

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.

WHEREAS The City of Winnipeg Act provides, in part, as follows:

"478(1) The city may pass by-laws

- (c) for the prevention and suppression of fires, including the pulling down of adjacent buildings where necessary to prevent the spreading of fires, and for the preservation of lives and property and the protection of the general public at fires;
- (g) for preventing any act, practice or thing or the continuance of any condition likely, in the opinion of the council, to cause or aggravate fires, and for making any other regulations deemed necessary to prevent fires or reduce the danger of damage, injury or loss of life therefrom."

"478(2) In exercising the powers contained in subsection (1), the city may by by-law adopt in whole or in part the National Fire Code of Canada or may by by-law adopt the whole or any part of any other fire prevention code that is available to the public in printed form; and upon any code or any part thereof being adopted by a by-law, the whole, or the part adopted, shall have force and effect to all intents and purposes as if it had been incorporated verbatim into the by-law."

"525(1) The city may pass by-laws

- (g) for preventing or regulating the storing, handling, conveying or use of, and defining, inflammable, explosive or otherwise dangerous substances, and for erecting or acquiring buildings within or without the city for the purpose of, and requiring and charging for, the storage therein of such substances."

NOW THEREFORE THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. Short Title

This By-law may be cited as "The Winnipeg Fire Prevention By-law".

2. Adoption of National Fire Code

- (1) There is hereby adopted by The City of Winnipeg the National Fire Code of Canada 1975 issued by the National Research Council of Canada, of which Code a printed copy shall be kept with this By-law on file in the office of the Clerk of the City, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, is hereby adopted and incorporated as fully as if set out at length herein, and any reference to this By-law shall be construed as a reference to the whole By-law, including the Code.
- (2) Where used in the Code, a reference to "The National Building Code of Canada 1975" shall be deemed to mean a reference to "The National Building Code of Canada 1970" as adopted by The City of Winnipeg by By-law No. 740/74.

3. Purpose

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.

4. Definitions

In this By-law:

- (1) "Authority having jurisdiction" means the Chief of the Fire Department or the Supervisor of Building Inspections, or the responsible city, provincial or federal official with legal authority for controlling the subject referred to.
- (2) "Chief of the Fire Department" or "Chief" means the Chief of the Winnipeg Fire Department, appointed under the provisions of The City of Winnipeg Act.
- (3) "Supervisor of Building Inspections" means the officer designated, or other officer performing like duties, appointed under Section 484 of The City of Winnipeg Act.

5. Inspection

The Supervisor of Building Inspections, the Chief or any of their respective assistants, may, at all reasonable times, and with the consent of the owner or occupier, but subject to Section 143.1 of The City of Winnipeg Act, enter and inspect any premises in which such official or assistant has reason to believe this By-law is being violated.

6. Bonfires

- (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.

7. Self-Service Gasoline Dispensers

(1) Installation.

No person shall install or operate any type of self-service outlet gasoline or other petroleum fuel dispenser except of the console-operated design, equipped with approved automatic nozzles from which the hold-open latches have been removed, and the system controlled to the extent that delivery of gasoline or other petroleum fuel cannot be effected until the attendant has set the console controls; and otherwise installed in accordance with plans and specifications first approved of in writing by the Chief of the Fire Department of the City.

(2) Operation

The console operator shall remain in constant and immediate attendance at the console while the self-service equipment is in operation.

8. Permit

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.

9. Orders

- (1) If the authority having jurisdiction finds that any provision of this By-law has been contravened or has not been complied with or has been complied with improperly or only in part or that conditions exist

in or upon a building or property to which this By-law applies which, in his opinion, constitute a fire hazard or otherwise constitute a hazard to life or property or both, he may make such order to ensure full and proper compliance with this By-law and, in particular, but without limiting the generality of the foregoing, he may

- (a) make to the owner, occupier or lessee of the building or property such recommendations as he deems necessary to correct the contravention or to ensure compliance with this By-law or to remove the hazards referred to in this By-law, or
 - (b) make such orders as he deems necessary with respect to any of the matters referred to in this By-law.
- (2) An order made under this By-law shall be in writing and may be directed to the owner, occupier or lessee of the building or property in respect of which the order is made or to both.
- (3) An order made under this By-law shall be served by
- (a) delivering it or causing it to be delivered to the person to whom it is directed, or by
 - (b) posting a copy of it 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 the order.

10. Any person claiming to be injuriously affected by a decision or order of the authority having jurisdiction authorized to be made under this By-law, may, within fourteen days of being notified of such decision or order, appeal therefrom to the Committee on Finance and the decision of the said Committee shall be final and not subject to appeal.

11. Severability

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.

12. 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.

13. Penalty

- (1) Any person who contravenes or disobeys, or refuses or neglects to obey
 - (i) any provision of this By-law or any provision of any other By-law, that by this By-law is made applicable to the City, or made applicable to proceedings taken or things done under this By-law; or
 - (ii) any provision of any By-law, regulation, or order enacted or made by Council; or
 - (iii) any order made under this By-law or any condition attached to a permit or to which the permit is subject;

for which no other penalty is herein provided, is guilty of an offence and liable, on summary conviction, to a fine not exceeding One Thousand Dollars (\$1,000.00) in the case of an individual or Five Thousand Dollars (\$5,000.00) in the case of a corporation, or, in the case of an individual, to imprisonment for a term not exceeding six months or to both a fine and such an imprisonment.

- (2) Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the person is guilty of a separate offence for each day it continues.

14. Repeal

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;

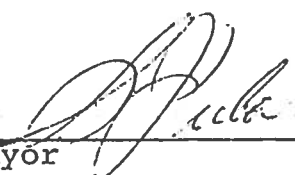
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6.

- (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 A.D. 1976.



Mayor



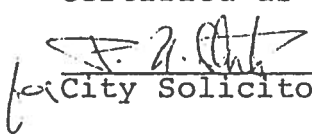
City Clerk

Approved as to details:



Chief, Fire Department

Certified as to form:



City Solicitor