

RURAL MUNICIPALITY OF LAC DU BONNET

BY-LAW NO. 22-10

Being a By-Law of the Rural Municipality of Lac du Bonnet to provide for Fire Fighting, Fire Prevention, Rescue Services, the related regulation of fire and other hazards, the adoption of the Manitoba Fire Code, and for establishing, continuing, and operating an emergency service for the Rural Municipality and to repeal By-Law 01-02.

Whereas Sub-section 232 (1) (a) of The Municipal Act S.M. 1996, c. 58 – Cap. M225 (TMA) provides that Council may by by-law pass regulations respecting the following matters:

- a. safety, health, protection and well-being of people, and the safety and protection of property
- b. Preventing and fighting fires, ...
- c. The enforcement of by-laws, ...

And whereas Section 264 of TMA requires that every municipality must provide fire protection services within its boundary, 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 Section 266 of TMA provides that a municipality may enter into agreements for the provision of fire protection services within the municipality;

And whereas Section 268 of TMA provides that a municipal fire protection force may provide other services, including the prevention and relief of illness and injury and the preservation of life and property.

And whereas Section 269 of TMA requires that a designated officer, appointed as a local assistant under The Fires Prevention and Emergency Response Act must enforce in the municipality any regulations that the fire Commissioner of Manitoba directs him or her to enforce.

And whereas it is deemed expedient and in the public interest to establish, continue, and maintain fire prevention, fire fighting and emergency services and standards in the RM of Lac du Bonnet.

And whereas it is deemed necessary that By-law No.24-80 and No. 1-02 be rescinded and replaced by a more explicit by-law;

Now therefore the Council of the Rural Municipality of Lac du Bonnet in session assembled in open Council, doth enact as follows:

SECTION 1

SHORT TITLE

- 1.1 This By-law may be referred to as "The Rural Municipality and Town of Lac du Bonnet Fire Services Bylaw."

SECTION 2

INTERPRETATION AND DEFINITIONS

2.1 Interpretation

It is the purpose of this by-law to establish the standards for: fire prevention, fire fighting, life safety and rescue services in buildings; the prevention, containment and fighting of fires originating outside buildings which may present a hazard to all or part of the Municipality; the operation of Emergency Services; the transportation and storage of flammable and combustible substances.

2.2 Definitions

- 2.2.1 Unless otherwise provided, or unless the context otherwise requires, words and expressions in this by-law have the same meaning and effect as they have in the Act, and in the Code;
- 2.2.2 In this by-law, words importing the singular number only shall include the plural and vice versa, and words importing gender shall include all genders;
- 2.2.3 In this by-law:
- Act** - shall mean The Manitoba Municipal Act S.M. 1996,c58,C.C.S.M.cM225 as amended from time to time.
- Approved** - shall mean passed by a resolution passed by both the Council of the Town of Lac du Bonnet and the Council of the R.M. of Lac du Bonnet based on a recommendation from the Fire Committee.
- Authority Having Jurisdiction** - shall mean the Fire Chief, Acting Fire Chief, Deputy Fire Chief, or the responsible Municipal, Provincial, or Federal official with legal authority for controlling the subject referred to, which includes, without restricting the generality thereof, municipal Fire Prevention Officers and Fire Inspectors.
- Chief** - shall mean the Fire Chief of the Town and Rural Municipality of Lac du Bonnet Fire Department as appointed by the Council of the Town of Lac du Bonnet and the Council of the R.M. of Lac du Bonnet from time to time.
- Code** - shall mean the Manitoba Fire Code being regulation No. 163/98 of The Fires Prevention Act R.S.M. 1987, c.F80, C.C.S.M.F80, as amended from time to time, or any subsequent Manitoba Fire Code which may be enacted.
- Council** - shall mean the council of The Town of Lac du Bonnet or Council of Rural Municipality of Lac du Bonnet
- Emergency Services** - shall include, but is not limited to , all fire protection services provided at the site of an emergency for the purpose of preserving life and property and protecting persons and property from injury or destruction by fire, preventing and extinguishing fires, investigating the cause and origin of fires, purchasing and operating apparatus and equipment for fire fighting and the preservation of life and property, and preventing and mitigating other potential risks to life and property as defined by Council.
- Fire Committee** - shall mean the committee established by the Rural Municipality of Lac du Bonnet and the Town of Lac du Bonnet consisting of members of Council so designated.
- Fire Department** - shall mean the Fire Department for the Town of Lac du Bonnet and the R.M. of Lac du Bonnet, and includes any part time or volunteers or any combination of part time and volunteer.
- Fire Fighter** - shall mean any member, including volunteers, of the Fire Department while their services are actually engaged by the Municipality for the purpose of providing Emergency Services or otherwise enforcing the provisions of this by-law.
- Fire Inspector** - shall mean the inspector or any other person or agency employed by or acting for the Town and RM of Lac du Bonnet, partially or wholly responsible for fire safety within the Town and RM.
- Member** - shall have the same meaning as Fire Fighter.
- Mutual Aid District** - shall mean the Northeast Mutual Aid District and joint agreements thereto;

On Duty - shall refer to the time elapsed from the time when a Fire Fighter is notified for an emergency until he returns to his place of residence or location where such notice was received. The same shall apply to training sessions, meetings, and public education functions. This shall also include any medical conditions that may develop as a result of the response to a Fire Department Emergency.

Rural Municipality - shall mean the Rural Municipality of Lac du Bonnet

Town - shall mean the Town of Lac du Bonnet

SECTION 3 ADMINISTRATION

3.1 Adoption of Fire Code

The Rural Municipality/Town hereby adopts the Code as part of this by-law, save and except such portions as are hereinafter deleted, modified or amended and 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.

3.2 Manitoba Building Code and Manitoba Fire Code

3.2.1 The Manitoba Building Code and the Manitoba Fire Code that are now or might in the future exist are hereby enacted as part of the by-law except that if there is any difference or conflict between the provisions of this by-law and the provisions of the said Codes, the provision of this by-law shall prevail.

3.2.2 Except as provided in subsection 3.2.1 hereof, every section, subsection, paragraph, subparagraph or provision of the said Codes shall be considered a part of this by-law, as fully as if each section, subsection, paragraph, subparagraph or provision had reproduced in this by-law.

3.3 Recovery of Costs

Subject to any agreements to the contrary, where any type of Emergency Services have been taken within the Rural Municipality/Town, including responding to a false action, the Rural Municipality/Town may, in respect of any related costs incurred in taking such action, charge such costs to the person who caused the fire or incident, or the owner or occupant of the land or property in respect to which the action was taken. Further, the Rural Municipality/Town may proceed to collect any costs against the person by any means available to it in law for the collection of outstanding taxes, including, without limitation, adding the costs to the realty taxes on any property owned by the person within the Municipality, as per By-Law No. 25-02, Schedule A.

SECTION 4 CREATION OF FIRE DEPARTMENTS

4.1 Establishment of Department

There is hereby established and continued a fire protection force called "The Lac du Bonnet Fire Department: (hereinafter called "the Fire Department") which shall be under the management and control of the Fire Chief appointed by the Council of the Rural Municipality and Town of Lac du Bonnet.

4.2 Personnel

4.2.1 The Fire Department shall consist of the Fire Chief, Deputy Chief, captains, and such number of volunteers as from time to time may be deemed necessary by the Council to efficiently perform the work of the Fire Department.

4.2.2 Save as to powers expressly delegated hereunder, the administration, operation and affairs of the Fire Department shall be subject to the directives of and under the supervision of council which shall appoint one of its members to maintain communication between council and the Fire Department.

- 4.2.3 The Fire Chief and Deputy Chief/s shall be appointed by by-law and shall hold office at the pleasure of council. If more than one Deputy Chief is appointed, the by-law shall specify the order of seniority. All other members of the Fire Department shall be appointed by resolution of Council.
- 4.2.4 The Fire Chief shall, subject to the directives and supervision of Council be responsible for the management and control of the Fire Department and shall perform such duties as are assigned to him by this by-law.
- 4.2.5 It shall be the duty of the Fire Chief:
- (a) To at least once a month, conduct suitable drills or instruction in: the operation and handling of equipment, fire prevention, water supplies, rescue work and first aid and all other matters generally considered essential to good firemanship and safety of life and property from fire.
- 4.2.6 It shall be the duty of the Fire Chief:
- (a) To ensure that the rules and regulations and any orders or directives of Council are promptly enforced and obeyed.
- 4.2.7 The Deputy Chief shall be the second senior officer of the Fire Department; he shall assist the Fire Chief in the performance of his duties, and during the absence or inability of the Fire Chief, for any reason, shall have all the powers and perform all the duties of the Fire Chief.
- 4.2.8 The Fire Chief may appoint one or more captains from among the members of the Fire Department who shall assume the responsibilities designated to him/them by the Fire Chief.
- 4.2.9 The Fire Chief, Deputy Chief/s, captains and other members of the Fire Department shall be remunerated by the Municipality at such rate or rates as may be fixed by council for time spent at fire drills or training, fighting fires or other hazards, and caring for or maintaining the apparatus of the Fire Department.
- 4.2.10 (a) The Fire Chief shall have the power, from time to time, to make such rules and regulations as he may consider necessary for the government and good order of the Fire department and for the management and extinguishment of fires and the handling of other hazards and, without restricting the generality of the foregoing,
- (i) for the care and protection of all property belonging to the Fire Department;
- (ii) for the procedures to be followed by members in answering fire calls and responding to other emergencies, and
- (iii) for the discipline of officers and members of the Fire Department.
- (b) The Fire Chief may reprimand, suspend, or may dismiss any member for insubordination, inefficiency, misconduct, or for non compliance with any of the provisions of this by-law, general departmental orders and Standard Operating Procedures that in the opinion of the Fire Chief would be detrimental to discipline, efficiency and safety within the Fire and Rescue Service.
- (c) Following the suspension of any member, the Fire Chief shall report to the C.A.O. in writing within 24 hours of the suspension.
- (d) A member shall not be dismissed without being afforded an opportunity for a hearing before the C.A.O. The member must make a written request for such a hearing within seven (7) days after receiving notice of dismissal.
- 4.2.11 Members attending to legal proceeding on behalf of the municipality will be covered for the loss of wages at the rate of the employee's regular wage (actual wage with proof being submitted to the Fire Chief) while the member is away from his regular employment minus any fee paid to the witness by the court. If the member is on a scheduled day off from regular employment during such proceedings, the members will be entitled to payment from the service at their hourly rate as a member of the fire service.

4.3 General Requirements for All Departmental Members

- 4.3.1 All members will strictly adhere to the requirements of the PHIA. Personal Health Information of a patient or an individual member shall not be discussed outside the Department. Incident information shall not be discussed outside the Department without specific authorization from the Chief or such other authority as approved.
- 4.3.2 No member shall be permitted to report for, or remain On Duty, if his ability is impaired by the use of an intoxicating beverage or under the influence of any narcotic, prescription drug or any substance that may cause impaired judgment.
- 4.3.3 Only personnel authorized by the Chief shall be allowed to ride in or operate any emergency vehicle.
- 4.3.4 All members shall comply with the provisions of The Highway Traffic Act, S.M. 1985-86, c.3, C.C.S.M. H60
- 4.3.5 Every member of the department appointed for fire fighting duties is subject to a medical examination at such times as the Chief of the department may require or as stated through approved Statements of Municipal Policy.
- 4.3.6 The Town and the Rural Municipality shall indemnify and save harmless any and all member of the Department for any loss, damage or expense suffered by such member as a result of the performance of his duty as a member of the department, so long as the member is not in contravention of any requirements of approved departmental policy or this by-law.
- 4.3.7 All members shall comply with all provisions of this by-law along with the duties and responsibilities stated in "Schedule A" attached, or any general order or approved department policies that are issued by the Chief.
- 4.3.8 All members are required to report to the Chief immediately if they are knowingly unfit or not capable of performing firefighter duties. Also if a member has a claim open under Workers compensation or any claim open under any type of insurance plan the member will be required to submit a doctor's report, at their own cost, that will state the member is capable of performing full fire fighting duties. Light duties and/or administrative functions may be allowed at the Chief's discretion if the doctor's report allows such duties. No member will be permitted to return to full active duty without a doctor's certificate allowing such duties to be performed. Members not able to perform light duties or administrative function will be on a leave of absence for a period of time until they are deemed medically fit.
- 4.3.9 All members shall conduct themselves in a professional manner at all times and will respect all persons and property they are engaged with when acting as a member of the Fire Department.
- 4.3.10 All members, including Officers, shall exercise safety in all Fire Department activities in accordance with the Workplace Safety and Health Act.
- 4.3.11 All members of the Department shall be at least 18 years of age.
- 4.3.12 Members shall be physically capable of performing the duties of the position.
- 4.3.13 Produce a physician's letter at their own expense prior to employment stating that the candidate is capable of performing duties as a member of the fire and rescue service.
- 4.3.14 Upon request, will produce at their own expense prior to employment a current (within previous 3 months) criminal record check and Child Abuse Registry Check for which a pardon has been granted.
- 4.3.15 Obtain a Class 4 license with air brake endorsement within a reasonable time frame as deemed appropriate by the Fire Chief.
- 4.3.16 Adhere to the R.M. of Lac du Bonnet Code of Ethics and the Service's Code of Conduct.

- 4.3.17 Refrain from smoking at emergency scenes or training sessions except for designated areas.
- 4.3.18 Comply with the provisions of the Highway Traffic Act and the Standard Operating Procedure in the operation of their private vehicle or department apparatus when responding to a call for service. Members of the service will conduct themselves in a professional manner at all times.
- 4.3.19 Exercise safety procedures at all fire departments activities in accordance with the Standard Operating Procedures (Safety Section) and the Workplace Safety and Health Act.

4.4. Indemnification

The municipality shall indemnify and save harmless any and all members of the service for any loss, damage or expenses suffered by such member as a result of the performance of his duty as a member of the service, so long as the member is not in contravention of any requirements of this By-law or Operating Guidelines.

4.5 Responsibility of the Fire Committee

There is hereby created a Fire Committee for the Municipality and Town of Lac du Bonnet, to be comprised of members as set out by each council as per Schedule C.

4.6 General Requirements and Responsibilities of the Fire Chief

- 4.6.1 It shall be the duty of the Fire Chief to insure that all fire and emergency reporting requirements are accurately completed.
- 4.6.2 To report to the office of the Fire Commissioner the facts in any case in which he has reason to suppose that loss by fire or other hazard has been occasioned by arson or criminal negligence or in which he deems an offence has been committed under The Fire Prevention Act.
- 4.6.3 To co-operate with and assist the Office of the Fire Commissioner or the police or any other authority in any inquiry into or investigation of the cause of fire or other emergency or of any offence under the Fires Prevention Act.
- 4.6.4 To prepare a study of buildings in the Rural Municipality, if required.
- 4.6.5 To report to Council annually, or more often if so required by Council or if in his opinion it is necessary,
 - (a) The number of fires or other emergencies and alarms of fires or other emergencies that have occurred since his last report, their location and cause, the date of same and loss occasioned thereby, the number and purpose of all other runs made; and the number of members responding to each fire or other run; and any changes in membership;
 - (b) The nature and occasion of all accidents resulting from fires or happening to officers and members of the Fire Department;
 - (c) The condition, sufficiency, and efficiency of the apparatus of the Fire Department and of the equipment at his command for guarding against, giving alarm of, or extinguishing fires or for responding to other emergencies; and
 - (d) Such recommendations as in his opinion would improve the efficiency of the Fire Department.
- 4.6.6 To report to the Office of the Fire Commission when required to do so.
- 4.6.7 The apparatus of the Fire Department shall consist of pumpers and other necessary apparatus and equipment used for Emergency Responses.
- 4.6.8 The apparatus of the Fire Department shall be under the care and control of the Fire Chief, subject to such instructions as he may from time to time receive from Council. The Fire Chief or designate shall have sole control over all apparatus and property engaged at any fires or other emergency.

- 4.6.9 No apparatus of the Fire Department shall be applied to any private use or taken beyond the limits of the Municipality without the permission of the Fire Chief.
- 4.6.10 The Fire Department shall have the authority, without notice, to enter upon any private property with men or equipment where in the opinion of the Fire Chief or member in charge, it is necessary and advisable in the performance of its duties.
- 4.6.11 The Fire Chief, or in his absence, the senior Fire Fighter of the Fire Department present at any fire shall have the right and authority to enter, pull down, demolish or take whatever action is necessary to any house, 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.
- (a) All persons, whether on foot or with a vehicle, within the vicinity of any fire shall immediately retire there from when called upon to do so by the Fire Chief or a Police Officer.
- (b) The powers granted by this section to the Fire Chief may be exercised by the officer or member in charge at a fire; if no officer is in charge, then the person in charge shall be the member designated by the Fire Chief, or, if no such designation has been made, the senior member present.
- (c) The powers and duties prescribed by this section shall apply, mutatis mutandis, at any emergency attended by the Fire Department.
- 4.6.12 Any person who distinguishes himself at a fire or other emergency by the performance of a gallant act shall be eligible to receive a medal or other reward as Council may direct.
- 4.6.13 The municipality shall indemnify and save harmless any officer or member of the Fire Department, or any person engaged in attending at a fire or other emergency pursuant to an order under Section 6.3 and subsection 6.3.1), from and against any claim, demand, action, liability, obligation, loss or suit of any nature or kind whatsoever, whether at law or equity, arising out of any matter or thing provided to be done or permitted to be done pursuant to this by-law.
- 4.6.14 Every person who contravenes, or refuses, neglects, omits, or fails, to obey or observe, any provision of this by-law is guilty of an offence and is liable, on summary conviction, to a fine not exceeding \$1,000.00 and costs.

SECTION 5 EMERGENCY SERVICES

5.1 Emergency Services

It shall be the duty of the Fire Department to respond to emergencies as per Schedule "A", with the least possible injury to persons and property.

5.2 Agreement for Emergency Services

The Rural Municipality, with the agreement of the Town, may elect to enter into an agreement, pursuant to the authorization granted by section 266 of The Municipal Act, with another municipality, provincial park, first nation or business to provide or have provided emergency services.

5.3 Response Outside Municipality

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

- a. That in the opinion of the Fire Chief threatens property in the Municipality or property situated outside the Municipality that is owned or occupied by the Municipality; or
- b. In a municipality with which an agreement of Peacetime Emergency Mutual Memorandum of Understanding has been entered into, to provide emergency response between the RM of Lac du Bonnet and The Local Government District of Pinawa, Town of Beausejour, RM of Alexander and the Rural Municipality of Brokenhead and RM of Lac du Bonnet.

- c. In a municipality which forms part of a Mutual Aid District for which the Municipality is a member; as per Schedule "B" or
- d. On property with respect to which an agreement has been entered into with any person or corporation to provide fire protection thereafter; or
- e. For which the Head of Council, Fire Chief, or Acting Fire Chief has first authorized such attendance; or
- f. Under such circumstances as it appears human life is in jeopardy.

SECTION 6 GENERAL

6.1 Interference an Offence

It shall be an offence for any person, other than the Authority having jurisdiction or a Fire Fighter, or other authorized civic employee in the course of duty, to turn on or interfere with any fire hydrant, in any manner whatsoever.

6.2 Tampering an Offence

- 6.2.1 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.
- 6.2.2 The Fire Chief or designate, may prescribe the limits within the vicinity of a fire that any person or vehicle may be permitted to enter, and may authorize any policed officer present to close off such portions of streets or lanes as he deems necessary.
- 6.2.3 No person shall without permission, enter the limits prescribed by the Fire Chief or designate in accordance with subsection 6.2.2
- 6.2.4 No person shall in any way impede or hinder any officer or member of the Fire Department or any other person enacted in or assisting at the extinguishing of any fire or engaged in any duty connected therewith.
- 6.2.5 No person engaged in fighting a fire, whether or not it be a member of the Fire Department, shall neglect or refuse to obey a lawful order of the Fire Chief.

6.3 Requesting Additional Assistance

The Fire Chief, or in his absence, the senior Fire Fighter of the Fire Department present at any fire or providing any other Emergency Service, shall have the right and authority to request from any able-bodied adult person assistance in extinguishing fires and controlling the spread of fire and to assist in any other required Emergency Service and any such person, while acting under the direction of the Fire Chief shall be deemed a volunteer of the Town.

- 6.3.1 The Fire Chief may order any person mentioned in Section 6.3 who is the owner or person in charge of any tools or equipment required for extinguishing a fire to proceed forthwith with the tools and equipment to that fire, and use such of the tools and equipment as the Fire Chief may direct for the purpose of fighting the fire, or permit them to be used for that purpose.
- 6.3.2 Section 6.3 and 6.3.1 do not apply to persons physically unfit, doctors, telephone operators or railway employees engaged in labor immediately necessary to the safety of trains.
- 6.3.3 Every person to whom an order is lawfully given by the Fire Chief pursuant to subsections 6.3.1 and 6.3.2 shall comply therewith.

6.4 Commandeering Equipment

The Fire Chief, or in his absence, the senior Fire Fighter of the Fire Department present at any fire or providing any other Emergency Service, shall have the right and authority to commandeering and authorize payment for the possession or use of any equipment or resource for the immediate purpose of fighting a fire or providing any other Emergency Service.

SECTION 7 FIRE PREVENTION STANDARD

7.1 Fire Alarm System

- 7.1.1 Monitored alarm systems shall be maintained at all time in proper operating condition and tested in accordance with the requirements of the Code;
- 7.1.2 Properties owners or tenants are subject to a fee for a response by the fire service to two or more false fire alarms within a seven-day period. A false fire alarm is a fire alarm that in the opinion of the Fire Chief or designate was caused by poor maintenance of the fire alarm system or in such situations where reasonable persons should have known that human actions or activity would cause a false fire alarm to be generated constituting a response from the fire service. The fee will remunerate the fire service for the response of one engine company and appropriate fire personnel to man that engine company for one hour as per By-law No. 25-02, Schedule "A".

- 7.2 The Authority may by any means gain access to a property where a fire alarm is sounding for the purpose of investigating the cause of such alarm. The Fire Chief or designate present at the scene, will attempt to contact the property owner or other responsible person to attend and disengage the alarm as well as securing the premise. In the event that an owner or responsible person is not available, the Fire Chief or designate will contact additional personnel at the owners expense to deactivate the alarm and secure the premise. If the owner cannot be located to pay this bill, then all costs may be added to the real property taxes for the premises and collected in the same manner as normal taxes.

- 7.3 Subject to Section 7.6 following an actual fire situation, where the owner or authorized agent of the property affected cannot be located or is unable to arrange for securing of the property, the Authority Having Jurisdiction will contact a security guard and place him on fire-watch duty to monitor for rekindling and to protect the property from vandalism, looting, or other similar action until the owner/agent can make alternative arrangements. The total cost related to hiring the security guard for fire-watch duty shall be the responsibility of the owner. If the owner cannot be located to pay this bill, then all costs may be added to the real property taxes for the premises and collected in the same manner as normal taxes.

- 7.4 In the case of suspected arson the Fire Chief, or in his absence the senior officer of the Fire Department present at the scene, may elect to hire the services of a security firm which has sufficient knowledge to secure the premises properly in order to preserve the scene until such time as the investigation can be completed. The associated costs are the responsibility of the property owner or insurer and if the bill is unpaid these costs may be added to the real property taxes for the premises and collected in the same manner as normal taxes.

- 7.5 It is an offence to contravene any provision of this By-Law. Any offence is subject to a penalty of not less than \$100.00 or not more than \$1,000.00.

SECTION 8 REPEAL AND ENACTMENT

8.1 Repeal

- 8.1.1 By-law No. 01-02, together with any amending by-laws, are hereby rescinded.
- 8.1.2 The repeal of the by-laws in the last preceding subsection mentioned shall not revive any by-law or any provision of an by-law repealed by them, nor shall the said repeal prevent the effect of any saving clause in the said by-laws or the application of any of the said by-laws or any other by-law or provision of law formerly in force to any transaction matter or thing anterior to the said repeal to which they would otherwise apply.
- 8.1.3 The repeal of said by-laws should not affect:
- a. 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;
 - b. Nor any action, suit, judgment, 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.
 - c. Nor 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;
 - d. Nor any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal;
 - e. Nor any bond, note, debenture, debt, or other obligation made, executed or entered into by the City at the time of repeal;
 - f. Nor shall any such repeal defeat, disturb, invalidate, or prejudicially affect any other matter or thing whatsoever had, done, completed, existing or pending at the time of such repeal.

8.2 Enactment

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

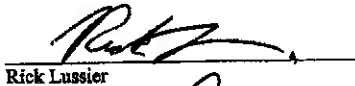
8.3 Validity of By-law

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, PASSED AND ENACTED by Council of the Rural Municipality of Lac du Bonnet duly assembled in the Council Chambers of the Rural Municipality of Lac du Bonnet, in the Province of Manitoba, this 14th day of September A.D. 2010.

Certified under the Corporate Seal of the Rural Municipality of Lac du Bonnet By-law No. 22-10 is a certified true copy given third and final reading on September 14, 2010.


Donna Tschetter,
Chief Administrative Officer


Rick Lussier
Reeve


Donna Tschetter
Chief Administrative Officer

READ A FIRST TIME: August 24, 2010
READ A SECOND TIME: August 24, 2010
READ A THIRD TIME: September 14, 2010

Resolution No. 544
Resolution No. 545
Resolution No. 580

RM & Town of Lac du Bonnet

SCHEDULE "A"

Responsibilities of the Lac du Bonnet Fire Department

General Statement of Duties and Responsibilities:

Under the general direction of the Lac du Bonnet Fire Committee and the specific direction of the Administrator of the RM of Lac du Bonnet shall be responsible for the delivery of services as outlined within the Manitoba Municipal Act S.M. 1996,c.58-Cap.M225 the Fire Protection and Emergency Response Act C.C.S.M., c.F80, or such other legislation of the Province of Manitoba pertaining to Fire Suppression and Prevention plus Municipal Fire By-laws duly passed by the Council of the Town of Lac du Bonnet and the Council of the Rural Municipality of Lac du Bonnet.

Item

Duties and Responsibilities

1. The provision of such other Emergency Response Services as required under the Fire Prevention and Emergency Response Act C.C.S.M.C. F80 of the Province of Manitoba and its associated Regulations plus any other acts of the legislature of Manitoba or Canada requiring the provision of Fire Suppression Services by a Municipal Corporation
2. The provision of such other Emergency Response Services as required within the By-laws of the Town of Lac du Bonnet or the Rural Municipality of Lac du Bonnet including but not necessarily limited to the following:
 - a. Fire prevention and fire extinguishing, which includes structural fire fighting for rescue, fire control and property conservation.
 - b. Public Safety Educators
 - c. Pre-Fire Planning
 - d. Extinguishing & prevention of grass fires
 - e. Extinguishing and prevention of Urban Interface Fires
 - f. Flood response
 - g. All MVC (which may or may not need vehicle extrication
 - h. Vehicle Extrication
 - i. Fire Prevention Inspections
 - j. Farm Accident Rescue
 - k. Ground Search and Rescue
 - l. Hazardous Material Responses
 - m. Biological & Chemical Response
 - n. Aircraft Rescue and fire fighting
 - o. Precautionary stand by
 - p. Preservation of life & property and protection of persons and property from injury or destruction by fire.
 - q. Investigation of the causes of fire and origin determination
 - r. Water and Ice Rescue
 - s. Snowmobile and ATV Accident Rescue
 - t. Low Angle Accident Rescue
 - u. Industrial Emergencies
 - v. Salvage Operations
 - w. Responses to any request that the Fire & Rescue Service deems an Emergency, including but not limited to, carbon monoxide alarms, animals in peril and gas odors.
 - x. The provision of Public Education Programming on the prevention of fires as developed by the Lac du Bonnet Fire Department and its members plus approved through the Municipal Budget process of the Town of Lac du Bonnet or the Rural Municipality of Lac du Bonnet.
 - y. Will not perform Rescue Services for:
 - i. Trench Rescue
 - ii. High Angle Rescue
 - iii. Radiological Incidents
 - iv. Urban Search & Rescue (Structure Collapse)Response will be for precautionary Public Safety Only.
5. The provision of Fire Inspection Services, either through the authority of the Fire Chief as the Local Assistant to the Office of the Fire Commissioner or as authorized by a by-law duly authorized by the Council of the Town of Lac du Bonnet or the Council of the Rural Municipality of Lac du Bonnet, attached as Schedule "----"(By law no14-08)
6. The provision of the Mutual Aid Services to other jurisdictions within the Province of Manitoba as authorized by both the Council of the Town of Lac du Bonnet and the Council of the Rural Municipality of Lac du Bonnet.

SCHEDULE " B"

North East Mutual Aid District

Members of the North East Mutual Aid District include;

Springfield Fire and Rescue Service

East St. Paul Fire Department

Narol Fire Department

East Selkirk Fire Department

Pine Falls Fire Department

Whitemouth Fire Department

Bird River Fire Department

Beausejour/Brokenhead Fire Department

Lac du Bonnet Fire Department

East Beaches Fire Department

Pinawa Fire Department

Victoria Beach Fire Department

Schedule "C"

Terms of Reference – Lac du Bonnet RM & Town Fire Committee

General Statement of Duties and Responsibilities:

Reporting to the Council of the Town of LDB and Council of the Rural Municipality of LDB, the LDB Fire Committee shall be responsible for the provision of general and specific direction for the overall operation of the Lac du Bonnet Fire Department.

Item	Duties and Responsibilities
1.	To undertake a review of any proposed amendments to the Lac du Bonnet Fire Agreement and make recommendations to the Councils of the Town and the R.M. regarding the adoption of any proposed amendment.
2.	To submit, on or before the 31st day of January of each year, to the Council of the Town of Lac du Bonnet and the Council of the Rural Municipality of Lac du Bonnet the Annual Budget for the Lac du Bonnet Fire Department, which as a minimum shall include: <ul style="list-style-type: none">a) The Annual Operating Budget for the coming year plus an estimate of the Operating Budget for the succeeding year.b) A 5 year Capital Programc) A 5 year Equipment Replacement Program
3.	To undertake, a minimum of once per quarter and with the assistance of the Fire Chief, a review of the financial accounts of the Lac du Bonnet Fire Department.
4.	To recommend to the Councils of the Town and the R.M. adjustments or the reallocation of funds within the approved budget of the Lac du Bonnet Fire Department.
5.	To cause to be prepared an Annual Review of the performance of the Fire Chief for the Lac du Bonnet Fire Department.
6.	To make an annual recommendation regarding the appointment of an individual to the position of Fire Chief of the Lac du Bonnet Fire Department.
7.	To, based on the recommendations of the Fire Chief, annually recommend to the Councils of the Town and the R.M. the appointment of individuals to the positions of Deputy Fire Chief.
8.	To obtain and retain, from the Fire Chief, all records with regard to the operation of the Lac du Bonnet Fire Department including: <ul style="list-style-type: none">a) A listing of the Vehicle and Equipment Inventory of the Lac du Bonnet Fire Department. Such inventory to be forwarded, once per year through the Fire Committee, to the Council of the Town of Lac du Bonnet and the Council of the Rural Municipality of Lac du Bonnet.b) A quarterly written report, provided by the Fire Chief, regarding the activities of the Lac du Bonnet Fire Department including Fire Suppression Activities, Emergency Response Activities, Public Education Activities, Fire Inspection, Training Activities and such other activities deemed to be of importance to the Fire Committee by the Fire Chief.c) Responses to questions or issue raised by the members of the Lac du Bonnet Fire Committee, the Council of the Town of Lac du Bonnet and the Council of the Rural Municipality of Lac du Bonnet.
9.	To review annually, with the Fire Chief, the operating structure of the Lac du Bonnet Fire Department and the position profiles/job descriptions for the members of the Lac du Bonnet Fire Department.
10.	To recommend, with the assistance of the Fire Chief, such Statements of Municipal Policy as are necessary for the maintenance and ongoing operation of the Lac du Bonnet Fire Department.
11.	To, where desired by the Fire Chief, participate in a review of the Standard Operating Procedures and Running Orders of the Lac du Bonnet Fire Department.
12.	To cause to have prepared such report as requested by the Council of the Town of Lac du Bonnet, the Council of the Rural Municipality of Lac du Bonnet or the Lac du Bonnet Fire Committee.

13. To cause to be prepared and approved such reports as required by the Office of the Fire Commissioner under the Fire Prevention and Emergency Services Act of the Province of Manitoba.

Membership on the Committee

The membership on the Committee shall consist of the following:

Voting Members

- 2 members appointed from the Council of the Town of Lac du Bonnet
- 2 members appointed from the Council of the Rural Municipality of Lac du Bonnet

Non-voting Members

- The Chief of the Lac du Bonnet Fire Department
- The Deputy Chiefs of the Lac du Bonnet Fire Department
- The Administration Personnel of the Lac du Bonnet Fire Department
- The CAO of the Town & the Rural Municipality

It is the intent and desire of the membership of the Lac du Bonnet Fire Committee to make recommendations on a consensus basis, and therefore, the call for a vote on any issue shall be the decision of the Chair.

Meetings

The Lac du Bonnet Fire Committee shall meet a minimum of once per quarter, four (4) times during the year. The Chair, as per the procedures employed for the Committee, has the authority to call additional meetings.

Proceedings for a Meeting of the Committee

The procedural requirements of the Lac du Bonnet Fire Committee shall be those employed by the administering Municipality.

Appointment of a Chair

The Chair of the Lac du Bonnet Fire Committee shall be as follows:

- | | |
|----------------------------|---|
| Odd numbered Years | The 1 st named appointed official from the Council of the Town of Lac du Bonnet. |
| Even numbered Years | The 1 st named appointed official from the R.M. of Lac du Bonnet. |

The Committee by the vote of the majority, may select a Chair other than as indicated above.

Authority of the Committee

The Committee shall have the authority to:

1. To make general and specific recommendations regarding all aspects of the operation of the Lac du Bonnet Fire Department for consideration of the Councils of the Town and the R.M.
2. To assign, by resolution, its responsibilities to any individual(s) within the Corporation.
3. To permit the assigned individual(s), within the Purchasing Policies of the Administering Municipality, to expend the funds as approved within the Annual Operating and Capital Budgets of the Fire Department.
4. Approve the Operational Structure of the Lac du Bonnet Fire Department.
5. With the exception of the positions of Fire Chief and Deputy Fire Chief approve the Position Profiles/Job Descriptions for the membership of the Lac du Bonnet Fire Department.
6. To resolve personnel disputes that may arise within the operations of the Lac du Bonnet Fire Department.
7. To, wherever possible make application to any funding authority for financial assistance to support the activities of the Lac du Bonnet Fire Department as long as any financial support required from the Department or either municipal partner has been approved within the Annual Operating Budget of the Department.
8. To hold accountable any member of the Fire Department for his/her activities on behalf of the Department, the Council of the Town of Lac du Bonnet or the Council of the Rural Municipality of Lac du Bonnet.
9. Call a meeting of the Councils of both the Town and the R.M. in order to discuss joint issues regarding the Lac du Bonnet Fire Department.