the Manitoba Fire Code being Regulation 155/2011 of *The Fires Prevention and Emergency Response Act*, C.C.S.M. c. F80, or any subsequent Manitoba Fire Code, which may be enacted.
- d. **"Contact Person"** has the meaning provided in paragraph 27 herein.
- e. **"Council"** means the council of The Town of Altona.
- f. **"False Alarm"** also called a nuisance alarm, means the deceptive or erroneous report of an emergency, causing unnecessary panic and/or bringing resources (such as emergency services) to a place where they are not needed.
- g. **"Firearm"** or **"Firearms"** means any device, including a barreled weapon, from which any shot, bullet, pellet, paintball, BB or any other missile or projectile can be fired or discharged and that is capable of causing serious bodily injury or death to a person, and includes, without limitation, a rifle, gun, revolver, pistol, pellet gun, BB gun, paintball gun and any frame or receiver of such device which can be adapted for use as a Firearm and any catapult, sling and bow and arrow.
- h. **"Fire Chief"** means the Fire Chief for the Town and anyone acting or authorized to act on their behalf.
- i. **"Fire Department"** means the Fire Department for The Town of Altona, and includes a paid on-call fire department.

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- j. **“Fire Fighter”** means any paid on-call member of the Fire Department or other emergency service team while their services are actually engaged by the Town for the purpose of enforcing the provisions of this by-law.
- k. **“Fire Watch”** means the on-going monitoring of a property following a response to an incident;
- l. **“Firework”** means fireworks, fireballs, squibs or other fireworks, and includes pyrotechnic special effects.
- m. **“Member”** means a member of the Fire Department;
- n. **“Open Air Fire”** means a fire in any open place, yard, field or area which is not contained or enclosed by a building or structure, and includes agricultural fires, chimineas, bonfires, and campfires.
- o. **“Service Agency”** means any person, partnership, corporation, association or other organization that services portable fire extinguishers or special fire suppression systems.

PART II: ADMINISTRATION

3. Application

The provisions of this by-law shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this by-law shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property.

4. Adoption of Fire Code

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

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construed as a reference to the whole by-law, including the Code.

PART III: CONTINUATION OF FIRE DEPARTMENT

5. Department and Membership

- a. The Fire Department for the Town of Altona is hereby continued as a department of the Town, to be comprised of a Fire Chief and up to a maximum of 35 paid on-call fire fighters, hereafter referred to as "Members". No change in the maximum complement of the Fire Department shall be made without approval of the Council, who may authorize an increase or vary the above stated complement.
- b. Rules and regulations for the operation of the Fire Department are identified in Schedule "A" to this By-law as amended from time to time by resolution of Council.

6. Responsibility of Fire Chief

- a. The Fire Chief shall be responsible to administer and enforce the provisions of this by-law; subject always to such direction as may from time to time be given by the Council.
- b. The Fire Chief may delegate any or all of their responsibilities to the senior member of the Fire Department present at the scene of a fire or other incident requiring the attendance of the Fire Department.

PART IV: EMERGENCY SERVICES

7. Emergency Services

Emergency services are hereby established for the purpose of:

- a. preventing and extinguishing fires;
- b. investigating the causes of fire;

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- c. preserving life and property and protecting persons and property from injury or destruction by fire;
- d. providing rescue services subject to the availability of equipment and trained personnel;
- e. performing salvage operations;
- f. entering into agreements with other municipalities or persons for the joint use, control, and management of fire extinguishing apparatus and equipment; and
- g. purchasing and operating apparatus and equipment for extinguishing fires or preserving life and property.

8. Agreement for Emergency Service

The Town may enter into an agreement with another municipality to provide or have provided emergency services. Such agreement requires prior authority of the Council.

9. Response Outside Town

The Fire Department will not respond to any call with respect to a fire or an emergency outside the Town boundaries except with respect to a fire or emergency:

- a. that in the opinion of the Fire Chief threatens property in the Town or property situated outside the Town that is owned or occupied by the Town; or
- b. in a municipality with which an agreement has been entered into to provide fire protection; or
- c. in a municipality which forms part of a mutual aid agreement for which the Town is a member; or

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- d. on property with respect to which an agreement has been entered into with any person or corporation to provide fire protection therefor.

PART V: GENERAL REQUIREMENTS

10. Display Address

The owner of every property shall ensure the street address assigned to that property is securely posted and clearly visible from the edge of the property.

11. Interference with Hydrant an Offence

It shall be an offence for any person, other than the Authority Having Jurisdiction or a fire fighter in the course of duty, to turn on or interfere with any fire hydrant, in any manner whatsoever, without prior authorization and training from the Authority Having Jurisdiction.

12. Tampering an Offence

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.

13. Use of Personal Vehicles

Personal vehicles of fire fighters may be used to respond to a fire or emergency call from the point where the call was received to the fire hall or scene provided that the vehicle is operated in accordance with the provisions of *The Highway Traffic Act* (Manitoba).

14. Requiring Additional Assistance

The Fire Chief shall have the right and authority to require any able-bodied adult person to assist in extinguishing fires and to

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assist in the control of spread of fire and any such person, while acting in this capacity, shall be deemed an employee of the Town.

15. Commandeering Equipment

The Fire Chief 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.

PART VI: FIRE PREVENTION STANDARDS

16. Access for Inspection

The Authority Having Jurisdiction may, at all reasonable times, enter any premises for the purpose of making an inspection to determine compliance with this by-law, the Fire Code or the Building Code, and any person in charge of the premises shall allow the Authority Having Jurisdiction free access thereto.

The Authority Having Jurisdiction shall prepare a written report of each inspection and provide a copy of the report to a person in charge of the property (the "Report"). The Report may include remedial orders and impose timelines for satisfying the remedial orders in addition to imposing any fine or fee for non-compliance with this by-law, the Fire Code or the Building Code as set out in Fees and Fines section of Schedule "B" of this by-law.

17. Inspection Fees

If a Member is required to attend a property more than once for conducting an inspection of the property, because:

- a. the owner or occupier of the property did not provide the Member with access to the property;
- b. the property was not in compliance with this by-law, the Fire Code or the Building Code; or

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- c. the Member was requested by the owner or the owner's authorized agent to conduct an additional inspection;

the owner of the property shall be liable to pay to the Town a fee set out in Fees and Fines section of Schedule "B" of this by-law for each additional time a member attended at the Property for the purpose of conducting an inspection, whether or not an inspection was conducted, in addition to any other fine identified in the Report.

18. Prevention of Fire Spread

The Fire Chief 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.

19. Open Air Fires

- a. It shall be an offence for any person to light, ignite, or start, allow, or cause to be lighted, ignited, or started an Open Air Fire of any kind whatsoever without first having obtained a burning permit from the Fire Chief.
- b. Notwithstanding subsection (a), 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 device used to cook food, or in an outdoor fire pit designed and located in accordance with section 31 herein.

20. Burning Without a Burning Permit

- a. If the Fire Department responds to an incident at a property as a result of an Open Air Fire for which a permit is required but has not been issued and the incident is a result of an Open Air Fire at the Property, the owner of the property shall be liable to pay to the Town within thirty (30) days of demand

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of same, the actual costs and expenses incurred by or on behalf of the Fire Department to provide Incident Response at the Property.

- b. A person with a valid burning permit or who has an Open Air Fire for which a permit is not required shall not leave the fire unattended at any time while it is burning or smouldering and shall ensure that sufficient appliances and equipment to prevent the fire from getting beyond control or causing damage or becoming dangerous are at the fire site.

21. Failure to Comply With Burning Permit

If the Fire Department responds to an incident at a property for which a burning permit has been issued and the incident is a result of non-compliance with the burning permit, the owner of the property shall be liable to pay to the Town the actual costs and expenses incurred by or on behalf of the Fire Department to respond to the incident at the Property within thirty (30) days of demand.

22. Storage of Containers

All boxes, crates, petroleum barrels and other containers, empty or otherwise, packing materials or other materials used or kept in any building or on any lot, shall be

- a. so stacked or piled as to keep them clear of windows and doors to provide for clear ingress and egress to and from any part of the premises or building;
- b. kept away from any source of ignition; and
- c. removed forthwith from the vicinity of the windows or doors in question to such location as authorized by the Authority Having Jurisdiction if determined to constitute a fire hazard by the Authority Having Jurisdiction.

23. Portable Fire Extinguishers

All portable fire extinguishers shall:

- a. conform to the requirements of the Code and be located as required by the Code; and
- b. be maintained and/or hydrostatically tested in accordance with the requirements of the Code.

24. Chimney Pipes

All chimneys and pipes for fireplaces or woodstoves shall be installed in conformity with the Code and must be cleaned regularly to prevent a build-up of creosote. The Fire Chief may give notice to any owner requiring the cleaning of any chimney or pipe and where such order is not complied with within ten (10) days the Fire Chief may cause the work to be done and the cost therefore shall be the responsibility of the owner of the property.

25. Property Maintenance

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

26. Lock Boxes

- a. All commercial, industrial, institutional, and multi-family buildings that have a fire alarm system or an automatic fire sprinkler system are required to have an approved lock box permanently mounted in a location acceptable to the Fire Chief. Unless otherwise stated, the acceptable location will be at the principal entrance to the building used by the Fire Department during a response to an incident.
- b. An owner may contact the Fire Department for confirmation and installation instructions of an approved type of lock box. The Fire Chief may waive the requirement for a lock box if the

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building design does not enable the installation due to physical limitations.

- c. The following conditions will apply to lock boxes:
 - i. The Fire Chief or their designate shall open lock boxes.
 - ii. Keys placed inside the Fire Department lock box will be individually identified in a method acceptable to the Fire Chief.
 - iii. Owners will supply keys to provide access to:
 - A. all entry doors, service rooms and roof areas;
 - B. all doors that are locked from the exit stairs to floor areas;
 - C. permit recall and independent operation of each elevators; and
 - D. the fire safety plan box and the fire alarm system control panel, and the Fire Department operations box, if present.

27. Contact Persons

The owner of a commercial, industrial, institutional, and multi-family property with a fire alarm system or an automatic fire sprinkler system, either monitored or unmonitored, shall provide the Fire Department a list of at least two (2) Contact Persons who are able to attend, enter and secure the property as required by this by-law or the Fire Chief. The owner shall ensure that this list is current and that the Fire Department is provided with an updated list as changes are made.

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Responsibility of Contact Persons

A Contact Person must be able to attend to the Property within thirty (30) minutes when requested by the Fire Department. Once the Contact Person has arrived at the Property, the Contact Person shall:

- a. contact the senior Member at the scene;
- b. be able to provide access to, or contact the person who has access to, the area of the property involved in the incident response;
- c. be able to secure or to have the area of the property involved in the incident response secured;
- d. perform a Fire Watch where required or assign persons to perform a Fire Watch; and
- e. be authorized to contact a Fire Protection Technician to test, reset or repair the fire alarm system as necessary.

Failure of Contact Persons to Attend

Where a Contact Person fails to respond to a fire alarm and attend the property within thirty (30) minutes of the Fire Department's initial attempt to contact them, the Fire Department may use whatever means are necessary to gain entry to the property to investigate the fire alarm without payment to the owner of any compensation whatsoever for damage caused to the property caused by such forced entry.

28. Fire Watch Costs

If the Fire Chief determines that a Fire Watch is necessary, the Fire Chief may contract a security company or maintain a Fire Department presence to perform a Fire Watch if the Contact Person or the Owner is unavailable or unwilling to perform a Fire

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Watch as directed by the Fire Chief, in which case the owner of the property shall be liable to pay to the Town the actual costs and expenses incurred by or on behalf of the Fire Department to perform the Fire Watch within thirty (30) days of demand of same.

29. Fire Alarm Systems

- a. Every fire alarm system shall be maintained at all times in operating condition and tested by a qualified person in accordance with the requirements of the Code.
- b. During a fire alarm or sprinkler system shut-down for any reason, and where the owner or Contact Person of a building cannot be located and the fire alarm or sprinkler system will not reset under normal conditions by the Fire Department, the Authority Having Jurisdiction will contract a security guard, or such other person as the Fire Chief may appoint, to provide Fire Watch service until all fire alarm or early warning or protection systems on the property have been restored to normal operating conditions. The total cost of restoration of the equipment, and related costs of hiring the electrical contractor or Fire Watch service, shall be the responsibility of the owner.

30. Service Agencies

- a. Service personnel who perform the inspection, maintenance, and testing of special fire suppression systems shall be trained in accordance with the applicable standard by the manufacturer or supplier of the special fire suppression system.
- b. Portable fire extinguishers are serviced and maintained in accordance with the applicable standards.

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- c. Service agencies providing services for a fee or commercial gain, shall be certified in accordance with the applicable standards.
- d. Service personnel performing the servicing or testing of portable fire extinguishers shall be trained and certified in accordance with the applicable standards.
- e. Service personnel must supply to the Authority Having Jurisdiction documentation of the completion of the training required before undertaking any work in the Town of Altona.

31. Fees for Responding to False Alarms

- a. The Town may charge a fee for responding to a false alarm, as set out in Schedule "B" to this by-law, where the Fire Department responds to:
 - i. more than one false alarm at the same building within a 12-month period;
 - ii. more than one false alarm from the same fire alarm system within a 12-month period; or
 - iii. more than one false alarm from the same parcel of land within a 12-month period where there is more than one building on that parcel of land.
- b. Where the Fire Department responds to any alarm that is a result of a security alarm being routed to the Fire Department, the Town may charge a fee for responding as set out in Schedule "B" to this by-law.
- c. Where the Fire Department responds to an alarm and the Owner or Contact Person does not provide access to the interior of the building within 30 minutes of the arrival of the Fire Department at the building, the Town may charge, in addition to any other applicable fee as set out in Schedule

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"B" to this by-law, an additional standby fee also set out in Schedule "B" to this by-law, until access is provided to the interior of the building.

- d. If an Owner has installed a lock box in accordance with section 26 herein, the person does not have to be present to satisfy the access requirements as set out in subsection (c).
- e. If the Fire Department is dispatched to respond to an alarm but is notified that the alarm is a false alarm before a vehicle leaves the fire station, and therefore only the command vehicle responds to the false alarm, the fee set out in Schedule "B" to this by-law for that response shall be reduced by 50%.

Note: For greater clarity, the 50% fee reduction referred to in this subsection (e) shall apply only to fire alarms and not to security alarms routed to the Fire Department.

- f. The fees provided for by this section may be charged to a property owner. Any amount unpaid together with interest thereon shall be added to and form part of the property taxes payable.
- g. Interest may be charged on fees provided for by this section which are ninety (90) days past due.

32. Flammable and/or Combustible Liquid Storage and Storage of Hazardous Materials

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 specified in the Code.

33. Outdoor Fire Pits

The following regulatory guidelines shall be utilized for the location, installation and use of outdoor fire pits and outdoor solid fuel receptacles.

- a. The outdoor fire pit or outdoor solid fuel receptacle shall be enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other non-combustible materials.
- b. The outdoor fire pit shall not exceed 46 centimetres (18 inches) in depth when measured from the bottom of the pit to the top of the pit opening and shall be at least 200 mm (8 inches) in height when measured from the surrounding grade to the top of the pit opening.
- c. The outdoor fire pit or outdoor solid fuel receptacle opening shall not exceed 750 mm (2.5 feet) in diameter and the width or length shall not be greater than 750 mm (2.5 feet).
- d. The outdoor portable fire pit or outdoor solid fuel receptacle shall be located on a flat, level, non-combustible base and vertically clear of any overhead combustible materials such as eaves, tree branches, utility wires, etc.
- e. A non-combustible spark arrestor, grill or mesh with openings no larger than 12 mm ($\frac{1}{2}$ " x $\frac{1}{2}$ ") shall be used to cover the entire area of the outdoor fire pit.
- f. An outdoor solid fuel fireplace chimney shall be equipped with a non-combustible spark arrestor, with openings no larger than 12 mm ($\frac{1}{2}$ " x $\frac{1}{2}$ ") and cover the entire surface area of the chimney opening.
- g. A minimum clearance of 7.6 meters (25 feet) measured from the nearest fire pit edge shall be maintained from any combustible buildings, sheds or other combustible structures such as fences, trees or hydro poles. A minimum distance of

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3 meters (10 feet) shall also be maintained from neighbouring property lines.

- h. Outdoor solid fuel receptacles shall be installed as per the manufacturer's instructions if available and shall conform to all required clearances to be combustible structures of materials. In no instance shall the required clearance be less than 7.6 meters (25 feet).
- i. When in use, outdoor fire pits and outdoor solid fuel receptacles shall be continuously supervised by an adult.
- j. Outdoor fire pits and outdoor solid fuel receptacles shall not be utilized during wind conditions exceeding 25 kilometres per hour (15 miles per hour) or during extreme drought conditions whereby such utilization may cause an undue fire hazard.
- k. Only clean, dry wood or charcoal briquettes may be burned in outdoor fire pits and outdoor solid fuel receptacles. Outdoor fire pits 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 odours. Burning of wet or damp wood may contribute greatly to heavy smoke propagation.
- l. 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.
- m. All fires must be limited in size so that they are readily controllable. If at any time the fire extends beyond the outdoor fire pit or outdoor receptacle, 911 should be called.

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- n. The Fire Chief is authorized to impose a burning ban, including outdoor fire pits, should the conditions arise. The Town may, by resolution of Council or by order of the CAO at their discretion, ban all burning (including fires contained within fire pits and solid fuel burning appliances) within Town limits if conditions exist where, in the opinion of the Town, fires are of extremely high risk and such a ban would prevent wildfires from occurring.

PART VII: FIRE ARMS AND FIREWORKS

34. General Prohibition of Use

- a. Unless otherwise provided by law and except for such purpose and at such places and times within the Town as may be designated or authorized by Council or its duly authorized officer in that behalf, no person shall fire or otherwise discharge or use any Firearm or Fireworks within the limits of the Town.
- b. Every person who fires or otherwise discharges or uses any Firearm or Fireworks contrary to the provisions of this By-law is guilty of an offence under this By-law.
- c. The provisions of this By-law relating to Firearms or Fireworks do not apply to authorized personnel in the performance of their duties.
- d. Any Peace Officer may seize any Firearms or Fireworks that they, on reasonable grounds, believes has been used in the commission of an offence under this By-law.
- e. Every person who contravenes or refuses, omits or fails to obey or observe any provision of this By-law is liable to pay to the Town a fee set out in the Fees and Fines section of Schedule "B" of this by-law and shall be liable to have the

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Firearm and/or Fireworks involved in the offence confiscated and disposed of by authorized personnel.

- f. Anyone convicted of an offence pursuant to the provisions of this By-law with respect to Firearms and Fireworks shall be liable to have the Firearm and/or Fireworks involved in the offence confiscated and disposed of by authorized personnel in addition to a fine and/or imprisonment as set out above.

35. Sale Permit

- a. No person shall sell or offer for sale any firework within the Town without a permit issued in accordance with this By-law.
- b. Any Person who wishes to sell any firework within the Town shall apply in writing to the Fire Chief for a sale permit. The application must be accompanied by the applicable form and permit fees as set out in the Town of Altona Fees and Charges By-law. Any Person who sells any firework without a valid sale permit shall have committed an offence under this By-Law.
- c. The property where the fireworks will be dispensed must be inspected and approved by the Fire Chief or their designate.
- d. All storage areas must meet the requirements set out in the Natural Resources Canada Consumer Fireworks Retail Package.
- e. A sale permit issued to an applicant shall be valid for a period of five (5) years from the date of issuance and may be subject to conditions as set out by the Fire Chief or their designate.
- f. A permit holder who wishes to renew a sale permit shall no later than thirty (30) days prior to the expiry date apply for renewal to the Fire Chief and accompanied by the

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application fee as set out in the Town of Altona Fees and Charges By-law.

- g. The Fire Chief or their designate may refuse to issue a sale permit, revoke or refuse to renew an existing sale permit, modify the conditions which apply to an existing sale permit, or may suspend an existing sale permit at any time upon a finding that the conditions established under authority of s. 35(e) have not been complied with.

PART VII: PENALTY PROVISION

36. Penalty

- a. Any person who contravenes, disobeys, refuses or neglects to obey:
 - i. any provision of this by-law, or any provision of any other by-law that by this by-law is made applicable to proceedings taken or things done under this by-law; or
 - ii. any provision of any by-law, regulation or order enacted or made by Council; or
 - iii. any order made by this by-law 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 \$5,000.00 for each day's neglect or failure to comply therewith or to imprisonment for a term not exceeding thirty (30) days, or both a fine and imprisonment.

- b. Any person who hinders or obstructs the Authority Having Jurisdiction in the exercise of their duty is guilty of an offence and liable on summary conviction to a fine of not less than

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\$100.00 or more than \$5,000.00, or to imprisonment for a term not exceeding fourteen (14) days, or to both a fine and imprisonment.

- c. A monetary penalty imposed under this by-law is due and payable thirty (30) days after a penalty notice setting out the amount of the monetary penalty issued in accordance with the MBEA Enabling By-Law No. 1765/2018.

PART VIII: GENERAL PROVISIONS

37. Offences under this By-Law

- a. For greater certainty and without limiting any provisions of this By-Law, the following shall constitute offences under this By-Law enforceable pursuant to the Municipal By-Law Enforcement Act and the Enabling By-Law:
 - i. Failing to install working smoke alarms or carbon monoxide detectors pursuant to the Code and section 4 of this By-Law;
 - ii. Failing to maintain exits pursuant to the Code and section 4 of this By-Law;
 - iii. Failing to display address pursuant to section 10 of this By-Law;
 - iv. Interfering with or turning on a fire hydrant without authorization as per section 11 of this By-Law;
 - v. Tampering with, damaging, or discharging any fire prevention, fire suppression, or rescue apparatus without authorization pursuant to section 12 of this By-Law;

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- vi. Failing to comply with this By-law, the Fire Code or the Building Code pursuant to section 16 of this By-Law, including:
 - A. Failing to post occupant load sign;
 - B. Exceeding occupant load;
 - C. Failing to maintain exit lighting, exit signs, and/or emergency lighting;
 - D. Failing to inspect, test, and/or maintain pump;
 - E. Failure to provide exit;
 - F. Allowing exit to become obstructed;
 - G. Allowing snow and ice to accumulate at exit;
 - H. Failing to maintain Fire Department access;
 - I. Failing to maintain fire separation;
 - J. Failing to develop a fire safety plan;
 - K. Failing to install fire safety plan box; or
 - L. Allowing Fire Department connections to be obstructed;
- vii. Failing to provide access to the Authority Having Jurisdiction for the purpose of inspection pursuant to section 17(a) of this By-Law;
- viii. Failing to comply with remedial orders and/or timelines imposed by the Report issued following an inspection pursuant to section 17(b) of this By-Law;
- ix. Lighting, igniting, or starting, or causing to be lighted, ignited, or started, an Open Air Fire without first

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obtaining a burning permit pursuant to section 19 of this By-law;

- x. Lighting, igniting, or starting, or causing to be lighted, ignited, or started, an Open Air Fire without a burning permit requiring an Incident Response pursuant to section 20 (a) of this By-Law;
- xi. Leaving a fire unattended at any time while it is burning or smouldering and/or failing to ensure that sufficient appliances and equipment to prevent the fire from getting beyond control or causing damage or becoming dangerous are at the fire site pursuant to section 20(b) of this By-Law;
- xii. Failing to comply with a burning permit pursuant to section 21 of this By-Law;
- xiii. Failing to properly store containers or remove fire hazards pursuant to section 22 of this By-Law;
- xiv. Failing to maintain portable extinguishers pursuant to section 23 of this By-Law;
- xv. Failing to inspect, test, and/or maintain standpipe and hose pursuant to section 24 of this By-Law;
- xvi. Failing to implement proper housekeeping practices pursuant to section 25 of this By-Law;
- xvii. Failing to install a lockbox or failing to provide lockbox keys to the Fire Chief pursuant to section 26 of this By-Law;
- xviii. Failing to maintain a Fire Watch pursuant to section 28 of this By-Law;

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- xix. Altering, removing, or discontinuing service of a Fire Alarm System without authorization pursuant to section 29 of this By-Law;
 - xx. Storing combustible waste in excess of the amounts specified in the Code pursuant to section 29 of this By-Law;
 - xxi. Improperly storing hazardous materials pursuant to section 31 of this By-Law;
 - xxii. Failing to comply with the restrictions on the use or discharge of firearms or Fireworks pursuant to section 33 of this By-Law, including:
 - A. Exploding or lighting Fireworks on private or public property without the Owner's consent;
 - B. Exploding or lighting Fireworks on unapproved dates without a permit; or
 - C. Lighting, exploding, or activating pyrotechnic special effects without a permit;
 - xxiii. Selling Fireworks without a permit pursuant to section 34 of this By-Law; or
 - xxiv. Failing to store Fireworks properly pursuant to section 34 of this By-Law.
- b. For greater certainty and without limiting any provisions of this By-Law, the following shall constitute offences under this By-Law enforceable pursuant to the Provincial Offences Act and in accordance with the Fees and Charges By-Law:
- i. Any action or omission subject to a penalty under section 36 of this By-Law.

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PART IX: REPEAL AND ENACTMENT

38. Repeal

That By-law No. 1757/2018 hereby be repealed and replaced.

39. Transition

- a. Any action taken pursuant to a previous by-law is not affected by the repeal of said by-law, including but not limited to:
 - i. 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
 - ii. any action, suit, judgement, 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
 - iii. 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
 - iv. any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal; or
 - v. any bond, note, debenture, debt, or other obligation made, executed, or entered into by the Town at the time of such repeal.
- b. The repeal of the said by-laws shall also not defeat, disturb, invalidate, or prejudicially affect any matter or thing

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whatsoever had, done, completed, existing or pending at the time of such repeal.

40. Enactment

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

41. Validity of By-Law

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

DONE AND PASSED by Council of the Town of Altona, in open meeting, duly assembled, this 22nd day of July, 2025.



Mayor



Chief Administrative Officer

Read a first time this 8th day of July, 2025

Read a second time this 22nd day of July, 2025

Read a third time this 22nd day of July, 2025

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**SCHEDULE A – RULES AND REGULATIONS
FOR THE OPERATION OF THE FIRE DEPARTMENT**

To be determined.

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SCHEDULE B – FEES & PENALTIES

Provision of By-Law No. 1832/2025	Contravention	Administrative Penalty (\$)	Discounted Amount (\$)
4	Failure to install working Smoke Alarms	\$500	\$250
4	Failure to install working Smoke Alarms on each floor level	\$500	\$250
4	Failure to install working carbon monoxide detector	\$500	\$250
4	Failure to install working carbon monoxide detector	\$500	\$250
4	Failure to maintain exits	\$500	\$250
10	Address not posted	\$500	\$250
10	Address not visible	\$500	\$250
11	Interference with a fire hydrant	\$500	\$250
11	Use of a fire hydrant without authorization	\$500	\$250
12	Moving, tampering, damaging or discharging a fire prevention, fire suppression or rescue apparatus without authorization	\$500	\$250
16	Occupant load sign not posted	\$500	\$250
16	Occupant load exceeded	\$500	\$250

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SCHEDULE B – FEES & PENALTIES (CONTINUED)

Provision of By-Law No. 1832/2025	Contravention	Administrative Penalty (\$)	Discounted Amount (\$)
16	Exit Lighting/Exit Signs/Emergency Lighting not maintained	\$500	\$250
16	Pump not inspected/tested/maintained	\$500	\$250
16	Exit not provided	\$500	\$250
16	Exit obstructed	\$500	\$250
16	Exit has snow and ice accumulations	\$500	\$250
16	Failure to maintain Fire Department access	\$500	\$250
16	Fire separation not maintained	\$500	\$250
16	Fire safety plan not developed	\$500	\$250
16	Fire safety plan box not installed	\$500	\$250
16	Fire Department connections obstructed	\$500	\$250
17(a)	Failure to provide access to inspect	\$500	\$250
17(b)	Failure to carry out requirements of remedial orders	\$500	\$250

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SCHEDULE B – FEES & PENALTIES (CONTINUED)

Provision of By-Law No. 1832/2025	Contravention	Administrative Penalty (\$)	Discounted Amount (\$)
19(a)	Open air fire without a burning permit	\$500	\$250
20(a)	Open air fire without a burning permit requiring an Incident Response	\$1,000	\$500
20(b)	Unattended fire	\$500	\$250
21	Failure to comply with burning permit	\$500	\$250
22	Failure to properly store containers or remove fire hazard	\$500	\$250
23	Portable extinguishers not installed	\$500	\$250
23	Portable extinguishers not maintained	\$500	\$250
24	Standpipe & hose not inspected/tested/maintained	\$500	\$250
25	Housekeeping practices not implemented	\$500	\$250
26	Lockbox not installed	\$500	\$250
26	Lockbox keys not provided	\$500	\$250
28	Failure to maintain Fire Watch	\$500	\$250
29	Fire alarm system altered, removed or service discontinued without authorization	\$1,000	\$500
29	Storage of combustible waste in excess of the amounts specified in the Code	\$1,000	\$500

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SCHEDULE “B” – FEES & PENALTIES (CONTINUED)

Provision of By-Law No. 1832/2025	Contravention	Administrative Penalty (\$)	Discounted Amount (\$)
30	Service personnel not trained or certified in accordance with the applicable standards	\$500	\$250
30	Portable fire extinguishers not serviced or maintained in accordance with the applicable standard	\$500	\$250
30	Service agency not certified in accordance with the applicable standards	\$500	\$250
30	Failure of service personnel to supply training documentation prior to undertaking work	\$500	\$250
31(a)	False Alarm		
	1 st false alarm in a 12-month period	\$0	\$0
	2 nd false alarm in a 12-month period	\$250	\$150
	3 rd false alarm in a 12-month period	\$500	\$250

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SCHEDULE “B” – FEES & PENALTIES (CONTINUED)

Provision of By-Law No. 1832/2025	Contravention	Administrative Penalty (\$)	Discounted Amount (\$)
31(b)	Security Alarm Response		
	1 st response	\$250	\$150
	2 nd response in a 12-month period	\$500	\$250
	3 rd response and all subsequent responses in a 12-month period	\$1,000	\$500
32	Improper storage of hazardous materials	\$1,000	\$500
34	Exploding or lighting fireworks on private/public property without owner’s consent	\$500	\$250
34	Exploding or lighting fireworks on unapproved dates without permit	\$500	\$250
34	Lighting, exploding or activating display fireworks without permit	\$1,000	\$500
34	Lighting, exploding or activating pyrotechnic special effects without permit	\$1,000	\$500
35	Selling Fireworks without a permit	\$500	\$250
35	Failure to store fireworks properly	\$500	\$250

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SCHEDULE “B” – FEES & PENALTIES (CONTINUED)

Administration fee for completing additional forms other than of the Inspection Report (<i>per form</i>)	\$100.00
Fee for alarm response (per member)	\$20.00
Fee for alarm response (per apparatus)	\$450.00
Standby Charge for alarm responses (per hour)	\$500.00