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**THE RURAL MUNICIPALITY OF GIMLI
BY-LAW NO. 07-0045**

**BEING A BY-LAW OF THE RURAL MUNICIPALITY OF GIMLI TO
ESTABLISH STANDARDS AND REQUIREMENTS FOR A VARIETY OF
SITUATIONS TO PREVENT FIRES AND INCREASE LIFE SAFETY.**

WHEREAS Section 232(1) of *The Municipal Act* C.C.S.M.c.M225 provides as follows:

A council may 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;
- (c) subject to Section 233, activities or things in or on private property;
- (i) preventing and fighting fires.

WHEREAS Section 232(2) of *The Municipal Act* C.C.S.M.c.M225 provides as follows:

Without limiting the generality of subsection (1), a council may in a By-Law passed under this Division

- (a) regulate or prohibit;
- (e) subject to the regulations, provide for a system of licenses, permits or approvals, including any or all of the following:
 - (iii) prohibiting a development, activity, industry, business or thing until a license, permit or approval is granted,
 - (iv) providing that terms and conditions may be imposed on any license, permit or approval, and providing for the nature of the terms and conditions and who may impose them.

AND WHEREAS the Council of the Rural Municipality of Gimli deems it necessary and advisable to enact a By-Law to adopt the Manitoba Fire Code and to establish standards and requirements for a variety of situations to prevent fires and increase life safety;

NOW THEREFORE the Council of the Rural Municipality of Gimli in session assembled enacts as follows:

This By-Law may be cited as “**The Fire Prevention By-Law**”.

PART 1 GENERAL

DEFINITIONS

For the purposes of this by-law, the following terms shall be used:

- 1.1 **"Council or Authority having jurisdiction"**, herein after called the "Authority", means the Council of the Rural Municipality of Gimli and the duly appointed agents thereof;
- 1.2 **"Municipality"** means the Rural Municipality of Gimli;
- 1.3 **"CAO"** means the Chief Administrative Officer of the Rural Municipality of Gimli;
- 1.4 **"Fire Chief"** means the fire chief appointed by the Council of the Rural Municipality of Gimli and includes his designate;
- 1.5 **"Designated Officer"** means those individuals appointed by resolution of Council who for the purposes of this by-law, have the powers of a "designated employee";

PART 2 PERMITS

Permits issued by designated employee

- 2.1 Any permit required under this By-law must be issued by a designated employee or their delegate.

Permit may be subject to conditions

- 2.2 A permit may be issued subject to reasonable conditions designated to reduce, eliminate or mitigate nuisances or hazards to people or property associated with the activity.

Refusal to issue Permits

- 2.3 The designated employee may refuse to issue a permit where
 - a) the designated employee determines that the activity cannot be conducted without violating this By-law or a provincial or federal provision;
 - b) the designated employee determines that the applicant lacks the skills and knowledge necessary to conduct the activity safely and in compliance with this By-law or relevant provincial or federal statutory provisions;
 - c) the designated employee determines that no conditions can be imposed that would allow the activity to be conducted safely;

- d) the applicant is neither in legal possession of the property on which the activity is to take place nor has written permission from the occupant of the property to conduct the activity;
- e) the applicant has been found guilty of failing to comply with conditions imposed on a similar permit or this By-law or other relevant By-laws within the past year; or
- f) a similar permit issued to the applicant has been revoked within the past year;
- g) the applicant is not eighteen years of age or older.

Permit may be flexible

2.4 A permit may be issued for a specific occasion or for an extended period of time and may allow for more than one instance of an activity at a single area or location.

Applications for Permits

2.5 Applicants for permits must provide information reasonably required by the designated employee to assess the application, which may include, among other things:

- a) the name, address and telephone number of the applicant;
- b) the address or legal description of the land on which the applicant proposes to conduct the activity;
- c) the skill, knowledge and experience of the person or persons conducting the activity;
- d) information concerning the activity and the circumstances in which the activity will be carried on.

Obligations of Permit holder

2.6 A person to whom a permit has been issued must:

- a) comply with this By-law and the conditions imposed in the permit at all times during the term of the permit.
- b) ensure that the permit is available for examination by the Fire Chief or a designated employee at the site of the permitted activity.

Suspension and revocation of a Permit

2.7 Where a permit holder has contravened any of the conditions of a permit issued under this By-law, the provisions of this By-law or any provisions of the Manitoba Fire Code, or where the Fire Chief, his delegate or a designated employee concluded that atmospheric conditions or other circumstances make the permitted activity unsafe, that person may

- a) suspend the permit for a specified period of time or until the contravention has been remedied or specified conditions are met; or
- b) revoke the permit.

In the event that the Fire Chief believes that an outdoor fire is a threat and the person responsible for such fire is unable or unwilling to extinguish same, or if the fire is out of control, the Fire Chief may direct municipal fire suppression.

The Fire Chief's decision is final.

**PART 3
OUTDOOR FIRES AND PORTABLE BARBEQUES**

DEFINITIONS in this Part:

3.1

- i. **Approved receptacle** means an approved fire pit, approved outdoor barbeque, approved outdoor fireplace or approved outdoor warming fire receptacle described in sections 3.4, 3.5, 3.6 and 3.7.
- ii. **Open-air fire** means a fire set outdoors for any purpose, including cooking, recreation, generation of heat, the disposal of wood, stubble or crop residue and for religious or ceremonial purposes.
- iii. **Operate**, in relation to a portable barbeque, includes lighting, igniting, maintaining a fire within and cooking on a portable barbeque.
- iv. **Permit** means an open-air fire permit issued under section 3.2.
- v. **Person in charge of an open-air fire** includes a person who ignites an open-air fire and the owner, occupier or person in charge of any premises on which an open-air fire is set.
- vi. **Person in charge of a portable barbeque** includes a person who ignites a portable barbeque, the owner of the portable barbeque and the owner, occupier or person in charge of any premises on which a portable barbeque is operated.
- vii. **Portable barbeque** means any appliance manufactured and sold for the purpose of cooking food outdoors and designated to burn propane, natural gas, wood or charcoal briquettes or to use electricity as a heat source.
- viii. **Residential property** includes any land zoned for a residential occupancy within the Rural Municipality of Gimli.
- ix. **Warming Fire** means any fire set in a receptacle, usually a 50 gallon drum, for the purpose of temporarily warming a person's body, face and/or hands. Typically, such warming fire receptacles may be found at various locations such as outdoor skating rinks, winter carnivals, winter festivals, workers' picket lines, etc.

All open-air fires subject to By-law

3.2 No person shall set any open-air fire and the owner, occupier or person in charge of any premises shall not permit any open-air fire to be set or to remain lit on any premises of which he or she is the owner, occupier or person in charge, unless the fire meets the requirements of this By-law. *Deleted By-law 09-0021 Nov. 4, 2009*

3.2 a) No person shall burn any matter on any public property, public park or beach area at any time without the prior approval of the Council or Authority having jurisdiction. Application for Burning Permits shall be made at the Administrative Office of the Rural Municipality of Gimli a minimum of one month prior to the planned date for such a burn. *Amended By-law 09-0021 Nov. 4, 2009*

3.2 b) No person shall set any open-air fire and the owner, occupier or person in charge of any premises shall not permit any open-air fire to be set or to remain lit on any premises of which he or she is the owner, occupier or person in charge, unless the fire meets the requirements of this By-Law. *Amended By-law 09-0021 Nov. 4, 2009*

Open-air fire permit required

- 3.3 Subject to subsection (3.3), no person shall set any open-air fire within the Rural Municipality of Gimli, and the owner, occupier or person in charge of any premises shall not permit any open-air fire to be set or to remain lit on any premises of which he or she is the owner, occupier or person in charge, unless a designated employee has issued an open-air fire permit authorizing the fire.
- The cost of a Burning Permit shall be as per resolution of the Council of the Rural Municipality of Gimli and outlined on attached Schedule A.

When open-air fire permit not required

- 3.4 Subsection (3.2) does not apply to
- a) fires set and contained within an approved receptacle and maintained in accordance with this By-law on the grounds of a residential property;
 - b) portable barbeques that are fuelled, operated and maintained in conformance with the manufacturer's instructions;
 - c) appliances that are approved by the Canadian Gas Association (CGA), are installed, operated and maintained in conformance with the manufacturer's instructions, and are fuelled by propane or natural gas;
 - d) fires permitted in outdoor fire pits, outdoor barbeques or outdoor fireplaces provided as fixtures in campgrounds or parks within the municipality;
 - e) burning conducted by the Rural Municipality of Gimli Fire Department or persons authorized by the Chief for the purpose of training members of the Department and the public.

Requirements for fire pits

- 3.5 An approved fire pit must
- a) be enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other non-combustible materials acceptable to the Chief;
 - b) be located on a flat, level, non-combustible base and vertically clean of any overhead combustible materials such as leaves, tree branches, utility wires, etc.;
 - c) a minimum clearance of 3 meters (9.84 feet) measured from the nearest fire pit edge shall be maintained from any combustible buildings or sheds or other combustible structures such as fences, trees, hydro poles. A minimum distance of 3 meters (9.84 feet) shall also be maintained from neighboring property lines and
 - d) not be used for commercial or industrial applications.

Requirements for outdoor barbeques

- 3.6 An approved outdoor barbeque must
- a) be constructed of masonry, concrete, heavy gauge metal or other non-combustible materials acceptable to the Chief;
 - b) be located on a flat, level, non-combustible base and vertically clean of any overhead combustible materials such as leaves, tree branches, utility wires, etc.;
 - c) a minimum clearance of 3 meters (9.84 feet) measured from the nearest fire pit edge shall be maintained from any combustible buildings or sheds or other combustible structures such as fences, trees, hydro poles. A minimum distance of 3 meters (9.84 feet) shall also be maintained from neighboring property lines.

- d) be enclosed on all sides, except for any opening completely covered by a removable, non-combustible spark arrestor, grille or mesh with openings no larger than 12.7mm (1/2 inch);
- e) have a cooking surface which is at least 762mm (2.5 feet) and no more than 1219mm (4 feet) in height when measured from the surrounding grade;
- f) have a cooking surface which does not exceed 762mm (2.5 feet) in diameter and in which neither the width nor length is greater than 762mm (2.5 feet); and
- g) not be used for commercial or industrial applications.

Requirements for outdoor fireplaces

3.7 An approved fireplace must

- a) be constructed of masonry, concrete, heavy gauge metal or mesh or other non-combustible materials acceptable to the Chief;
- b) be located on a flat, level, non-combustible base and vertically clear of any overhead combustible materials such as leaves, tree branches, utility wires, etc.;
- c) a minimum clearance of 3 meters (9.84 feet) measured from the nearest fire pit edge shall be maintained from any combustible buildings or sheds or other combustible structures such as fences, trees, hydro poles. A minimum distance of 3 meters (9.84 feet) shall also be maintained from neighboring property lines.
- d) have a chimney designed and constructed as a proportional and integral part of the fireplace to ensure that an adequate draft is created;
- e) have its chimney opening entirely covered by a non-combustible spark arrestor, grille or mesh with openings no larger than 12.7mm (1/2 inch);
- f) have a side opening to the fire chamber which does not exceed 6 square feet in area, and in which neither the width nor length is greater than 762mm (2.5) feet;
- g) has its side opening entirely covered by a non-combustible spark arrestor, grille or mesh with openings no larger than 12.7mm (1/2 inch);
- h) not used for commercial or industrial applications; and
- i) be installed as per the manufacturer's instructions.

Requirements for outdoor warming fire receptacles

3.8 An approved outdoor warming fire receptacle must

- a) be a metal receptacle in good repair that has a maximum capacity of 225 litres (50 gallons);
- b) be fuelled only by clean wood; and
- c) not be fuelled by garbage, rubber, plastic, painted or chemically treated wood.

Rules regarding all open-air fires

3.9 A person in charge of an open-air fire must ensure that:

- a) the fire is always supervised by a person 18 years of age or older who is competent and capable of controlling it until and unless it is fully extinguished;
- b) the fire is always kept under control;
- c) a means of extinguishment such as a portable fire extinguisher, an adequate supply of water, sand or some other means of controlling and extinguishing the fire is readily accessible and available on-site;
- d) the fire is not set or maintained in conditions or locations which will or could result in:

- i. smoke which causes a nuisance, discomfort, a hazard or irritation to health or a loss of enjoyment or normal use of any neighboring or adjacent properties. If smoke from an open-air fire causes an unreasonable interference with the use and enjoyment of another person's property, the fire shall be extinguished immediately;
- ii. reduced visibility on an highway or road;
- iii. a rapid spread of fire through grass or brushed areas;
- e) the fire is not set or maintained when the wind exceeds 25 kilometres (15 miles) per hour;
- f) the fire is not set or maintained during extreme drought conditions whereby such utilization may cause an undue fire hazard;
- g) only clean, dry seasoned wood or charcoal briquettes may be burned.
- h) no person shall burn wet or damp wood which may contribute greatly to heavy smoke propagation;
- i) there is no burning of garbage, rubbish, debris, previously painted or treated wood or any other fuel which when burned, may result in the release of dense smoke or obnoxious odors
- j) all fires are limited in size so that they are readily controllable;
- k) if the fire becomes uncontrollable or spreads beyond its assigned limits, the Fire Department is alerted by calling 911.
- l) All fires are completely extinguished before leaving the site.

Rules regarding backyard fires in receptacles

- 3.10 A person in charge of an open-air fire must ensure that
- a) the fire is maintained within an approved receptacle;
 - b) the fire is maintained a minimum of 3 metres (9.84 feet), as measured from the nearest edge of the fire, from any combustible buildings or structures, combustible fences, trees and overhead wires;
 - c) only clean, seasoned, dry unpainted and untreated wood is burned;
 - d) nothing that causes excessive amounts of smoke that disturbs others is burned.

Obligations of person in charge of portable barbeque

- 3.11 A person in charge of a portable barbeque must ensure that it is
- a) operated only out of doors in a well ventilated area;
 - b) operated and maintained in accordance with the manufacturer's instructions;
 - c) not operated within 1 metre (39"), or such greater distance as may be recommended by the manufacturer of the portable barbeque, of combustible materials; and
 - d) not left unattended when lit.

Operation of portable barbeque near buildings

- 3.12 No one may operate a portable barbeque within 20 feet of any building unless it
- a) is located in the yard of a single family dwelling;
 - b) uses electricity or natural gas as a heat source; or
 - c) uses propane as fuel and equipped with a Quick Connect Coupling Valve and Overfill Protection Device.

Operation of portable barbeque on balcony, patio or deck

3.13 **Notwithstanding subsections (3.10) and (3.11), no one may operate a portable barbeque that uses solid fuel on a balcony, patio or deck of a multiple family dwelling.**

Storage and handling of propane storage cylinders (tanks)

3.14 The owner of a propane storage cylinder designed for use on a portable barbeque and the occupant of the premises in which the cylinder is located must ensure that, whether attached to a portable barbeque or not, the cylinder is

- a) maintained in an upright position at all times;
- b) shut off at the valve when not in use;
- c) not stored in a vehicle, building, or below grade; and
- d) unless attached to a portable barbeque, not stored within 2 metres (6.5 feet) of a portable barbeque.

Storage of propane storage cylinders on balconies

3.15 The owner of a propane storage cylinder designed for use on a portable barbeque and the occupant of premises must ensure that a propane storage cylinder designed for use on a portable barbeque is only stored on a balcony if:

- a) the balcony is not enclosed by screen or glass;
- b) no more than two 20 pound tanks are stored on any balcony, including any tank attached to a portable barbeque;
- c) tank valves are not nearer than 1 metre (39 inches) from any door or window that is lower than the valve.

REQUIREMENTS FOR BURING STUBBLE, CROP RESIDUE or BRUSH PILES CREATED FROM CLEARING OF LAND

3.16 Subsequent to initiating any open air burning of crop residues, the Applicant herein named must:

- a) Retain the permit on-site and produce such permit for examination upon request by the Authority or their delegate.
- b) Contact Manitoba Agriculture at 1-800-265-1233 for the status of permitted residue burning prior to any burning.
- c) Conduct all burning only during the hours specified by Manitoba Agriculture; (Restricted to day-light hours only).
- d) Conduct a test fire to determine wind and smoke characteristics and ensure that smoke will not create an unreasonable hazard to people's health or negatively impact visibility on neighboring roadways or highways. Cease all burning if smoke drifts toward or enters populated areas.
- e) Immediately cease all burning operations and extinguish all ignited crop residues upon receiving a valid complaint.
- f) Supervise fire at all times.
- g) Properly fire guard the burn area to prevent the fire from spreading.
- h) Provide suitable tillage equipment capable of controlling the burn area and preventing the unwanted spread of fire to areas unintended for burning.
- i) Maintain the size of the burn area(s) so as to allow for easy control and rapid extinguishment, if necessary.

PART 4
SMOKE ALARMS IN RESIDENTIAL RENTAL UNITS

Definitions

4. In this Part,

Residential rental unit means any dwelling unit that is used or intended to be used to provide sleeping accommodations for one or more persons on a rental basis and, without limiting the generality of the foregoing, includes a house, condominium, apartment, suite, hotel or motel room, room in a rooming house, dormitory room and room in a boarding house, but does not include any dwelling unit occupied by its owner.

Acceptable smoke alarm means a smoke alarm that

- a) has a permanent connection to an electrical circuit; or
 - b) is powered by a ten-year lithium battery or power source
- and is approved by the designated employee.

Smoke alarms mandatory in residential rental units

4.1 The owner of a residential rental unit must ensure that all smoke alarms are installed and maintained in accordance with this Part.

Installation of smoke alarms in residential rental units

4.2 Except where a provision of this By-law provides otherwise, smoke alarms in a Residential rental unit must be installed in accordance with the most recent edition of the “Standard for the Installation of Smoke-Alarms”, published by the Underwriters’ Laboratories of Canada and approved by the Standards Council of Canada.

Minimum number of smoke alarms

4.3 At least one acceptable smoke alarm must be installed and maintained in every residential rental unit.

Smoke alarms in sleeping area

4.4 Where a cooking area is directly accessible from a sleeping area in a residential unit, an acceptable smoke alarm must be installed and maintained within the sleeping area.

Pause, hush, silencer or false alarm feature

4.5 A smoke alarm located

- a) in a residential rental unit that consists of a single room;
 - b) within ten feet of the entrance to a bathroom;
 - c) within ten feet of a cooking area; or
 - d) within ten feet of a cooking appliance in a motel or hotel room;
- must be equipped with a pause, hush, silencer or false alarm control feature.

Alternative location may be permitted

4.6 Where it is not possible or reasonable to achieve compliance with this section, the Fire

Chief may approve an alternate location for an approved smoke alarm.

No replacement of “hardwired” smoke alarms

4.7 An owner of a residential rental unit must not replace an approved smoke alarm that has a permanent connection to an electrical circuit with a smoke alarm powered by another source.

Tampering, removal, etc. of smoke alarms

4.8 Except to repair or replace it, no person shall damage, tamper with, destroy, disconnect or remove an approved smoke alarm after it has been installed.

Photoelectric smoke alarm may be required

4.9 Where a smoke alarm has been damaged, tampered with, destroyed, disconnected or removed or has actuated false alarms on two or more occasions within a twelve month period, the Fire Chief may require the installation of a photoelectric smoke alarm that meets the requirements he finds to be acceptable.

Smoke Alarm Records

4.10 The owner of a residential unit must

- a) at the outset of each new tenancy and at least annually thereafter, ensure that smoke alarms are maintained and tested and, if necessary, that batteries or the alarms are replaced in compliance according to published standards of the Underwriters Laboratory of Canada and approved by the Standards Council of Canada;
- b) record the information required in Schedule “B” and retain this record for at least two years at or near the site of the residential rental unit.

Owner’s Responsibility To Tenants

4.11 The owner of a residential rental unit must supply each tenant with a copy of Schedule “C” at the outset of each new tenancy and at the time of each annual smoke alarm inspection and test.

**PART 5
FIRE PROTECTION/LIFE SAFETY INSTALLATIONS**

Definitions

5 In this Part

Fire alarm system means a system of interconnected devices operating in a coordinated manner to provide early warning of a fire.

Fire protection/life safety installation means an item listed in Schedule “D” and that is Required by the Manitoba Fire Code to be tested, inspected or cleaned.

Label means an informational sticker required to be affixed to a fire protection/life safety installation by this Part.

Qualified service person means an individual who is authorized by this By-law to test, inspect or clean a fire protection/life safety installation in compliance with the Manitoba Fire Code.

Inspection and testing of fire protection/life safety systems required

- 5.1 The owner of a building must ensure that an existing protection/life safety installation listed in Schedule “D” is inspected, tested and maintained as required by the Manitoba Fire Code by a qualified service person listed for that fire protection/life safety installation in Schedule “D”.

Qualified service person

- 5.2 Subject to subsection 5.5, only an individual who meets the qualifications set out in Schedule “D” for a particular fire protection/life safety installation is a qualified service person with respect to that fire protection/life safety installation.

Chief may determine some qualifications

- 5.3 Where specified in Schedule “D”, the Fire Chief may establish standards and qualifications that individuals must meet in order to be a qualified service person.

Qualifications may be based on education or certification

- 5.4 The standards and qualifications referred to in subsection (5.3) may be based on an individual having completed training or educational courses or having received a certification designation that the Fire Chief considers sufficient evidence of that individual’s competence in performing the test, inspection or cleaning required with respect to particular fire protection/life safety installation or class thereof.

Service personnel qualifications

- 5.5 Notwithstanding subsection 5.2, where an individual does not hold the qualifications set out in Schedule “D” for a particular fire protection/life safety installation, the Fire Chief may designate that person as a qualified service person with respect to that fire protection/life safety installation if the individual provides evidence to the satisfaction of the Fire Chief of his or her competence to perform the tests, inspections or cleaning required by the Manitoba Fire Code with respect to that fire protection/life safety installation.

Label requirements

- 5.6 The owner of a building must ensure that a valid, up-to-date label conforming with this By-Law is affixed to each fire protection/life safety installation specified in Schedule “D”
- a) at the location;
 - b) at the point in time; and
 - c) by a qualified service person
- specified in Schedule “D”.

Additional label requirements

- 5.7 Subject to subsection (5.8), the label
- a) must be applied with adhesive so that it cannot be easily removed;
 - b) must not obscure any visual indicators or instruction on the fire protection/life safety installation;
 - c) must not interfere with any locking device or the operation of the fire protection/life safety installation; and
 - d) must be legible at all times.

Exception for hose systems

5.8 Notwithstanding subsection (5.7), a label may be attached to a hose system by way of a string or wire rather than being applied with adhesive.

Expired labels

5.9 The owner of a building must ensure that expired labels are removed from the fire protection/life safety installation or are entirely covered by a valid, up-to-date label.

Contents of label

5.10 The label must contain:

- a) a statement that the fire protection/life safety installation has been inspected, tested or cleaned in accordance with the Manitoba Fire Code;
- b) the date of the inspection, test or cleaning;
- c) the date on which the next inspection, test or cleaning is required;
- d) the address of the property at which the fire protection/life safety installation was tested, inspected or cleaned;
- e) the name and signature of the qualified service person who conducted the inspection, test or cleaning and the company by whom the person was employed, if applicable;
- f) either a statement that the installation is fully functional or a statement that the installation is not fully functional;
- g) either a statement that the system has deficiencies or a statement that the system does not have deficiencies; and
- h) a statement that the label does not substitute for a report on the inspection, test or cleaning where such a report is required by the Manitoba Fire Code.

Label where deficiencies are corrected

5.11 Where deficiencies identified in an inspection, test or cleaning have been corrected after a Label referring to the deficiencies has been affixed to the fire protection/life safety installation, the owner of a building must ensure that a new label that reflects the fact that the deficiencies have been corrected is affixed to the fire protection/life safety installation.

Content of label where deficiencies are corrected

5.12 Where a label is affixed in compliance with subsection (5.10), the date of inspection set out on the label shall be the date of the original inspection and the date on which the next inspection, test or cleaning is required set out on the new label shall be calculated from the date of the original inspection.

Offence

5.13 Every person commits an offence who

- a) is not a qualified service person and provides information on a label; or
- b) provides false information on a label.

Inoperable fire alarm system

5.14 The owner of a building must ensure that a fire alarm system is operable at all times.

Qualified service person as agent of owner

- 5.15 The owner of a building may set out on the label the name, address and telephone number of a qualified service person who is authorized by the owner to act as the owner's agent and at the owner's expense to make the fire alarm system operable when it is inoperable.

Inoperable fire alarm system constitutes an emergency

- 5.16 Where a fire alarm system is inoperable and where the owner or a qualified service person identified on the label as the owner's agent, if any, are unable to make the system operable forthwith, the Fire Chief or his designate, or a designated employee of the municipality, may take whatever actions or measures are necessary to meet the emergency, including evacuating the building.

PART 6 FIREWORKS

Definitions

6. In this Part
- Fireworks** means those items included in Class 7 of the *Explosives Regulations*, CRC c.99 and includes low hazard fireworks, high hazard fireworks and pyrotechnic special effects.
- Fireworks display** means any occasion in which fireworks are ignited, fired or set off.
- Fireworks supervisor** means an individual who has been certified by the Explosives Regulatory Division of Natural Resources Canada to supervise fireworks displays.
- High hazard fireworks** means fireworks in Class 7, Division 2, Subdivision 2 of the *Explosives Regulations*, CRC c.599.
- Low hazard fireworks** means fireworks in Class 7, Division 2, Subdivision 1 of the *Explosives Regulations*, CRC c.599.
- Pyrotechnic special effects** means fireworks to which the Pyrotechnics Special Effects Manual, Edition 2, published by the Explosives Regulatory Division of Natural Resources Canada applies and includes black powder bombs, bullet effects, flash powder, smoke compositions, gerbs, lances and wheels.

Unauthorized fireworks prohibited

- 6.1 No person shall
- a) possess;
 - b) ignite, fire or set off or cause to be ignited, fired or set off;
 - c) sell, cause or permit to be sold or offer for sale
- any fireworks, except those on a list maintained by the Chief Inspector of Explosives for the Government of Canada pursuant to section 24 of *The Explosives Regulation*, CRC c.599.

Sale of fireworks to persons under 18 prohibited

- 6.2 No person may sell, offer for sale or distribute any fireworks, and no person being the owner, occupant or person in charge of any premises may permit any fireworks to be sold, offered for sale or distributed on the premises to anyone under eighteen years of age.

Fireworks for sale must be inaccessible to public

- 6.3 Any person who sells, offers for sale or distributes fireworks or who, being the owner, occupant or person in charge of any premises, permits any fireworks to be sold, offered or sale or distributed on the premises must ensure that the fireworks being offered for sale are either packaged or stored in a manner that prevents members of the public from having direct physical contact with the fireworks other than under the supervision of the permit holder or the permit holder's agent.

Distributor must provide information

- 6.4 Any person who sells, offers for sale or distributes fireworks must provide at the time of the sale or distribution, printed information in a form approved by the Chief, advising the purchaser or recipient of the fireworks of the requirements of this by-law.

High hazard fireworks authorized by Fire Chief

- 6.5 Any display involving high hazard fireworks or pyrotechnic special effects must be authorized, in writing, by the Fire Chief of the Rural Municipality of Gimli or his delegate.

High hazard fireworks; Insurance required

- 6.5 Authorization for high hazard fireworks or pyrotechnic special effects will not be granted until the applicant provides evidence that he or she has obtained insurance for the display of a type and in an amount sufficient to provide reasonable coverage for any accidental harm that may result from the fireworks display.

Persons under 18 prohibited from setting off fireworks

- 6.6 No person under the age of 18 years may ignite, fire or set off any fireworks or cause any fireworks to be ignited, fired or set off.

Fireworks must not cause danger or create nuisance

- 6.7 No person may ignite, fire or set off any fireworks or cause any fireworks to be ignite, fired or set off in a place or in a manner that might cause a danger to people or property or that might create a nuisance.
The maximum amount of time from start to finish of fireworks display may not exceed 30 minutes.

Fireworks prohibited on streets or public places

- 6.8 No person may ignite, fire or set off any fireworks or cause any fireworks to be ignited, fired or set off in or into any highway, street, lane, square or any other public place except as otherwise permitted by this by-law or with the written authorization of the Fire Chief of the Rural Municipality of Gimli.

Safety precautions required in fireworks display

- 6.9 A person who ignites, fires or sets off fireworks must do so in a manner consistent with the safety of people and property and, in particular, may do so only while:
- a) safeguards are in place to keep spectators at a safe distance; and
 - b) suitable fire extinguishing equipment is at hand.

Unused fireworks must be disposed of

6.10 Immediately following a fireworks display, a person who ignited, fired or set off any fireworks or who caused fireworks to be ignited, fired or set off shall ensure that all unused fireworks are removed and safely disposed of.

Fireworks on Municipal property

6.11 Subject to subsection 12, no person may ignite, fire or set off fireworks on or over land owned by the Rural Municipality of Gimli or over which the RM has possession or control unless the person has:

- a) obtained permission to do so from the Council and Fire Chief of the Rural Municipality of Gimli;
- b) agreed in writing to assume all liability associated with the fireworks display, fully indemnifying the Rural Municipality of Gimli and saving it harmless from any liability associated with the fireworks display; and
- c) deposited with the Chief Administrative Officer of the Rural Municipality of Gimli a certificate of insurance that, in the opinion of the CAO, is sufficient to provide the indemnification referred to in clause b).

Exemptions

6.12 Clauses b) and c) of subsection 6.11 do not apply to fireworks ignited, fired or set off by individuals while acting out of or in the course of their duties as members of the Gimli Fire Department, and other entities for which insurance is purchased by the Rural Municipality of Gimli.

PART 7 MISCELLANEOUS

Compliance with other legislation

7.1 Nothing in this By-law reduces or eliminates the obligation of any person to comply with the requirements of statutes or regulations of the Manitoba Legislature, other Rural Municipality of Gimli by-laws or relevant Codes.

Conflict with other by-laws

7.2 To the extent that it is not possible to comply with the requirements of this by-law and the requirements of any other Rural Municipality of Gimli by-law, the requirements of this by-law shall apply.

Schedules

7.3 Schedules "A", "B", "C" and "D", attached hereto, form an integral part of this by-law.

Fees to be charged

7.4 The fees set out in Schedule "A" shall be charged by the Fire Chief of the Rural Municipality of Gimli for the inspections and other items set out in Schedule "A".

Penalty for failing to pay inspection fee

7.5 A person who fails to pay an inspection fee as required by Schedule "A" commits an offence and is punishable upon summary conviction by a minimum fine of no less than double the amount of the fee.

**PART 8
OFFENCES/FINES**

8.1 Any person who violates, contravenes, disobeys or refuses, omits, neglects or fails to observe or comply with any of the provisions of the By-Law, is liable for each offence, as determined by the CAO, Fire Chief or their delegate.

8.2 Any person convicted of a violation or infraction of any of the provisions of this By-Law, shall be liable for each offence to a penalty not exceeding Five Hundred Dollars (\$500.00) and all associated costs and will be subject to imprisonment for a period not exceeding Ninety (90) days.

8.3 Enforcement of Crop Residue burning can be enforced by Environment Offices from Manitoba Conservation, RCMP or Municipal officials. Such burning infractions will be dealt with under the *Summary Convictions Act*. Enforcement may also be carried out by laying a charge directly under the *Environment Act*. Where an infraction has occurred, the standard fine for a first time offence is set at \$2,107 including costs and surcharges under the *Summary Convictions Act*. In addition, an "Extinguish Order" will be issued, which, if not complied with, will trigger further charges. If not complied with, charges will be laid plus the fire will be ordered extinguished by the local Fire Department. Provisions of the regulation allow for bill-back to the offender for such extinguishment costs.

8.4 The Authority may collect all fines and costs against the person by any lawful means available for the collection of outstanding taxes, including, without limitation, adding fines and costs to the realty taxes of a property owned by the person convicted of the offence.

THAT By-Law 03-0011, By-Law 04-0006 and all associated amendments are hereby repealed.

THAT this By-Law shall be in full force and effect from and after its passage, approval and recordings as provided by law.

DONE AND PASSED in open Council assembled at the Council Chambers of the Rural Municipality of Gimli this 9th day of April, 2008.

Mayor

Chief Administrative Officer

Read a first time this 26th day of September, A.D., 2007.

Read a second time this 9th day of April, A.D., 2008.

Read a third time this 9th day of April, A.D., 2008.