

TOWN OF MORDEN

BY-LAW NO. 5-2004

BEING a by-law of the Town of Morden to provide for firefighting, fire prevention, the related regulation of fire and other hazards, the adoption of the Code, and for establishing, continuing and operating an emergency service for the Town, and to be known as the “Fire Prevention and Emergency Services By-Law”;

WHEREAS subsection 232(1) of the Act provides that 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;
- (i) Preventing and fighting fires;
- (o) The enforcement of by-laws;

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

AND WHEREAS section 268 of the Act provides that a fire protection force may, with the approval of the council, provide other services, including the prevention and release of illness and injury and the preservation of life and property;

NOW THEREFORE the Council of the Town of Morden, duly assembled, enacts as follows:

PART I: INTERPRETATION AND DEFINITIONS

1.1 Interpretation

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

1.2 Definitions

1.2.1 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 Act and in the Code.

1.2.2 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.

1.2.3 In this by-law:

- 1.2.3.1 “ACT” means The Municipal Act S.M. 1996, c58, CCSM cM225 as amended from time to time.

- 1.2.3.2 “AUTHORITY HAVING JURISDICTION” means 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 including, without restricting the generality thereof, municipal Fire Prevention Officers and Fire Inspectors.
- 1.2.3.3 “CHIEF ADMINISTRATIVE OFFICER” means the Chief Administrative Officer for the Town and anyone acting or authorized to act on his behalf.
- 1.2.3.4 “CODE” means the Manitoba Fire Code being Regulation No. 163/98 of The Fire Preventions Act, RSM c.F80, C.S.S.M. c.F80, as amended from time to time, or any subsequent Manitoba Fire Code which may be enacted.
- 1.2.3.5 “COUNCIL” means the council of the Town.
- 1.2.3.6 “EMERGENCY SERVICES” includes, but is not limited to, all fire protection services and all 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, providing rescue services, providing emergency medical responses, providing transportation for victims (ambulance service), 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.
- 1.2.3.7 “FIRE CHIEF” means the Fire Chief for the Town and anyone acting or authorized to act on his behalf.
- 1.2.3.8 “FIRE DEPARTMENT” means the Fire Department for the Town, and includes any part-time, composite (any combination of full-time, part-time or volunteer) or a volunteer fire department.
- 1.2.3.9 “FIRE FIGHTER” means any member, including volunteers, of the Fire Department while their services are actually engaged by the Town for the purpose of providing Emergency Services or otherwise enforcing the provisions of this by-law.
- 1.2.3.10 “FIRE INSPECTOR” means the person or agency employed by or acting for the Town and partially or wholly responsible for fire safety within the Town.
- 1.2.3.11 “FIREWORKS” means any article defined as fireworks pursuant to The Explosives Act (Canada) or regulations thereto and without limiting the generality of the foregoing, shall also include High Hazard Fireworks and Low Hazard Fireworks as defined hereafter.
- 1.2.3.12 “HIGH HAZARD FIREWORKS” means any fireworks such as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardos, waterfalls, fountains, mines and fire crackers as defined in Class 7.2.2 of The

Explosives Act (Canada) as High Hazard Fireworks for Recreation.

- 1.2.3.13 “LOW HAZARD FIREWORKS” means any fireworks such as fireworks showers, fountains, golden rain, lawn light, pin wheel, Roman candles, volcanoes, sparklers, Christmas crackers and caps for toy guns as defined in Class 7.2.1 of The Explosives Act (Canada) as Low Hazard Fireworks for Recreation.
- 1.2.3.14 “STATIC DISPLAY” means a display for sale of what appears to be fireworks, which contain no explosive materials and have been prepared by a fireworks manufacturer for use as a display.
- 1.2.3.15 “TOWN” means Town of Morden or the area contained within the boundaries thereof.

PART 2: ADMINISTRATION

2.1 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.

2.2 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, 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.

2.3 Recovery of Costs

Subject to any agreements to the contrary, where any type of Emergency Services have been taken within the Town, including responding to a false alarm or malfunctions due to the same cause in which case fees are as listed in Schedule “C”, the 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 Town may proceed to collect any costs as 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 Town.

PART 3: CREATION OF FIRE DEPARTMENT

3.1 Creation and Membership

3.1.1 There is hereby created a Fire Department for the Town, to be comprised of a Fire Chief, a Deputy Fire Chief, Captains, Training Officers, Fire Fighters, and support staff on a volunteer basis. No change in the complement of the Fire Department shall be made without approval of the Council, who may authorize an

increase or decrease or vary the above stated complement upon recommendation of the Fire Chief.

3.1.2 The Fire Chief shall be appointed by the Council of the Town for an indefinite period of time, and his tenure of office shall depend upon his good conduct and efficiency. The Fire Chief shall be technically qualified by training and experience and shall have ability to command personnel and hold their respect and confidence.

3.2 Responsibility of Fire Chief

3.2.1 It shall be the responsibility of the Fire Chief 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 Chief Administrative Officer.

3.2.2 The duties of the Fire Chief shall include those outlined in Policy PER-006, shown on Schedule "A" appended to and forming part of this By-law. By resolution of Council the duties of the Fire Chief may be amended from time to time as deemed necessary by Council and such resolution shall form and become part of this by-law to the same extent as if incorporated herein, and shall come into full force and effect upon the passing thereof.

3.2.3 The Fire Chief shall be held accountable for the Fire Department only and shall make written and verbal reports thereto as the Chief Administrative Officer may require. All other department and company officers shall be accountable to the Fire Chief only.

3.2.4 The Deputy Fire Chief and all other department and company officers shall be appointed by the Fire Chief, in accordance with Town policy. Such officers shall be accountable only to the Fire Chief, and subject to removal by him. The dismissed officer, upon written request, shall be given a public hearing by Council on the charges brought by the Fire Chief.

PART 4: GENERAL REQUIREMENTS

4.1 Interference an Offense

It shall be an offense 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.

4.2 Tampering an Offense

It shall be an offense 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.

4.3 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 equipped with an approved red beacon and operated in accordance with the provisions of The Highway Traffic Act. This Section does not apply to the Fire Chief

and his personal vehicle, provided it is equipped with an approved red beacon and operated in accordance with the provisions of The Highway Traffic Act.

4.4 Requiring Additional Assistance

The Fire Chief, or in his absence, the senior officer of the Fire Department present at any fire or providing any other Emergency Service, shall have the right and authority to require any able-bodied adult person to assist in extinguishing fires, to assist in the control of 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.

4.5 Commandeering Equipment

The Fire Chief, or in his absence, the senior officer of the Fire Department present at any fire or providing any other Emergency Service, 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 or providing any other Emergency Service.

PART 5: FIRE PREVENTION STANDARDS

5.1 Access for Inspection

The Authority Having Jurisdiction may, at all reasonable times, enter any premises for the purpose of make an inspection, and any person in charge of the premises shall allow the Authority Having Jurisdiction free access thereto.

5.2 Prevention of Fire Spread

The Fire Chief, or in his absence, the senior officer of the Fire Department present at any fire 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.

5.3 Starting Fire in Open Air

5.3.1 Subject to Section 5.3.4, all open fires for the burning of leaves, straw, stubble, garden and other effuse, whether on the surface of the ground, in pits, barrels or other containers/incinerators be prohibited within the corporate limits of the Town.

5.3.2 The operation of enclosed incinerators, constructed in compliance with the Manitoba Building Code, are permitted provided the operation thereof does not create a nuisance within the Town.

5.3.3 Campfires and pit barbecues are permitted between the hours of 8:00 A.M. and 12:00 Midnight when attended by an adult, provided the operation thereof does not create a nuisance. When unattended, the said campfire or pit barbecue must be completely extinguished. Any campfire or pit barbecue must be located a safe distance from any building or other combustible material.

5.3.4 The Fire Chief may issue under special circumstances, a conditional burn permit. A copy of the burn permit shall be supplied to the Chief of Police and the Chief Administrative Officer.

5.3.5 A person to whom a burn permit has been so issued pursuant to Clause 5.3.4 above, shall not leave the permitted fire unattended at any time while it is burning or smoldering and shall ensure that sufficient appliances and equipment are at the fire site to prevent the fire from getting beyond control or causing damage or becoming dangerous.

5.3.6 Notwithstanding Subsection 5.3.1, 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 barbecue, campfire, grill or similar device used to cook food.

5.4 Wood Piles

5.4.1 It shall be an offense for any person to pile or allow to be piled any lumber or wood on private property within three meters of the exterior of any dwelling.

5.4.2 Section 5.4.1 shall not apply to lumber in transit or in the process of erection of a construction site.

5.5 Storage of Containers

5.5.1 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:

- 5.5.1.1 So stacked or piled 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;
- 5.5.2.2 Kept away from any sources of ignition;
- 5.5.3.3 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.

5.6 Portable Fire Extinguishers

5.6.1 Portable fire extinguishers shall be:

- 5.6.1.1 provided and located in accordance with the requirements of the Code; and
- 5.6.1.2 maintained and/or hydro statically tested in accordance with the requirements of the Code.

5.7 Chimney Pipes

All chimneys and pipes for fireplaces or wood stoves shall be installed in conformance with the Code and must be cleaned regularly to prevent a buildup of creosote. Where the Fire Chief deems it necessary he 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.

5.8 Property Maintenance

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

5.9 Fire Alarm Systems

5.9.1 Every fire alarm system shall be maintained in operating condition at all times and tested by a qualified person in accordance with the requirements of the Code.

5.9.2 Where the Fire Department attends in response to a fire alarm call which is an apparent false alarm, the Fire Chief, or in his absence the senior officer of the Fire Department present at the scene, will attempt to contact the property owner or other designated person to attend and secure the premises. Where unable to contact the property owner or designated person, then a security guard may be called in to perform fire duty at the expense of the owner. The total cost of restoration of any fire alarm equipment, and related costs of hiring a security guard or any fire-watch service, shall be the responsibility of the owner or his insurer. 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.

5.10 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.

PART 6: EMERGENCY SERVICES

6.1 Emergency Services

6.1.1 The mandate of the Fire Department is to provide the specific Emergency Services as described in Schedule "B" to this by-law.

6.1.2 By virtue of this by-law, the following shall apply:

6.1.2.1 The Fire Department, where deemed reasonable necessary, is hereby authorized to enter, be in or remain in any building for the prevention or control of fire, rescue or response to hazardous goods.

6.1.2.2 In the event of training or removal of property or buildings, a written agreement be given by the owner of such property, to insure all or any cost related t such training or demolition.

6.2 Agreement for Emergency Services

The Town may elect to enter into an agreement with another Municipality to provide or have provided Emergency Services. Such agreement requires prior authority of the Council.

6.3 Response outside Town

6.3.1 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:

- 6.3.1.1 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;
- 6.3.1.2 in a Municipality with which an agreement has been entered into to provide fire protection services or Emergency Services;
- 6.3.1.3 in a Municipality, which forms part of a mutual aid agreement for which the Municipality is a member;
- 6.3.1.4 in the neighbouring mutual aid districts of Pembina and Boyne River to provide services to the communities of Darlingford and Miami, and the Rural Municipalities of Pembina and Thompson when the local response is unable to manage the emergency on its own;
- 6.3.1.5 on property with respect to which an agreement has been entered into with any person or corporation to provide fire protection therefore;
- 6.3.1.6 for which the head of council has first authorized such attendance;
- 6.3.1.7 under such circumstances as it appears human life is in jeopardy;
or
- 6.3.1.8 upon request for assistance from the Office of the Fire Commissioner or some other properly designated office of the Province of Manitoba.

PART 7: FIREWORKS

7.1 Sale of Fireworks – High Hazard

7.1.1 No person shall display for sale, sell or offer for sale high hazard fireworks within the Town.

7.1.2 Notwithstanding section 7.1.1, static displays of high hazard fireworks posters, or other advertising advising of the availability of fireworks shall be allowed.

7.1.3 A person who possesses a valid Fireworks Sales Permit may sell high hazard fireworks to any person who presents a valid fireworks permit issued by the Fire Chief.

7.1.4 A person selling high hazard fireworks pursuant to this section must maintain a copy of each fireworks permit presented prior to sale of any high hazard fireworks for a twelve month period commencing on the date of sale and present all such high hazard fireworks permits for inspection by the Fire Chief upon request.

7.2 Storage and Disposal

The storage of fireworks and the disposal of unused high hazard fireworks shall be in compliance with The Explosives Act (Canada).

7.3 Permit Required

No person shall purchase fireworks, fire, set off, or otherwise ignite any fireworks in or above the Town except under a permit issued therefore pursuant to section 7.4 and in compliance with the conditions contained in section 7.5 hereof.

7.4 Permit Requirements

7.4.1 The Fire Chief, at his absolute discretion, may authorize permits allowing for the firing or setting off of fireworks in conjunction with a proposed fireworks display.

7.4.2 Any person desiring to purchase, fire, set off, or otherwise ignite any low hazard fireworks, or conduct a fireworks display including low hazard fireworks only shall make application to the Fire Chief for a Fireworks Permit, and such permit application shall state the following:

- 7.4.2.1 the name, address and proof of age and identity of the person to whom the permit is to be issued;
- 7.4.2.2 where applicable, the name and address of an executive officer or other person responsible for the person receiving the permit;
- 7.4.2.3 the place and date upon which the display is to be held; and
- 7.4.2.4 the name and address of each person under whose conduct and supervision the display shall be held.

7.4.3 Any person desiring to purchase, fire, set off, or otherwise ignite any high hazard fireworks, or conduct a fireworks display which includes any high hazard fireworks shall make application to the Fire Chief for a Fireworks Permit, and such permit application shall state the following:

- 7.4.3.1 the name, address and proof of age and identity of the person to whom the permit is to be issued;
- 7.4.3.2 where applicable, the name and address of an executive officer or other person responsible for the person receiving the permit;
- 7.4.3.3 the place and date upon which the display is to be held;
- 7.4.3.4 where applicable, the name and address of the owner of the property upon which the display is to be held;
- 7.4.3.5 the name and address of each person under whose conduct and supervision the display shall be held;
- 7.4.3.6 the name and address of the Supervisor approved by the Chief Inspector of Explosives who shall supervise the fireworks display;
- 7.4.3.7 the location and manner in which the fireworks will be stored;
- 7.4.3.8 the manner in which unused fireworks, if any, and to be disposed of; and

7.4.3.9 the means, which will be utilized in order to restrain unauthorized persons from coming into close proximity to the location where the fireworks are to be set off.

7.4.4 Any applicant for a permit as referred to in section 7.4.2.1 or 7.4.3.1 above may prove his identity and his age by presenting his driver's license, birth certificates or other identification satisfactory to the Fire Chief.

7.4.5 No person shall utilize the property of any other person for a fireworks display without the written permission of the owner.

7.4.6 The Fire Chief may, at his discretion, require any applicant to comply with the High Hazard Fireworks standards.

7.4.7 Any person desiring to purchase fireworks for use outside the boundaries of the Town shall obtain the appropriate permit in accordance with this Division, as determined by the Fire Chief, prior to purchase and shall indicate thereon that the fireworks display will take place beyond the corporate limits of the Town.

7.5 Conditions under Permit

7.5.1 The following conditions shall apply to the firing or setting off of fireworks or holding of a fireworks display under a permit issued pursuant to section 7.4 hereof:

7.5.2 The display of Low Hazard Fireworks shall be carried out under the direct conduct and supervision of at least one responsible person, who shall be designated in the permit, and shall be at least eighteen years of age.

7.5.3 Notwithstanding in section 7.5.2 and section 7.5.4, a permit shall not be required for the use of sparklers which may be used in a display so long as such display is conducted by or under the supervision of a person eighteen years of age or older and the use and sale of Christmas crackers and caps for toy guns shall not be regulated by this by-law.

7.5.4 The display of High Hazard Fireworks shall be carried out under the direct conduct and supervision of a person approved by the Inspector of Explosives.

7.5.5 A display under either section 7.5.2 or 7.5.4 shall be conducted in a manner consistent with all safety procedures specified in regulations issued pursuant to The Explosives Act (Canada), and continue only while:

7.5.5.1 all proper precautions are being observed in order to keep spectators at a safe distance from the location where the fireworks are being set off; and

7.5.5.2 all proper precautions are being observed in order to protect public and private property; and

7.5.5.3 proper fire suppression equipment is available.

7.5.6 No display shall be held without compliance with the distance restrictions as set out in The Explosives Act (Canada).

7.5.7 All unused fireworks and all debris shall be removed and disposed of in accordance with provisions of The Explosives Act (Canada).

7.5.8 Where the display is to be held on or above Town owned property, or on or above property over which the Town has possession or control, the person to whom the permit is issued shall, prior to holding the display, deposit the following with the Fire Chief:

7.5.8.1 written undertaking by the person to indemnify the Town for any liability that the Town may incur as a result of damages arising out of the fireworks display; and

- 7.5.8.2 an insurance policy containing provisions including the amount of liability coverage acceptable to the Council, which provides for the protection and indemnification of the Town in respect of any liability that the Town may incur as a result of damages arising out of the fireworks display.

7.6 Fireworks Sales Permit

7.6.1 Notwithstanding Section 7.3, a person may have possession of fireworks for the purpose of sale if such person has previously obtained a Fireworks Sales Permit from the Fire Chief.

7.6.2 Fireworks Sales Permits shall only be issued to those persons who, after inspection by the Fire Chief, have been determined to meet all applicable provisions of the Fire Code, Building Code, and The Explosives Act (Canada) .

7.7 Right of Appeal

An applicant denied a permit by the Fire Chief, pursuant to this Part, may appeal the refusal to Council so long as such appeal is made in writing and directed to the Municipal Office within seven (7) days of a refusal by the Fire Chief.

PART 8: HAZARDOUS MATERIAL

8.1 In the event that the Mutual Aid Hazardous Response Team is required for our community, costs related to equipment and supplies used on the site is the responsibility of the property owner. If the owner does not pay this bill, or cannot be located to pay this bill, then all the applicable costs may be added to the real property taxes for the premises and collected in the same manner as normal taxes.

PART 9: PENALTY PROVISION

9.1 Penalty

9.1.1 An order made under this by-law shall be in writing and signed by the Authority Having Jurisdiction. An order may be directed to the owner, occupier or lessee of the subject building or property in respect of which it is made or to any or all of them.

9.1.2 Any order made under this by-law shall be served:

9.1.2.1 personally upon the person to whom it is directed

9.1.2.2 by registered or regular mail; or

9.1.2.3 by posting a copy of the order in a conspicuous place on the building or property if the person to whom it is directed cannot be found, is not known, or refuses to accept service of said order.

In the case of service by regular mail the order shall be deemed to have been received on the fifth business day subsequent to the date it is mailed.

9.1.3 Any person who contravenes or disobeys, or refuses or neglects to obey:

9.1.3.1 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

9.1.3.2 any provision of any by-law, Regulation or Order enacted or made by Council; or

9.1.3.3 any Order made by this by-law;

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 \$1,000.00 for each day's neglect or failure to comply therewith and in default of payment of the fine, to imprisonment for a term not exceeding thirty (30) days.

9.1.4 Any person who hinders or obstructs the Authority Having Jurisdiction in the exercise of his duty is guilty of an offence and liable on summary conviction to a fine of not less than \$100.00 or more than \$1,000.00, and in default of payment of the fine, to imprisonment for a term not exceeding fourteen (14) days.

9.1.5 Notwithstanding the provision of clauses 9.1.3 and 9.1.4, any person who contravenes or disobeys, or refuses or neglects to obey the provisions of section 4.1, 5.3, 7.1, 7.4, 7.5, or 7.6, shall commit an offence, and when issued a Notice of Violation by the Fire Chief or other designated officer, be levied a penalty of:

9.1.5.1 \$100.00 for the first occurrence.

9.1.5.2 \$500.00 for the second occurrence within the same 12 month period

9.1.5.3 A fine of \$1,000.00 for the third or any subsequent occurrence within the same 12 month period.

9.1.6 Any person receiving a Notice of Violation may pay the said penalty outlined on the said Notice of Violation, voluntarily, at the Morden Civic Centre, 195 Stephen Street, Morden, Manitoba between the hours of 9:00 A.M. and 4:30 P.M., Monday through Friday, excepting statutory holidays.

9.1.7 On Voluntary payment for such contravention, the employee of the Town of Morden authorize to receive the sum mentioned in Section 8.1.6 shall issue a receipt.

9.1.8 Upon payment by any person as provided in section 8.1.5 he/she shall not be liable to prosecution for the contravention in respect to which the payment is made.

PART 10: REPEAL AND ENACTMENT

10.1 Repeal

10.1.1 By-law No. 10-02 be and the same is hereby repealed.

10.1.2 The repeal of the by-law(s) in the last preceding section mentioned shall not revive any by-law or any provision of any by-law repealed by it, nor shall the said repeal prevent the effect of any saving clause in the said by-law or the application of the said by-law 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.

10.1.3 The repeal of the said by-law(s) should not affect:

10.1.3.1 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

10.1.3.2 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; or

10.1.3.3 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

10.1.3.4 any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto at the time of such repeal; or

10.1.3.5 any bond, note, debenture, debt, or other obligation made, executed, or entered into by the Town at the time of such repeal.

10.1.3.6 The repeal of the said by-law(s) 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.

10.2 Enactment

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

10.3 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 the by-law and the Code independent of the elimination of any such portion as may be declared invalid.

DONE AND PASSED by the Council of the Town of Morden duly assembled this 26th day of May, 2004.

TOWN OF MORDEN

John B Wiens

Mayor

Garry Hiebert

Director Finance and Administration

Read a first time this	10 th	day of	May,	A.D. 2004.
Read a second time	26 th	day of	May,	A.D. 2004.
Read a third time this	26 th	day of	May,	A.D. 2004.

Schedule "A" – Fire Chief Job Description

POSITION TITLE:	FIRE CHIEF
REPORTS TO:	CHIEF ADMINISTRATIVE OFFICER

POSITION SUMMARY

Provides professional leadership and administrative management for the Town of Morden volunteer fire department. Ensures the protection of people and property within the Town of Morden, through an active program of fire prevention and emergency preparedness. Plans, coordinates and directs all fire fighting activities.

PRIMARY ACCOUNTABILITIES

1. Plans, directs and coordinates the day-to-day operation of the department to achieve the department mission and goals. Develops and implements an active program of fire prevention, including the inspection of buildings and property. Ensures the department is fully staffed and that team members are fully trained to respond to all fire calls.

Key Performance Measures:

- ✓ Prevention, measured by frequency of inspections and community education events.
- ✓ Fire Statistics, measured by incident reports for various events.
- ✓ Public Feedback, measured by major complaints logged.

2. Prepares and recommends both capital and operating budgets for the department in accordance with approved guidelines. Directs and controls all department spending within the approved budget. Approves the purchase of supplies and equipment, within the limits set by Town policy, and recommends the approval of purchases above those limits.

Key Performance Measures:

- ✓ Budget Variance, measured in dollars and percentage over or under.
- ✓ Operational Readiness, measured by equipment failure or downtime.

GENERAL ACCOUNTABILITIES

3. Recruits, develops and evaluates all department staff. Plans and implements rigorous training programs to ensure all team members are thoroughly prepared for any event. Selects individuals and coordinates specialist training in emergency medicine (First Responder Certification), high angle/confined space rescue and water rescue.
4. Provides professional/technical leadership at all fire scenes. Assigns field duties to volunteer members and coordinates fire fighting activities to ensure the safety of all team members. Determines the need for additional resources and issues a call for mutual aid from neighboring municipal fire departments as required.
5. Prepares staffing plans and forecasts to ensure an adequate number of trained members are available at all times to respond to expected demands.
6. Negotiates and administers contracts or agreements for firefighting services and support with neighboring communities and the RM of Stanley.
7. Acts as the Emergency Coordinator for the Town. Ensures the preparation and coordination of an emergency response plan for the community. Serves as liaison to the Provincial Emergency Measures Organization.

8. Conducts regularly scheduled meetings with all department staff to review operations; communicate expectations; advise on policy or procedure changes; and to share information of general interest to the team.
9. Ensures that all files, documentation and reports are completed and maintained according to requirements set out in legislation, by-laws, policy or professional best practices.
10. Attends monthly meetings of the Public Works Committee to report fire statistics for the period. Prepares and presents various reports and recommendations to Council or its Committees as required.
11. Responds to public enquiries, media requests for information or complaints with regard to department activities, following approved policy and procedure.

TECHNICAL COMPETENCIES

- ✓ High School graduation. Post-secondary education in disciplines such as administrative management, leadership, human resource management, or emergency services is desirable.
- ✓ Completion of a formal fire fighting training program approved by the Province.
- ✓ Ten years experience as a fire fighter, with a minimum of five years in a supervisory role.
- ✓ Physically fit, according to department standards, and capable of performing the duties assigned.

BEHAVIOURAL COMPETENCIES

- ✓ Integrity & Trust Seen as a direct, truthful individual; widely trusted and adheres to a strong set of core values.
- ✓ Command Skills Demonstrated leadership and team building skills; doesn't hold back anything that needs to be said; lets people know where they stand.
- ✓ Interpersonal Skills Relates well to all kinds of people inside and outside the organization; uses diplomacy and tact to diffuse tense situations; makes people feel important and valued.
- ✓ Action Oriented Can be counted on to get things done; energetic, with a bias for action; makes good decisions in a timely manner.
- ✓ Composure Cool under pressure; can handle stress; is a settling influence in a crisis.
- ✓ Planning & Organizing Can marshal resources to get things done; uses resources effectively and efficiently; sets clear expectations; designs practical processes and procedures.
- ✓ Communications Able to speak and write clearly; able to get the desired message across to a variety of audiences.
- ✓ Problem Solving Uses rigorous logic and methods to investigate and solve problems; excellent at analysis; looks beyond the obvious.

Schedule “B” – Emergency Services Provided by Fire Department

The Fire Department will provide the following Emergency Services:

- (a) fire prevention and fire extinguishing, which includes structural fire fighting for rescue, fire control and property conservation;
- (b) investigation of the causes of fire and origin determination;
- (c) preservation of life and property and protection of persons and property from injury or destruction by fire;
- (d) rescue, ambulance, and emergency medical services;
- (e) salvage operations;
- (f) the ability to enter into agreements with other municipalities or persons for the joint use, control, and management of fire extinguishing apparatus and equipment;
- (g) purchase and operation of apparatus and equipment for extinguishing fires or preserving life and property;
- (h) water rescue;
- (i) rope rescue;
- (j) low and high angle rescue;
- (k) hazardous material responses;
- (l) vehicle extrication;
- (m) farm accident rescue;
- (n) ground search and rescue;
- (o) urban search and rescue;
- (p) aircraft rescue and fire fighting;
- (q) trench rescue;
- (r) biological and chemical responses;
- (s) fire prevention inspections;
- (t) pre-fire planning;
- (u) public safety education;
- (v) precautionary standby;
- (w) extinguishing and prevention of grass fires;
- (x) extinguishing and prevention of urban interface fires;
- (y) flood response;
- (z) response to any request that the Fire Department deems an emergency, including but not limited to, CO alarms, animals in peril and gas odours.

Schedule “C” – Fees for false alarms and malfunctions occurring within a 12 – month period.

- 1) First call – no charge
- 2) Second call – no charge
- 3) Third call - \$500.00 Fee