

CONSOLIDATION UPDATE: DECEMBER 11, 2002

THE CITY OF WINNIPEG

**THE WINNIPEG FIRE PREVENTION BY-LAW
NO. 1322/76**

A By-law of THE CITY OF WINNIPEG to provide for the handling of fires, to regulate the storing, handling, conveying or use of inflammable, explosive or otherwise dangerous substances and to adopt a Fire Prevention Code.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:
amended 8162/2002

SHORT TITLE

1. This By-law may be cited as "**The Winnipeg Fire Prevention By-law**".
2. *repealed 7899/2001*

PURPOSE

3. It is the purpose of this By-law to establish the standard for fire prevention, fire fighting and life safety in buildings and for the prevention, containment and fighting of fires originating outside buildings which may present a hazard to the City and to establish standards for the transportation of flammable and combustible substances.

DEFINITIONS

4. In this By-law:

 "Authority having jurisdiction" means the City of Winnipeg.
 amended 8162/2002

"Chief" means the Fire and Paramedic Chief,
amended 8162/2002

"Code" and **"Manitoba Fire Code"** mean the codes, rules, standards, requirements and specifications adopted by section 4.1 of this by-law.
added 7897/2001

"Designated employee" means the Fire and Paramedic Chief or an employee of the City to whom he or she has delegated authority to enforce or administer all or part of this By-law.
added 8162/2002

"National Building Code of Canada", "National Building Code of Canada 1995" and **"Manitoba Building Code"** when used in this by-law, including the Manitoba Fire Code, mean the building construction codes and building construction standards adopted by The Winnipeg Building By-law No. 4555/87 and amendments thereto.
added 7897/2001

ADOPTION OF MANITOBA FIRE CODE *added 7897/2001*

- 4.1 (1) This by-law adopts the codes, rules, standards, requirements and specifications from time to time adopted, established or prescribed by regulation pursuant to The Fires Prevention Act.
- (2) The Manitoba Fire Code adopted by subsection (1) is hereby incorporated into this by-law as if it had been set out in its entirety.
- (3) The Clerk of the City of Winnipeg shall keep a copy of the Manitoba Fire Code available for review by the public during normal business hours.
added 7897/2001

INSPECTION

5. The designated employee and his or her delegates may conduct inspections and take steps to administer and enforce this By-law or remedy a contravention of this By-law in accordance with *The City of Winnipeg Charter* and, for those purposes, have the powers of a "designated employee" under *The City of Winnipeg Charter*.¹
amended 8162/2002

BONFIRES

6. (1) No person shall kindle or maintain any bonfire or rubbish fire on private property or authorize any such fire to be kindled or maintained on or in any public street, alley, road or other public ground without a permit from the Chief.
- (2) The Chief shall prohibit any or all bonfires and rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

BARBECUING

- 6.1 (1) Subject to section 6.2 herein, no person shall light, ignite, start or allow to be lighted, ignited or started a fire in a grill or barbecue for the purpose of cooking food on or near any residential occupancy, except where:
 - (a) the portable grill or barbecue is located outdoors on a firm noncombustible base or floor not closer than six (6) feet from a combustible structure or less than three (3) feet from a combustible structure if the appliance is permanently anchored and is supervised at all times while in use,
 - (b) the storage and use of propane cylinders conforms with the requirements described in Sentence 5.6.1.1. of The Manitoba Fire Code,
 - (c) solid fuel appliances are to be used, provisions for the storage of ashes or hot coals is limited to receptacles conforming to Article 2.4.1.9 of The Manitoba Fire Code.
- 6.2 Section 6.1 shall not apply to single family detached dwelling units and two family semi-detached dwelling units.

amended 3797/84

SMOKE ALARMS

7. (1) In this section:

“residential rental unit” means any dwelling unit that is used or intended to be used to provide sleeping accommodation for one or more persons on a rental basis, and without limiting the generality of the forgoing, 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 owner occupied dwelling unit;

"smoke alarm" means a ten year lithium power non-tamper smoke alarm that is acceptable to the designated employee or a smoke alarm that has a permanent connection to an electrical circuit.

amended 8162/2002

- (2) Smoke alarms shall be installed in all residential rental units.
- (3) Without limiting the generality of subsection (2), where any sleeping area is located directly off a kitchen, a smoke alarm shall be installed inside that sleeping area.
- (4) Smoke alarms shall not be installed within 3 feet of an entrance to a bathroom.
amended 7675/2000
- (5) Where a smoke alarm is installed in a single room residential rental unit or within 10 feet of an entranceway to any bathroom, it shall:
 - (a) have a pause, hush, silencer or false alarm control feature;
 - (b) be installed in accordance with the Canadian Standard for the installation of smoke alarms CAN/ULC-S553-M.
amended 7675/2000
- (6) Where compliance with subsections (4) or (5) cannot be achieved, the location of installation of a smoke alarm shall be subject to the approval of the designated employee.
amended 8162/2002
- (7) Any smoke alarm with a permanent connection to an electrical circuit:
 - (a) in existence at the time this by-law comes into force shall be maintained and shall not be replaced with a lithium power smoke alarm;
 - (b) installed after the coming into force of this by-law shall be maintained and shall not be replaced with a lithium power smoke alarm.
- (8) All permits necessary under any other act, code or by-law shall be obtained for the installation of a smoke alarm.
- (9) No person shall damage, tamper with, destroy, disconnect or remove any smoke alarm.

- (10) The requirements established in this section are in addition to the requirements in any other code or by-law, and to the extent that there is an inconsistency between the requirements of this section and the requirements of any other code or by-law, the requirements of this section shall take precedence.
amended 7394/99
- 7.1 (1) Subject to subsection (2) herein, Section 7 shall be complied with by March 24, 2000;
- (2) Where acceptable to the designated employee, 10-year lithium power non-tamper smoke alarms shall be installed on or before September 30, 2000.
added 7556/2000; 8162/2002
- 7.2 (1) Any person who deems themselves aggrieved by the technical requirements of section 7, or the compliance dates set out in section 7.1, may within thirty days of the passage of this by-law, seek an order of variance from the Winnipeg Building Commission.
- (2) Any person wishing to seek an order of variance from the Commission shall file an application with the Secretary of the Commission clearly stating their request and/or grounds for seeking the order, and the Secretary shall advise the person applying, of the day, time and place set for the meeting and/or hearing so that they or their representative may attend.
- (3) The Commission may issue an order to:
- (i) modify or vary any of the requirements set forth in section 7 where, in its discretion, it is satisfied that such modification or variation will substantially accomplish the object of the requirement.
- (ii) extend the compliance dates set out in section 7.1.
- (4) An application under subsection (2) may relate to more than one building, provided that where a proposal is submitted by someone other than the owner, they shall indicate what authority has been granted to them by the owner for arranging to have the required work completed and they shall notify the Chief immediately of any change in that authority.
amended 7702/2000
- (5) Where the Commission agrees to a proposal which shall extend the time for compliance beyond the dates set out in section 7.1, the owner of each building so affected shall submit an undertaking in a form satisfactory to the City Solicitor/Manager of Legal Services stating:

- (i) that the necessary work will be carried out in accordance with the proposed work plan and in accordance with the proposed time schedule;
 - (ii) that the City will have the right to register a caveat against the property advising of this undertaking;
 - (iii) that they will indemnify the City against all claims which may result from the change in work schedule.
- (6) Where there is a change of ownership of any lands or buildings for which the Commission has approved an extension of time for completion of upgrading works, the Commission may cause an order to be issued requiring the new owner to submit a new application and proposal respecting the extension of time for completion of the work.
- (7) When the Commission has approved a proposal with respect to the scheduling of work for buildings considered as a group, and one or more of the buildings included under the proposal fails to meet the scheduled completion dates, the Commission may withdraw approval for part or all of such buildings.
- added 7596/2000 (section 7.2(1) - (7) inclusive)*

PERMIT

8. A permit from the Chief shall be required for the following:
- (a) The storage of flammable and combustible liquids in excess of the amount specified in the Code.
 - (b) The installation of above-ground and under-ground flammable and combustible liquid storage tanks.

ORDERS AND DECISIONS

amended 8162/2002

9. (1) Any order to remedy a contravention of this By-law must be issued in accordance with *The City of Winnipeg Charter*.²
- (2) Any orders and decisions of a designated employee and the Winnipeg Building Commission must be served in accordance with *The City of Winnipeg Charter*.²
- (3) Where an address for sending a notice, order, decision or other document is required, one of the following shall be used:

- (a) if the person to be served is the owner of real property, the address maintained by the tax collector for the purpose of issuing the tax notice for that property;
- (b) if the person to be served is the occupant of real property, the street address for that property; and
- (c) if the document to be served relates to a permit or other document for which the person to be served has applied in writing, the address provided by the person in the application. ³
amended 8162/2002

10. An appeal from an order to remedy a contravention of this By-law or a decision made by the designated employee or a decision or order of the Winnipeg Building Commission may be made to the Standing Policy Committee on Protection and Community Services in accordance with *The City of Winnipeg Charter*. ⁴
amended 8162/2002

SEVERABILITY

11. Should any section or part thereof of this By-law or the Code hereby adopted be declared to be invalid, it is the intent of the Council of The City of Winnipeg that it would have passed all other portions of this By-law and the Code independent of the elimination of any such portion as may be declared invalid.

APPLICATION

12. 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.

PENALTY

13. *repealed 8162/2002*

REPEAL

14. All by-laws or portions of by-laws to provide for the prevention of fires; to regulate the storing, handling, conveying or use of flammable, explosive or otherwise dangerous substances; or to adopt a Fire Prevention Code heretofore enacted and continued in force pursuant to the provisions of *The City of Winnipeg Act*, including the following:

- (a) By-law No. 1151 of The City of East Kildonan;
- (b) By-law No. 1824 of The City of East Kildonan;
- (c) By-law No. 2450 of The City of East Kildonan;
- (d) By-law No. 5070 of The Rural Municipality of Fort Garry;
- (e) By-law No. 1585 of The Rural Municipality of North Kildonan;
- (f) By-law No. 999 of The City of St. Boniface;
- (g) By-law No. 2882 of The City of St. Boniface;
- (h) By-law No. 4684 of The City of St. Boniface;
- (i) By-law No. 9491 of The City of St. James;
- (j) By-law No. 332/70 of The City of St. James-Assiniboia;
- (k) By-law No. 577/71 of The City of St. James-Assiniboia;
- (l) By-law No. 6906 of The City of St. Vital;
- (m) By-law No. 7950 of The City of St. Vital;
- (n) By-law No. 23/58 of The City of Transcona;
- (o) By-law No. 25/62/A of The City of West Kildonan;
- (p) By-law No. 46/69/A of The City of West Kildonan;
- (q) By-law No. 714 of The Town of Tuxedo;
- (r) By-law No. 18600 of The City of Winnipeg;

are hereby repealed.

DONE AND PASSED in Council assembled, this 21st day of July, 1976.

1 [See sections 180-181 and sections 183-188 of *The City of Winnipeg Charter* for information about some of the key powers given to designated employees.](#)

2 [See sections 180 to 184 and sections 116 and 117 of *The City of Winnipeg Charter* for information about the powers given to designated employees to issue compliance orders and how they must be served.](#)

3 [See sections 116 and 117 of *The City of Winnipeg Charter* for information about how to serve orders, decisions and other documents.](#)

4 [See sections 189 and 121 of The City of Winnipeg Charter for information about appeals, including information about the time limit for appeals and how appeals are to be filed.](#)