THE CITY OF WINNIPEG

BY-LAW NO. 9/2009

A By-law of THE CITY OF WINNIPEG to amend the Fire Prevention By-law No. 150/2004.

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

Fire Prevention By-law amended

1 The Fire Prevention By-law No. 150/2004 is amended by this By-law.

Emergency smoke alarm installation permitted

2 Section 28 is renumbered "28(1)" *and the following is added after it:*

Emergency smoke alarm installation

28(2) A member of the Winnipeg Fire Paramedic Service is authorized to install a functioning smoke alarm in rented residential premises to bring it into compliance with this By-law if

(a) a required smoke alarm in the building is missing or malfunctioning; and

(b) the building owner or his or her agent:

(i) cannot be contacted by a member of the Winnipeg Fire Paramedic Service after 30 minutes of reasonable efforts to make contact; or

(ii) is unable or unwilling to have a functioning smoke alarm installed as required by this By-law within one hour of being contacted by a member of the Winnipeg Fire Paramedic Service and being directed to have a functioning smoke alarm immediately installed.

Definition of "qualified service person" replaced

3(1) The definition "Qualified service person" in s*ection 35 is repealed and the following definition is added in alphabetical order:*

Licenced service person means an individual who holds a current, valid licence issued under this By-law to test, inspect or maintain a particular type of fire protection/life safety installation in compliance with the Manitoba Fire Code.

3(2) The term "qualified service person" *is struck out wherever it appears and* "licenced service person" *is substituted.*

Sections 36 and 37 replaced

4 Section 36 and 37 are repealed and the following is substituted:

Inspection and testing of fire protection/life safety installations required
36 The owner of a building in which a fire protection/life safety installation listed in Schedule "D" has been installed or is required by the Manitoba Fire Code to be installed must ensure that the fire protection/life safety installation is inspected, tested and maintained by a service person who has been licenced under this By-law to inspect, test or maintain that type of fire protection/life safety installation.

Service person licence to be issued
37(1) Subject to this section, a designated employee may issue or renew an annual licence authorizing an individual to inspect, test and maintain one or more type of fire protection/life safety installations only if the individual

(a) provides evidence that he or she meets or continues to meet the qualifications set out in Schedule "D" (or as otherwise established under this section) for the type of fire protection/life safety installation for which the licence or renewal of a licence is sought; and

(b) pays the fee set out in Schedule "A" for the licence.

Licence issued annually
37(2) A licence issued under subsection (1) expires on the anniversary of the date it was issued.

Fee not pro-rated
37(3) The licence fee set out in Schedule "A" is payable prior to the licence being issued and is not reduced if the licence is in effect for less than a full year.

Chief may determine qualifications
37(4) Where specified in Schedule "D", the Chief may establish standards and qualifications that individuals must meet or obtain in order to be issued a licence under subsection (1).

Qualifications may be based on education or certification
37(5) The standards and qualifications referred to in subsection (4) may be based on the individual having completed training or education courses or having received a certification designation that the Chief considers sufficient evidence of that individual's competence in performing the test, inspection or maintenance required with respect to the particular type of fire protection/life safety installation or class thereof.

Service person licence qualifications
37(6) Notwithstanding subsection (1), where an individual does not hold the qualifications set out in Schedule "D" for a particular type of fire protection/life safety installation, the Chief may nevertheless issue a service person licence to that individual with respect to that type of fire protection/life safety installation if the individual provides evidence to the satisfaction of the Chief of his or her competence to perform the tests, inspections or maintenance required by the Manitoba Fire Code with respect to that type of fire protection/life safety installation.

Section 39 replaced
5 Section 39 is repealed and the following is substituted:

Offence to fill out label without licence or to provide false information on label

39(1) A person commits an offence if he or she

(a) provides information on a label referred to in section 38 without holding a valid licence to test, inspect or maintain the type of fire protection/life safety installation to which the label applies;

(b) attaches a label referred to in section 38 to a fire protection/life safety installation that contains information provided by an unlicenced individual; or

(c) provides false information on a label.

Offence for owner of building to permit illegal label to be attached

39(2) The owner of a building commits an offence if he or she permits a label referred to in section 38 that contains false information or information that has been provided by an unlicenced individual to be attached to a fire protection/life safety installation in the building.

Subsection 55(1) and (1.1) replaced

6 Subsections 55(1) and (1.1) are repealed and the following is substituted:

Inspection fees must be paid

55(1) Subject to subsection (1.1), the inspection fees set out in Schedule "A" must be paid by the person identified in Schedule "A" as responsible for payment of the fee.

Waiver of inspection fees

55(1.1) The Chief may waive an inspection fee set out in Schedule "A" in respect of a property owned or leased by the City of Winnipeg.

Subsection 55(4) and (5) added

7 The following is added after subsection 55(3):

Regular office hours defined

55(4) For the purposes of Schedule "A", "regular office hours" means 8:00 a.m. to 4:30 p.m. Monday to Friday except holidays recognized in the current collective agreement between the City of Winnipeg and the United Fire Fighters of Winnipeg.

Smoke alarm installation fee

55(5) Where a smoke alarm is installed pursuant to subsection 28(2), the fee set out in Schedule "A" for the installation of each smoke alarm in the building is payable by the owner of the building.

Section 60.1 amended

8(1) The heading above section 60.1 is struck out and **"Minimum penalty for contravention of By-law"** *is substituted.*

8(2) Section 60.1 is renumbered as subsection 60.1(1).

8(3) The following is added after clause 60.1(1)(b):

(b.1) subsection 39(2) of this By-law, by permitting a label referred to in section 38 that contains false information or information that has been provided by an unlicenced individual to be attached to a fire protection/life safety installation in the building.

8(4) The following is added after subsection 60.1(1):

Penalty for unlicenced service person filling out label
60.1(2) An individual who contravenes subsection 39(1) is guilty of an offence and is liable upon summary conviction to a fine of $500.00.

Discounted fine for early payment
60.1(3) Notwithstanding subsection (2), an individual who contravenes clauses 39(1) may pay a discounted fine of $300.00 plus mandatory court costs as provided by *The Summary Convictions Act* within 14 days following the date the offence notice alleging the contravention was issued and thereafter will not be prosecuted for the contravention.

Schedule "A" amended
9(1) Schedule "A" is amended by striking out:

INSPECTION FEES

Residential Care Facility	$75.00
Other requested inspections (per hour or part thereof)	$80.00
Second and subsequent re-inspections to check on compliance with violation notice or order	$75.00
Fireworks site inspection outside of regular Fire Prevention office hours	
• less than 3 hours inspection time	$200.00
• for each additional hour or part thereof	$80.00
Other after-hours inspection	
• for each hour or part thereof	$80.00

and substituting:

INSPECTION FEES

<u>Requested or mandatory inspections</u>

Residential care facilities (flat fee) (payable by operator of residential care facility)	$156.00
Other requested or mandatory inspections (per hour or part thereof) (payable by person who requested inspection or owner of building)	$90.00

After-hours inspections
(payable by person who requested inspection)

Fireworks site inspection outside of regular Fire Prevention office hours
- less than 3 hours inspection time $200.00
- for each additional hour or part thereof $90.00

Other after-hours inspection
- for each hour or part thereof $90.00

Follow-up inspections to determine compliance
(payable by person responsible for compliance)

Second and subsequent re-inspections to check on compliance with violation notice or order (for each inspection) $75.00

Third and subsequent re-inspections to check on compliance with violation notice or order when fire crews have done initial inspections (flat fee) $100.00

Post-fire inspections
(payable by owner of building)

Post-fire inspection to ensure required fire protection systems are in place prior to re-occupancy of a building
- for each hour or part thereof $90.00

Other inspections
(payable by owner of building)

Building inspections prompted by complaint
- for each hour or part thereof $90.00

Fire safety plan reviews
(payable by owner of building)

Second and subsequent review of Fire Safety Plan required by Manitoba Fire Code
- per review $100.00

9(2) *The following is added prior to* **MISCELLANEOUS FEES"** *in Schedule "A":*

LICENCE FEES

Annual licence fee for qualified service person (section 37) $20.00

9(3) The following is added at the end of Schedule "A":

Emergency installation of smoke alarm pursuant to subsection 28(2)	$100.00

DONE AND PASSED, this day of , 2009.

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Mayor

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City Clerk

Approved as to content:

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Fire Paramedic Chief

Approved as to form:

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For Acting City Solicitor/Manager of
Legal Services