

**BY-LAW NO. 1757/2018  
OF  
THE TOWN OF ALTONA**

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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".

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**WHEREAS** Section 232(1) of The Municipal Act provides authority for the Town to pass by-laws for municipal purposes respecting the following matter;

- (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), a by-law passed under that clause may include provisions

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

**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;
  - (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 Municipal 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 firefighting 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;

**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 and in the Manitoba Fire Code.

In this by-law:

- a. **"Authority Having Jurisdiction"** means the Fire Chief or in his or her absence the Acting Fire Chief, Deputy Fire Chief, or the responsible municipal, Provincial, or Federal Official with legal authority for controlling the subject referred to including, without restricting the generality thereof, municipal Fire Prevention Officers and Fire 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 24 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

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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 his or her behalf.
- i. **"Fire Department"** means the Fire Department for The Town of Altona, and includes a volunteer fire department.
- j. **"Fire Fighter"** means any member, including volunteers, 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. **"Fire Work"** 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.

## **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, save and except such portions as are hereinafter deleted, modified or amended, is hereby incorporated as if fully set out at length herein. Any reference to this by-law shall be 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 volunteer 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;
- 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;
- g. purchasing & 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
- 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.

### **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 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 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 may include remedial orders and impose timelines for satisfying the remedial orders in addition to imposing any fine or fee for non-compliance with the 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
- 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 written 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 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**

- a. 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 within thirty (30) days of demand, the actual costs and expenses incurred by or on behalf of the Fire Department to respond to the incident at the Property.

**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 if determined to constitute a fire hazard by the Authority Having Jurisdiction from the vicinity of the windows or doors in question to such location as authorized 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 building design does not enable the installation due to physical limitations.
- c. The following conditions will apply to lock boxes:
  - i. Only the Fire Chief 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.

### Responsibility of Contact Persons

A Contact Person must be able to attend to the Property within 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;
- 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 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**

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

**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. 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

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- 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 "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 on 90 days past due shall be added to and form part of the property taxes payable.

**31. 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.

**32. 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 (½" x ½") 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 (½" x ½") 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



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- minimum distance of 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.
  - 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 FIRE WORKS**

**33. 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 he or she, 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 Fees and Fines section of Schedule "B" of this by-law and be liable to have the 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, in addition to a fine and/ or imprisonment as set out above, be liable to have the Firearm and/ or Fireworks involved in the offence confiscated and disposed of by authorized personnel.

**34. 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 Council for a sale permit. The application must be accompanied by the applicable application and permit fees as set out

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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. Council shall set a date to review any such application for a sale permit at a regular or special meeting of Council not less than thirty (30) days following receipt of the completed application form, the application fee and permit fee for the first year. Council shall notify the applicant of the date of the hearing in respect of the application.
- d. A sale permit issued to an applicant shall be valid for a period of five (5) years from the date of issuance and subject to the following conditions:
  - i. That all Fireworks offered for sale be securely stored;
  - ii. That no Fireworks be sold to any person under the age of 18 years;
  - iii. That the applicant at all times Fireworks are displayed, offered for sale, or sold, display in the immediate of the display a sign that reads "Sale of fireworks to persons under 18 is prohibited" and the dimensions of such sign shall be not less than 30 cm by 45 cm and the letters on such sign shall be not less than 4 cm high and not less than .5 cm wide.
- e. A permit holder who wishes to renew a sale permit shall no later than thirty (30) days prior to the expiry date submit an application for renewal to the Council on a form approved by Council and accompanied by the application fee as set out in the Town of Altona Fees and Charges By-law.
- f. Council 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 contained in s. 33(d) have not been complied with.
- g. Upon refusal to grant or renew a sale permit, or upon prescribing or modifying the conditions of a sale permit, or suspending a sale permit, the former permit holder shall be notified of the decision of Council. The permit holder or former permit holder, as the case may be, may appeal the decision of Council by notice of appeal in writing delivered to the Chief Administrative Officer of the Town within thirty (30) days of the

decision. This appeal shall be heard by Council at the next regularly scheduled Council meeting. The decision of Council at the appeal hearing is final

- h. The Council may request in writing that the premises of the applicant or permit-holder be inspected by the Fire Chief at any time upon reasonable notice to the applicant or permit holder, and the applicant or permit holder shall comply with any such request. Failure by an applicant or permit-holder to comply with such a request shall constitute an offence under this By-Law and is grounds for refusing to grant or renew a sale permit or for revoking, suspending or placing conditions upon an existing sale permit.

## **PART VII: PENALTY PROVISION**

### **35. 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 his or her duty is guilty of an offence and liable on summary conviction to a fine of not less than \$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 bylaw is due and payable 30 days after an invoice setting out the amount of the monetary penalty is

sent by the Town to the Owner by registered mail or delivery and may be collected in any manner in which a tax imposed by the Town may be collected under The Municipal Act (Manitoba).

**PART VIII: REPEAL AND ENACTMENT**

**36. Repeal**

That By-law No. 1018/1980, By-Law No. 1053/1981, By-Law No. 1117/1983, By-Law 1518/1997, and By-Law 1575/2001 hereby be repealed.

**37. 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.

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

**38. Enactment**

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

**39. 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 IN COUNCIL ASSEMBLED THIS **12<sup>th</sup>** DAY OF **JUNE**, 2018.



Mayor



Chief Administrative Officer

READ A FIRST TIME THIS **22<sup>nd</sup>** DAY OF **MAY**, 2018.  
READ A SECOND TIME THIS **12<sup>th</sup>** DAY OF **JUNE**, 2018.  
READ A THIRD TIME THIS **12<sup>th</sup>** DAY OF **JUNE**, 2018.

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

To be determined.

**SCHEDULE "B" - FEES AND FINES**

<b><u>Section</u></b>	<b><u>Description</u></b>	<b><u>Fine</u></b>
<b><u>28(a)</u></b>	<b><u>False Alarm Fee</u></b>	
	1 <sup>st</sup> False Alarm in a 12-month period	No Charge
	2 <sup>nd</sup> False Alarm in a 12-month period	\$250.00
	3 <sup>rd</sup> False Alarm in a 12-month period	\$500.00
	4 <sup>th</sup> and all subsequent False Alarm in a 12-month period: \$20.00 per hour per member that responded to the page and \$450.00 per hour for each responding apparatus	
<b><u>28(b)</u></b>	<b><u>Fee For Security Alarm Response</u></b>	
	1 <sup>st</sup> Response	\$250.00
	2 <sup>nd</sup> Response within a 12-month period	\$500.00
	3 <sup>rd</sup> and all subsequent Alarms: \$20.00 per hour per member that responded to the page and \$450.00 per hour for each responding apparatus	
<b><u>28(c)</u></b>	<b><u>Standby Charge</u></b>	\$500.00 per hour



**SCHEDULE "B" – FEES AND FINES (CONTINUED)**

<u>Section</u>	<u>Description</u>	<u>Fine</u>
	<b><u>Other Fees and Fines</u></b>	
<u>4</u>	Failure to install working Smoke Alarms	\$500.00
<u>4</u>	Failure to install working Smoke Alarms on each floor level	\$500.00
<u>4</u>	Failure to install working carbon monoxide detector	\$500.00
<u>4</u>	Failure to maintain exits	\$500.00
<u>10</u>	Address not posted	\$500.00
<u>10</u>	Address not visible	\$500.00
<u>16</u>	Occupant load sign not posted	\$500.00
<u>16</u>	Occupant load exceeded	\$500.00
<u>16</u>	Exit Lighting/Exit Signs/Emergency Lighting not maintained	\$500.00
<u>16</u>	Pump not inspected/tested/maintained	\$500.00
<u>16</u>	Exit not provided	\$500.00
<u>16</u>	Exit obstructed	\$500.00

**SCHEDULE "B" - FEES AND FINES (CONTINUED)**

<u>Section</u>	<u>Description</u>	<u>Fine</u>
	<b><u>Other Fees and Fines (continued)</u></b>	
<u>16</u>	Exit has snow and Ice accumulations	\$500.00
<u>16</u>	Failure to maintain Fire Department access	\$500.00
<u>16</u>	Fire Separation not maintained	\$500.00
<u>16</u>	Fire safety plan not developed	\$1,000.00
<u>16</u>	Fire safety plan box not installed	\$500.00
<u>16</u>	Fire Department connections obstructed	\$500.00
<u>16(b)</u>	Administration fee for completing additional forms other than of the Inspection Report	\$100.00 per form
<u>16(b)</u>	Failure to provide access to inspect	\$500.00
<u>16(b)</u>	Failure to carry out requirements of remedial orders	\$500.00 per day
<u>23</u>	Portable Extinguishers not installed	\$500.00
<u>23</u>	Portable Extinguishers not maintained	\$500.00
<u>24</u>	Standpipe & Hose not inspected/tested/maintained	\$500.00

**SCHEDULE "B" – FEES AND FINES (CONTINUED)**

<u>Section</u>	<u>Description</u>	<u>Fine</u>
	<b><u>Other Fees and Fines (continued)</u></b>	
<u>25</u>	Housekeeping practices not implemented	\$500.00
<u>26</u>	Lockbox not installed	\$500.00
<u>26</u>	Lockbox keys not provided	\$500.00
<u>28</u>	Failure to maintain Fire Watch	\$500.00
<u>29</u>	Fire Alarm System, altered/removed/service discontinued without authorization	\$1,000.00
<u>29</u>	Storage of combustible waste in excess of the amounts specified in the Code.	\$500.00
<u>31</u>	Improper storage of hazardous materials	\$1,000.00
<u>33</u>	Exploding or lighting fireworks on private/public property without Owner's consent	\$500.00
<u>33</u>	Exploding or lighting fireworks on unapproved dates without permit	\$500.00
<u>33</u>	Lighting, exploding or activating display fireworks without permit	\$1,000.00
<u>33</u>	Lighting, exploding or activating pyrotechnic special effects without permit	\$1,000.00
<u>34</u>	Selling Fireworks without a permit	\$500.00

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**SCHEDULE "B" – FEES AND FINES (CONTINUED)**

<u>Section</u>	<u>Description</u>	<u>Fine</u>
	<b><u>Other Fees and Fines (continued)</u></b>	
<u>34</u>	Failure to store fireworks properly	\$500.00