THE CITY OF WINNIPEG

BY-LAW NO. 150/2004

A by-law of the City of Winnipeg to adopt the Manitoba Fire Code and to establish standards and requirements for a variety of situations to prevent fires and increase life safety.

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

Short Title

1 This by-law may be cited as **"The Fire Prevention By-law."**

Definitions

2 In this By-law

Chief means the Fire and Paramedic Chief or Acting Fire and Paramedic Chief of the City of Winnipeg.

Designated employee means the Fire and Paramedic Chief of the City of Winnipeg and any employee of the City to whom he or she has delegated in writing the authority to enforce or administer all or part of this By-law.

Manitoba Building Code and **National Building Code of Canada**, when used in this By-law means the building construction codes and standards adopted by the Winnipeg Building By-law No. 4555/87.

Manitoba Fire Code means the National Fire Code adopted and amended by Manitoba Regulation 63/98 pursuant to *The Fires Prevention Act*, C.C.S.M. c. F80.

PART 1 – GENERAL

Adoption of Manitoba Fire Code

3(1) Except to the extent that it conflicts with this By-law, the Manitoba Fire Code is hereby adopted and forms part of this By-law.

"Authority having jurisdiction"
3(2) For the purposes of this By-law, references in the Manitoba Fire Code to the "authority having jurisdiction" are references to the City of Winnipeg.

Powers of designated employees
4 Designated employees 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*.

Orders to remedy contravention
5 An order to remedy a contravention of this By-law and a notice of suspension or revocation of a permit must be issued in accordance with The City of Winnipeg Charter.

Appeal of order or decision
6 Where a person is entitled to an appeal of an order or a decision under this By-law by virtue of The City of Winnipeg Charter, the appeal may be made to the Standing Policy Committee on Protection and Community Services in accordance with The City of Winnipeg Charter.

Address for service
7 Where an address for service must be determined, one of the following may 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; or

(c) if the person to be served has within the previous 12 months provided his or her address in an application for a permit or licence under this By-law, the address provided in the application.

PART 2 - PERMITS

Permits issued by designated employee
8 Any permit required under this By-law must be issued by a designated employee.

Permit may be subject to conditions

9 A permit may be issued subject to reasonable conditions designed to reduce, eliminate or mitigate nuisances or hazards to people or property associated with the activity.

Refusal to issue permits

10(1) The designated employee may refuse to issue a permit where

(a) the designated employee determines that the activity cannot be conducted without violating this By-law, another by-law of the City or a provincial or federal statutory provision;

(b) the designated employee determines that the applicant lacks the skills and knowledge necessary to conduct the activity safely and in compliance with this By-law, other relevant by-laws of the City or relevant provincial or federal statutory provisions;

(c) the designated employee determines that no conditions can be imposed that would allow the activity to be conducted safely;

(d) the applicant is neither in legal possession of the property on which the activity is to take place nor has written permission from the occupant of the property to conduct the activity;

(e) the applicant has been found guilty of failing to comply with conditions imposed on a similar permit or this By-law or other relevant by-laws within the past year; or

(f) a similar permit issued to the applicant has been revoked within the past year;

(g) the applicant is not eighteen years of age or older.

Withholding permits

10(2) A permit may be withheld until and unless a designated employee has inspected and approved the location at which the activity is proposed to take place.

Permit may be flexible

11 A permit

(a) may be issued for a specific occasion or for an extended period of time; and

(b) may allow for more than one instance of an activity at a single area or location.

Applications for permits

12 Applicants for permits must provide information reasonably required by the designated employee to assess the application, which may include, among other things:

(a) the name, address and telephone number of the applicant;

(b) the address or legal description of the land on which the applicant proposes to conduct the activity;

(c) the skill, knowledge and experience of the person or persons conducting the activity;

(d) information concerning the activity and the circumstances in which the activity will be carried on.

Obligations of permit holder

13 A person to whom a permit has been issued must:

(a) comply with this By-law and the conditions imposed in the permit at all times during the term of the permit.

(b) ensure that the permit is available for examination by a designated employee at the site of the permitted activity.

Suspension and revocation of a permit

14 Where a permit holder has contravened any of the conditions of a permit issued under this By-law, the provisions of this By-law or any provisions of the Manitoba Fire Code, or where a designated employee concludes that atmospheric conditions or other circumstances make the permitted activity unsafe, a designated employee may

(a) suspend the permit for a specified period of time or until the contravention has been remedied or specified conditions are met; or

(b) revoke the permit.

Permit fees

15(1) Subject to subsection (2), a fee in the amount set out in Schedule "A" must be paid by the applicant before a permit may be issued by the designated employee.

Waiver of permit fee

15(2) Notwithstanding subsection (1), the Chief may waive all or part of a permit fee where the activity for which a permit is sought is being conducted by or on behalf of the City or a non-profit organization.

Refund of fees
16(1) Subject to subsection (2), where a permit is revoked or voluntarily surrendered, the Chief may refund all or a portion of the permit fee where

(a) the revocation was not due to a violation of this By-law or other dangerous actions on the part of the applicant; and

(b) the time and effort expended by the Fire Paramedic Service to process and administer the permit has been minimal.

Cancellation fee must be withheld
16(2) Notwithstanding subsection (1), where all or a portion of the permit is refunded, the permit cancellation fee set out in Schedule "A" must be retained.

PART 3 – OUTDOOR FIRES AND PORTABLE BARBEQUES

Definitions
17 In this Part

Approved receptacle means an approved fire pit, approved outdoor barbeque, approved outdoor fireplace or approved outdoor warming fire receptacle described in sections 20 to 23.

Open-air fire means a fire set outdoors for any purpose, including cooking, recreation, generation of heat, the disposal of wood, stubble or crop residue and for religious or ceremonial purposes.

Operate, in relation to a portable barbeque, includes lighting, igniting, maintaining a fire within and cooking on a portable barbeque.

Permit means an open-air fire permit issued under section 19.

Person in charge of an open-air fire includes a person who ignites an open-air fire and the owner, occupier or person in charge of any premises on which an open-air fire is set.

Person in charge of a portable barbeque includes a person who ignites a portable barbeque, the owner of the portable barbeque and the owner, occupier or person in charge of any premises on which a portable barbeque is operated.

Portable barbeque means any appliance manufactured and sold for the purpose of cooking food outdoors and designed to burn propane, natural gas, wood or charcoal briquettes or to use electricity as a heat source.

Residential property includes any land zoned for a residential occupancy within the City of Winnipeg.

All open-air fires subject to By-law

18 No person may set any open-air fire and the owner, occupier or person in charge of any premises may not permit any open-air fire to be set or to remain lit on any premises of which he or she is the owner, occupier or person in charge, unless the fire meets the requirements of this By-law.

Open-air fire permit required

19(1) Subject to subsection (2), no person may set any open-air fire within the City of Winnipeg, and the owner, occupier or person in charge of any premises may not permit any open-air fire to be set or to remain lit on any premises of which he or she is the owner, occupier or person in charge, unless a designated employee has issued an open-air fire permit authorizing the fire.

When open-air fire permit not required

19(2) Subsection (1) does not apply to

(a) fires set and contained within an approved receptacle and maintained in accordance with this By-law on the grounds of a residential property;

(b) fires set and maintained for ceremonial or religious purposes which are contained within an approved receptacle and maintained in accordance with this By-law;

(c) portable barbeques that are fuelled, operated and maintained in conformance with the manufacturer's instructions;

(d) appliances that are approved by the Canadian Gas Association (CGA), are installed, operated and maintained in conformance with the manufacturer's instructions, and are fuelled by propane or natural gas;

(e) fires permitted by the City in outdoor fire pits, outdoor barbeques or outdoor fireplaces provided as fixtures in campgrounds or parks owned by the City of Winnipeg; and

(f) burning conducted by the Winnipeg Fire Paramedic Service or persons authorized by the Chief for the purpose of training members of the Winnipeg Fire Paramedic Service and the public.

Requirements for fire pits

20 An approved fire pit must

(a) be enclosed on all sides and constructed of masonry, concrete, heavy gauge metal or other non-combustible materials acceptable to the Chief;

(b) be at least 150mm (6 inches) in height above the surrounding grade but no more than 600mm (24 inches) in depth when measured from the top of the pit opening to the bottom of the pit;

(c) have an opening that does not exceed 750 mm (2.5 feet) in diameter or an area of 5.4 square metres (6.5 square feet) and in which neither the width nor length is greater than 750 mm (2.5 feet);

(d) have a spark arrestor, grille or mesh with openings no larger than 12 mm (1/2 inch) and constructed of a non-combustible material, which is used to cover the entire area of the fire pit opening; and

(e) not be used for commercial or industrial applications.

Requirements for outdoor barbeques

21 An approved outdoor barbeque must

(a) be constructed of masonry, concrete, heavy gauge metal or other non-combustible materials acceptable to the Chief;

(b) be enclosed on all sides, except for any opening completely covered by a removable, non-combustible spark arrestor, grille or mesh with openings no larger than 12 mm (1/2 inch);

(c) have a cooking surface which is at least 750 mm (2.5 feet) and no more than 1200 mm (4 feet) in height when measured from the surrounding grade;

(d) have a cooking surface which does not exceed 750 mm (2.5 feet) in diameter or an area of 5.4 square metres (6 square feet), and in which neither the width nor length is greater than 750 mm (2.5 feet); and

(e) not be used for commercial or industrial applications.

Requirements for outdoor fireplaces

22 An approved outdoor fireplace must

(a) be constructed of masonry, concrete, heavy gauge metal or mesh or other non-combustible materials acceptable to the Chief;

(b) have a chimney designed and constructed as a proportional and integral part of the fireplace to ensure that an adequate draft is created;

(c) have its chimney opening entirely covered by a non-combustible spark arrestor, grille or mesh with openings no larger than 12 mm (1/2 inch);

(d) have a side opening to the fire chamber which does not exceed 0.56 square meters (6 square feet) in area, and in which neither the width nor length is greater than 750 mm (2.5 feet);

(e) has its side opening entirely covered by a non-combustible spark arrestor, grille or mesh with openings no larger than 12mm (1/2 inch); and

(f) not used for commercial or industrial applications.

Requirements for outdoor warming fire receptacles

23 An approved outdoor warming fire receptacle must be a metal receptacle in good repair that has a maximum capacity of 225 litres (50 gallons) with all openings entirely covered by removable, non-combustible spark arrestors, grilles or mesh with openings no larger than 12 mm (1/2 inch).

Rules regarding all open air fires

24(1) A person in charge of an open-air fire must ensure that:

(a) the fire is always supervised by a person 18 years of age or older until and unless it is fully extinguished;

(b) the fire is always kept under control;

(c) an adequate supply of water, sand or some other means of controlling and extinguishing the fire is readily accessible;

(d) the fire is not set or maintained in conditions or locations which will or could result in:

(i) smoke which causes a nuisance or irritation to people on adjacent properties;

(ii) reduced visibility on any highway or road;

(iii) a rapid spread of fire through grass or brushed area;

(e) the fire is not set or maintained when the wind exceeds 25 kilometres per hour;

(f) if the fire becomes uncontrollable or spreads beyond its assigned limits, the Fire Paramedic Service is alerted by calling 911.

Rules regarding fires in receptacles

24(2) Unless a permit issued pursuant to subsection (3) permits otherwise, a person in charge of an open air fire on the grounds of a residential property must ensure that

(a) the fire is maintained within an approved receptacle;

(b) the fire is maintained a minimum of 3 metres (10 feet), as measured from the nearest edge of the fire, from any combustible buildings or structures, combustible fences, trees and overhead wires;

(c) only clean, dry, unpainted and untreated wood is burned and no grass, leaves, brush or tree prunings are burned in the fire.

Permit authorizing variations of general rules for fires in receptacles
24(3) A designated employee may issue a permit authorizing a fire that does not strictly comply with subsection 24(2) where the designated employee is satisfied that doing so will not expose people or property to undue risk.

Obligations of person in charge of a portable barbeque
25(1) A person in charge of a portable barbeque must ensure that it is

(a) operated only out of doors in a well ventilated area;

(b) operated and maintained in accordance with the manufacturer's instructions;

(c) not operated within 1 metre (39"), or such greater distance as may be recommended by the manufacturer of the portable barbeque, of combustible materials; and

(d) not left unattended when lit.

Operation of portable barbeque near buildings
25(2) No one may operate a portable barbeque within 20 feet of any building unless it

(a) unless it is located in the yard of a single family dwelling;

(b) uses electricity or natural gas as a heat source; or

(c) uses propane as fuel and equipped with a Quick Connect Coupling Valve (Q.C.C.1) and a Overfill Protection Device (O.P.D.).

Operation of portable barbeque on balcony, patio or deck
25(3) Notwithstanding subsections (1) and (2), no one may operate a portable barbeque that uses solid fuel on a balcony, patio or deck of a multiple family dwelling.

Storage and handling of propane storage cylinders (tanks)

26(1) The owner of a propane storage cylinder designed for use on a portable barbecue and the occupant of the premises in which the cylinder is located must ensure that, whether attached to a portable barbeque or not, the cylinder is

(a) maintained in an upright position at all times;

(b) shut off at the valve when not in use;

(c) not stored in a vehicle, building, or below grade; and

(d) unless attached to a portable barbeque, not stored within 2 metres (6.5 feet) of a portable barbeque.

Storage of propane storage cylinders on balconies
26(2) The owner of a propane storage cylinder designed for use on a portable barbecue and the occupant of premises must ensure that a propane storage cylinder designed for use on a portable barbecue is only stored on a balcony if:

(a) the balcony is not enclosed by screen or glass;

(b) no more than two 20 pound tanks are stored on any balcony, including any tank attached to a portable barbecue;

(c) tank valves are not nearer than 1 metre (39 inches) from any door or window that is lower than the valve.

PART 4 - SMOKE ALARMS IN RESIDENTIAL RENTAL UNITS

Definitions
27 In this Part

Residential rental unit means any dwelling unit that is used or intended to be used to provide sleeping accommodations for one or more persons on a rental basis and, without limiting the generality of the foregoing, 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 dwelling unit occupied by its owner.

Acceptable smoke alarm means a smoke alarm that

(a) has a permanent connection to an electrical circuit; or

(b) is powered by a ten-year lithium battery or power source

and is approved by the designated employee.

Smoke alarms mandatory in residential rental units
28 The owner of a residential rental unit must ensure that all smoke alarms are installed and maintained in accordance with this Part.

Installation of smoke alarms in residential rental units
29 Except where a provision of this By-law provides otherwise, smoke alarms in a residential rental unit must be installed in accordance with the most recent edition of the "Standard for the Installation of Smoke-Alarms", published by the Underwriters' Laboratories of Canada and approved by the Standards Council of Canada.

Minimum number of smoke alarms
30(1) At least one acceptable smoke alarm must be installed and maintained in every residential rental unit.

Smoke alarms in sleeping area
30(2) Where a cooking area is directly accessible from a sleeping area in a residential unit, an acceptable smoke alarm must be installed and maintained within the sleeping area.

Pause, hush, silencer or false alarm feature
30(3) Subject to subsection (5), a smoke alarm located

(a) in a residential rental unit that consists of a single room;

(b) within ten feet of the entrance to a bathroom;

(c) within ten feet of a cooking area; or

(d) within ten feet of a cooking appliance in a motel or hotel room;

must be equipped with a pause, hush, silencer or false alarm control feature.

Alternative location may be permitted
30(4) Where it is not possible or reasonable to achieve compliance with this section, a designated employee may approve an alternate location for an approved smoke alarm.

No replacement of "hardwired" smoke alarms
31 An owner of a residential rental unit must not replace an approved smoke alarm that has a permanent connection to an electrical circuit with a smoke alarm powered by another source.

Tampering, removal, etc. of smoke alarms

32(1) Except to repair or replace it, no person may damage, tamper with, destroy, disconnect or remove an approved smoke alarm after it has been installed.

Photoelectric smoke alarm may be required
32(2) Where a smoke alarm has been damaged, tampered with, destroyed, disconnected or removed or has actuated false alarms on two or more occasions within a twelve month period, a designated employee may require the installation of a photoelectric smoke alarm acceptable to the designated employee.

Smoke Alarm Records
33 The owner of a residential rental unit must

(a) at the outset of each new tenancy and at least annually thereafter, ensure that smoke alarms are maintained and tested and, if necessary, that batteries or the alarms are replaced in compliance with the latest edition of CAN/ULC –S552 "Standard for the Maintenance and Testing of Smoke Alarms" published by the Underwriters Laboratory of Canada and approved by the Standards Council of Canada;

(b) record the information required in Schedule "B" and retain this record for at least two years at or near the site of the residential rental unit.

Owner's responsibility to tenants
34 The owner of a residential rental unit must supply each tenant with a copy of Schedule "C" at the outset of each new tenancy and at the time of each annual smoke alarm inspection and test.

PART 5 – FIRE PROTECTION/LIFE SAFETY INSTALLATIONS

Definitions
35 In this Part

Fire alarm system means a system of interconnected devices operating in a coordinated manner to provide early warning of a fire.

Fire protection/life safety installation means an item listed in Schedule "D" and that is required by the Manitoba Fire Code to be tested, inspected or cleaned.

Label means an informational sticker required to be affixed to a fire protection/life safety installation by this Part.

Qualified service person means an individual who is authorized by this By-law to test, inspect or clean a fire protection/life safety installation in compliance with the Manitoba Fire Code.

Inspection and testing of fire protection/life safety systems required
36 The owner of a building must ensure that an existing fire protection/life safety installation listed in Schedule "D" is inspected, tested and maintained as required by the Manitoba Fire Code by a qualified service person listed for that fire protection/life safety installation in Schedule "D".

Qualified service person
37(1) Subject to subsection (4), only an individual who meets the qualifications set out in Schedule "D" for a particular fire protection/life safety installation is a qualified service person with respect to that fire protection/life safety installation.

Chief may determine some qualifications
37(2) Where specified in Schedule "D", the Chief may establish standards and qualifications that individuals must meet in order to be a qualified service person.

Qualifications may be based on education or certification
37(3) The standards and qualifications referred to in subsection (2) may be based on an individual having completed training or educational courses or having received a certification designation that the Chief considers sufficient evidence of that individual's competence in performing the test, inspection or cleaning required with respect to a particular fire protection/life safety installation or class thereof.

Service personnel qualifications
37(4) Notwithstanding subsection (1), where an individual does not hold the qualifications set out in Schedule "D" for a particular fire protection/life safety installation, the Chief may designate that person as a qualified service person with respect to that 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 cleaning required by the Manitoba Fire Code with respect to that fire protection/life safety installation.

Label requirements
38(1) The owner of a building must ensure that a valid, up-to-date label conforming with this By-law is affixed to each fire protection/life safety installation specified in Schedule "D"

(a) at the location;

(b) at the point in time; and

(c) by a qualified service person

specified in Schedule "D".

Additional label requirements
38(2) Subject to subsection (3), the label

(a) must be applied with adhesive so that it cannot be easily removed;

(b) must not obscure any visual indicators or instructions on the fire protection/life safety installation;

(c) must not interfere with any locking device or the operation of the fire protection/life safety installation; and

(d) must be legible at all times.

Exception for hose systems
38(3) Notwithstanding subsection (2), a label may be attached to a hose system by way of a string or wire rather than being applied with adhesive.

Expired labels
38(4) The owner of a building must ensure that expired labels are removed from the fire protection/life safety installation or are entirely covered by a valid, up-to-date label.

Contents of label
38(5) The label must contain:

(a) a statement that the fire protection/life safety installation has been inspected, tested or cleaned in accordance with the Manitoba Fire Code;

(b) the date of the inspection, test or cleaning;

(c) the date on which the next inspection, test or cleaning is required;

(d) the address of the property at which the fire protection/life safety installation was tested, inspected or cleaned;

(e) the name and signature of the qualified service person who conducted the inspection, test or cleaning and the company by whom the person was employed, if applicable;

(f) either a statement that the installation is fully functional or a statement that the installation is not fully functional;

(g) either a statement that the system has deficiencies or a statement that the system does not have deficiencies; and

(h) a statement that the label does not substitute for a report on the inspection, test or cleaning where such a report is required by the Manitoba Fire Code.

Label where deficiencies are corrected
38(6) Where deficiencies identified in an inspection, test or cleaning have been corrected after a label referring to the deficiencies has been affixed to the fire protection/life safety installation, the owner of a building must ensure that a new label that reflects the fact that the deficiencies have been corrected is affixed to the fire protection/life safety installation.

Content of label where deficiencies are corrected
38(7) Where a label is affixed in compliance with subsection (6), the date of inspection set out on the label must be the date of the original inspection and the date on which the next inspection, test or cleaning is required set out on the new label must be calculated from the date of the original inspection.

Offence
39 Every person commits an offence who

(a) is not a qualified service person and provides information on a label; or

(b) provides false information on a label.

Inoperable fire alarm system
40(1) The owner of a building must ensure that a fire alarm system is operable at all times.

Qualified service person as agent of owner
40(2) The owner of a building may set out on the label the name, address and telephone number of a qualified service person who is authorized by the owner to act as the owner's agent and at the owner's expense to make the fire alarm system operable when it is inoperable.

Inoperable fire alarm system constitutes an emergency
41 Where a fire alarm system is inoperable and where the owner or a qualified service person identified on the label as the owner's agent, if any, are unable to make the system operable forthwith, a designated employee may take whatever actions or measures are necessary to meet the emergency, including evacuating the building.

PART 6 - FIREWORKS

Definitions
42 In this Part

Fireworks means those items included in Class 7 of the *Explosives Regulations*, CRC c.599 and includes low hazard fireworks, high hazard fireworks and pyrotechnic special effects.

Fireworks display means any occasion in which fireworks are ignited, fired or set off.

Fireworks Display Permit means a permit issued under s. 47(1).

Fireworks Distribution Permit means a permit issued under s. 45(1).

Fireworks supervisor means an individual who has been certified by the Explosives Regulatory Division of Natural Resources Canada to supervise fireworks displays.

High hazard fireworks means fireworks in Class 7, Division 2, Subdivision 2 of the *Explosives Regulations*, CRC c.599.

Low hazard fireworks means fireworks in Class 7, Division 2, Subdivision 1 of the *Explosives Regulations*, CRC c.599.

Pyrotechnic special effects means fireworks to which the Pyrotechnics Special Effects Manual, Edition 2, published by the Explosives Regulatory Division of Natural Resources Canada applies and includes black powder bombs, bullet effects, flash powder, smoke compositions, gerbs, lances and wheels.

Unauthorized fireworks prohibited
43 No person may

(a) possess;

(b) ignite, fire or set off or cause to be ignited, fired or set off;

(c) sell, cause or permit to be sold or offer for sale

any fireworks, except those on a list maintained by the Chief Inspector of Explosives for the Government of Canada pursuant to section 24 of *The Explosives Regulation*, C.R.C. c. 599.

Sale of fireworks to persons under 18 prohibited
44 No person may sell, offer for sale or distribute any fireworks, and no person being the owner, occupant or person in charge of any premises may permit any fireworks to be sold, offered for sale or distributed on the premises to anyone under eighteen years of age.

Permits required for sale and distribution of fireworks
45(1) No person may sell, offer for sale or distribute any fireworks, and no person being the owner, occupant or person in charge of any premises may permit any fireworks to be sold, offered for sale or distributed on the premises without either a fireworks distribution permit or a small quantity fireworks distribution permit issued by the designated employee.

Small quantity fireworks distribution permit
45(2) The designated employee may issue a small quantity fireworks distribution permit on condition that no high hazard fireworks and no more than 25 kilograms gross weight of low hazard fireworks are stored on the site for which the permit is issued.

Fireworks for sale must be inaccessible to public
45(3) Any person who sells, offers for sale or distributes fireworks or who, being the owner, occupant or person in charge of any premises, permits any fireworks to be sold, offered for sale or distributed on the premises must ensure that the fireworks being offered for sale are either packaged or stored in a manner that prevents members of the public from having direct physical contact with the fireworks other than under the supervision of the permit holder or the permit holder's agent.

Distributor must provide information
45(4) Any person who sells, offers for sale or distributes fireworks must provide at the time of the sale or distribution printed information in a form approved by the Chief advising the purchaser or recipient of the fireworks that no fireworks may be ignited, fired or set off within the City of Winnipeg without a Fireworks Display Permit issued by the designated employee.

Storage of fireworks
46(1) Any person who stores and handles fireworks must do so in a manner that minimizes the risk that they will be set off accidentally or in violation of this By-law.

Dangerous Quantities Fireworks Storage Permit
46(2) Any person who stores

(a) more than 1000 kilograms gross weight of low hazard fireworks; or

(b) any amount of high hazard fireworks or pyrotechnic special effects

must obtain a Dangerous Quantities Fireworks Storage Permit for this purpose from the designated employee.

Adequate sprinkler protection required
46(3) No person may store

(a) more than 1000 kilograms gross weight of low hazard fireworks; or

(b) any amount of high hazard fireworks or pyrotechnic special effects

except inside a building which meets the sprinkler system requirements for buildings classified as High Hazard Industrial in the Manitoba Fire Code.

Special exemption by designated employee
46(4) The designated employee may exempt a person from the requirements of subsection (3) where he or she determines that an adequate level of public safety is achieved at the proposed storage facility for the fireworks, taking into account

(a) the location of the storage facility relative to other buildings and activities;

(b) the preventative measures taken to prevent the fireworks from being set off in the facility;

(c) the measures taken to suppress and contain fireworks that have been set off in the facility; and

(d) other relevant factors.

Fireworks display permit required
47(1) No person may ignite, fire or set off any fireworks or cause any fireworks to be ignited, fired or set off, and no owner or occupant of premises may permit fireworks to be ignited, fired or set off on the premises, without a Fireworks Display Permit issued by the designated employee.

Fireworks display permit not issued to person under 18
47(2) A Fireworks Display Permit may not be issued to an individual under the age of 18 years.

Permit for high hazard fireworks only issued to fireworks supervisor
47(3) A Fireworks Display Permit for a display involving high hazard fireworks or pyrotechnic special effects may not be issued to anyone other than a fireworks supervisor.

Insurance may be required
47(4) A Fireworks Display Permit may be withheld until and unless the applicant provides evidence that he or she has obtained insurance for the display of a type and in an amount sufficient, in the opinion of the designated employee, to provide reasonable coverage for any accidental harm that may result from the fireworks display.

Persons under 18 prohibited from setting off fireworks
48(1) No person under the age of 18 years may ignite, fire or set off any fireworks or cause any fireworks to be ignited, fired or set off.

Fireworks must not cause danger or create nuisance
48(2) No person may ignite, fire or set off any fireworks or cause any fireworks to be ignited, fired or set off in a place or in a manner that might cause a danger to people or property or that might create a nuisance.

Fireworks prohibited on streets or public places
48(3) No person may ignite, fire or set off any fireworks or cause any fireworks to be ignited, fired or set off in or on or into any highway, street, lane, square or any other public place except as otherwise permitted by this By-law.

High hazard fireworks
48(4) No person may ignite, fire or set off any high hazard fireworks or cause high hazard fireworks to be ignited, fired or set off except in conformity with the current issue of the Display Fireworks Manual published by the Explosives Regulatory Branch of Natural Resources Canada.

Pyrotechnic special effects
48(5) No person may ignite, fire or set off any pyrotechnic special effects or cause any pyrotechnic special effects fireworks to be ignited, fired or set off except in conformity with the current issue of the Pyrotechnics Special Effects Manual published by the Explosives Regulatory Branch of Natural Resources Canada.

Safety precautions required in fireworks display
48(6) A person who ignites, fires or sets off fireworks must do so in a manner consistent with the safety of people and property and, in particular, may do so only while:

(a) safeguards are in place to keep spectators at a safe distance; and

(b) suitable fire extinguishing equipment is at hand.

Unused fireworks must be disposed of
48(7) Immediately following a fireworks display, a person who ignited, fired or set off any fireworks or who caused fireworks to be ignited, fired or set off must ensure that all unused fireworks are removed and safely disposed of.

Fireworks on City property
49(1) Subject to subsection (2), no person may ignite, fire or set off fireworks on or over land owned by the City of Winnipeg or over which the City has possession or control unless the person has:

(a) obtained permission to do so from the City department with responsibility for the land;

(b) agreed in writing to assume all liability associated with the fireworks display, fully indemnifying the City and saving it harmless from any liability associated with the fireworks display; and

(c) deposited with the Corporate Risk Manager of the City of Winnipeg a certificate of insurance that, in the opinion of the Corporate Risk Manager, is sufficient to provide the indemnification referred to in clause (b).

Exemptions
49(2) Clauses (b) and (c) of subsection (1) do not apply to fireworks ignited, fired or set off by individuals while acting out of or in the course of their duties as directors, employees or volunteers of community centres, business improvement zones and other entities for which insurance is purchased by the City of Winnipeg.

MISCELLANEOUS

Occupant load sign
50 Unless an Occupant Load Placard has been issued and posted pursuant to the Winnipeg Building By-law No. 4555/87, the owner of a building with an assembly occupancy where the occupant load is greater than 60 people must obtain an occupant load sign from a designated employee and post it as required by article 2.7.1.4 of the Manitoba Fire Code.

Flammable and combustible liquid storage tanks
51 The Winnipeg Building By-law is amended by repealing section 19 and substituting the following:

SECTION 19

STORAGE AND HANDLING OF FLAMMABLE AND COMBUSTIBLE LIQUIDS

19.1 Subject to the provisions of this By-law, every person must comply with the Fire Prevention By-law and the Manitoba Fire Code in storing and handling flammable and combustible liquids.

19.2 *No person may install or remove a storage tank containing or constructed to contain flammable or combustible liquids in a site above-ground, below-ground or inside buildings without first obtaining the consent of the Chief of the Fire Paramedic Service and a building permit for this purpose.*

Compliance with other legislation
52 Nothing in this By-law reduces or eliminates the obligation of any person to comply with the requirements of statutes or regulations of the Manitoba Legislature, other City by-laws or relevant Codes.

Conflict with other by-laws
53 To the extent that it is not possible to comply with the requirements of this By-law and the requirements of any other City by-law, the requirements of this By-law apply.

Schedules
54 Schedules "A", "B", "C" and "D", attached hereto, form an integral part of this By-law.

Fees to be charged
55(1) The fees set out in Schedule "A" may be charged by the Fire Paramedic Service of the City of Winnipeg for the inspections, permits and other items set out in Schedule "A".

Penalty for failing to pay inspection fee
55(2) A person who fails to pay an inspection fee as required by Schedule "A" commits an offence and is punishable upon summary conviction by a minimum fine of no less than double the amount of the fee.

Fire Paramedic Service By-law amended
56 The Fire Paramedic Service By-law No. 6311/94 is amended by repealing subsection 11(4).

Fireworks and Firecrackers By-law repealed
57 The Fireworks and Firecrackers By-law No. 351/73 is hereby repealed.

Fire Alarm Systems By-law repealed
58 The Fire Alarm Systems By-law No. 1484/77 is hereby repealed.

Fire Prevention By-law replaced
59 The Winnipeg Fire Prevention By-law No. 1322/76 is hereby repealed.

By-law replaces Fire Prevention By-law No. 1322/76

60 This By-law replaces the Fireworks and Firecrackers By-law No. 351/73, the Fire Alarm Systems By-law No. 1484/77 and the Winnipeg Fire Prevention By-law No. 1322/76, and a reference by any by-law, policy, resolution or other document of the City of Winnipeg to the Fireworks and Firecrackers By-law No. 351/73, the Fire Alarm Systems By-law No. 1484/77 and the Winnipeg Fire Prevention By-law No. 1322/76 is deemed to be a reference to this By-law.

Effective date

61 This By-law comes into effect on January 1, 2005.

DONE AND PASSED in Council assembled, this day of , 2004.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Fire and Paramedic Chief

Certified as to form:

_____
for City Solicitor/Manager of
Legal Services

SCHEDULE "A"
FEE SCHEDULE

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 inspections	
• For each hour or part thereof	$80.00

PERMIT FEES

Open-Air Fire Permit	$75.00
Fireworks Display Permit	
• Low Hazard	No Charge
• High Hazard*	$150.00
• Pyrotechnic Special Effects*	$150.00
Fireworks Distribution Permit (annual fee)	$100.00
Small Quantity Fireworks Distribution Permit (annual fee)	$25.00
Dangerous Quantities Fireworks Storage Permit (annual fee)	$200.00
Permit cancellation fee	$25.00

MISCELLANEOUS FEES

Public Education Services provided outside regular office hours	
• For each hour of development and delivery or part thereof	$80.00

* Includes site inspection during regular office hours

SCHEDULE "B"
SMOKE ALARM LOG

Building Address: _____

Owner's/Caretaker's Name: _____

Owner's/Caretaker's Signature: _____

DATE YR/MO/DAY	SUITE NO.	TENANT'S NAME (Print)	SMOKE ALARM CLEANED, INSPECTED & TESTED SATISFACTORY*	NEW SMOKE ALARM INSTALLED**	SMOKE ALARM REGULATIONS PROVIDED	TENANT'S SIGNATURE (Optional)	OWNER'S/ CARETAKER'S/ CONTRACTOR'S INITIALS

* See reverse side for CAN/ULC S-552 annual inspection and testing requirements.
** The Winnipeg Fire Paramedic Service Strongly Recommends That Smoke Alarms Be Replaced After Ten Years.

CAN/ULC S-552 Annual Testing and Maintenance Requirements

GENERAL

- Each smoke alarm must be visually inspected to ensure that the smoke alarm is securely fastened to the ceiling or wall.
- Each smoke alarm must be visibly inspected to ensure that it is not obstructed in a manner that would prevent smoke from reaching or entering the smoke alarm. The ventilation holes of the smoke alarm must be kept clean.
- Testing and inspections of smoke alarms and batteries, as well as the replacement of batteries, must be carried out in accordance with the manufacturer's recommendations, or where the manufacturer's instructions are not available, inspection, testing and maintenance must be carried out in accordance with the requirements stipulated in the Fire Prevention By-law. (More frequent testing provides a greater assurance of operability.)

MAINTENANCE AND ANNUAL TESTING

- The exterior of the smoke alarm must be vacuumed. A household vacuum cleaner may be used. A brush attachment may assist in removing accumulated dust on the cover. (AC powered smoke alarms should only be vacuumed externally and no attempt should be made to open the case.)
- After vacuuming, each smoke alarm must be tested using smoke or simulated smoke intended to test smoke alarms or by means of the test button. (Smoke may be generated with a smoldering incense stick, punk stick, or a cotton string in a suitable metal or fire resistant container.) Caution: Never use open flames to test the operation of smoke alarms and dispose of smoldering material used for testing in a manner that does not create a fire hazard.

REPLACEMENT

- Smoke alarms must be replaced if:
  A. The smoke alarm does not sound an alarm during either the smoke test or testing by means of a test button or after having the battery replaced in battery operated units;
  B. The exterior case is physically damaged or has been painted;
  C. The smoke alarm is covered in smoke stains or heavy grease or dirt accumulation;
  D. The smoke alarm causes frequent false alarms that are not the result of cooking or steam;
  E. Battery terminals are corroded; or
  F. A low battery signal sounds in a 10 year non-replaceable lithium battery powered smoke alarm.
- It is strongly recommended that smoke alarms be replaced after 10 years of service.

ADDITIONAL TESTING AND BATTERY REPLACEMENT

- Back-up batteries in AC powered smoke alarms must be replaced immediately when a low battery signal sounds. (Battery operated smoke alarms sound an intermittent audible signal to indicate a low battery condition.
- Smoke alarms must be tested in accordance with a smoke test or by means of the test button after a change in tenants or when the occupants have been absent for more than seven consecutive days.
- AC powered smoke alarms must be tested either in accordance with the smoke test or by means of the test button after any changes have been made to the electrical system in the dwelling unit. (Electrical switches installed to control lighting or receptacles may not remove power to the smoke alarm.)
- If smoke alarms are interconnected with carbon monoxide detectors, the carbon monoxide detectors must be tested in accordance with the manufacturer's instructions.

SCHEDULE "C"

Smoke Alarm Regulations for Rental Properties in Winnipeg

If you live in a rental property in Winnipeg, please read this brochure carefully. It contains important information about smoke alarms in rental homes and apartments -- information that could save your life. It will help you make sure you and your family are protected if there's a fire; know your rights and obligations.

YOUR LANDLORD'S OBLIGATIONS

Your landlord must:

- Install a smoke alarm in your rental unit. This smoke alarm must be:
  - a hard-wired, 120-volt AC powered smoke alarm; or
  - an acceptable 10-year lithium-powered smoke alarm.
- Make sure the smoke alarm is always working.
- Test and clean your smoke alarm at least once a year to make sure it's working properly.
- Re-test the smoke alarm whenever a new tenant moves in.
- Show you how to use and test the smoke alarm.
- Provide phone numbers for you to call if your smoke alarm isn't working properly.
- Replace a smoke alarm that isn't working properly within 24-hours of being notified or finding out about it.
- Report you to the City of Winnipeg Fire Prevention Branch if you tamper with a smoke alarm or any other fire safety equipment.

YOUR OBLIGATIONS AS A TENANT

You must:

- Never tamper with a smoke alarm. It's against the law and you can be charged under the Fire Prevention bylaw. You could be fined up to $1,000 and/or sent to jail for up to 6 months. Also, your landlord can give you as little as five days notice to move if you are caught tampering with a smoke alarm.
- Tell your landlord or caretaker immediately if your smoke alarm isn't working. Be sure to write down the date and time that you reported it.
- Call the Winnipeg Fire Prevention Branch at 986-6358 if your landlord doesn't repair or replace your smoke alarm within 24-hours.

You should also:

- Ask your caretaker to show you how to test the smoke alarm in your rental unit. Test your smoke alarm every month and write down the date that you did the test. When you press and hold the test button, the smoke alarm should start and the alarm

should sound. Be sure to test hard-wired alarms, too. The light on the alarm only means there is power to the alarm.

- Ask your caretaker to show you how to use the pause, hush or silence button on your alarm, if it has one. This button allows you to turn off the alarm for awhile if you burn toast or your oven is smoking. The alarm will beep while it is paused and will reset after 10 minutes.
- Make sure the caretaker gives you phone numbers to call if your smoke alarm isn't working properly.
- Plan your home escape in case of fire. Make sure your family knows the plan and that you practice "escaping" from your home regularly. If you'd like to know more about home escape plans, call the Fire Prevention Branch at 986-6358.

IF YOU HAVE ANY QUESTIONS:

- Call the City of Winnipeg Fire Prevention Branch at 986-6358 if you have any questions about smoke alarms or general fire safety.

- Call the Residential Tenancies Branch at 945-2476 if you have any questions about rental properties in Winnipeg.

SCHEDULE "D"

Fire Protection/Life Safety Installation	Label Location	Point in time at which Label must be attached	Service Personnel Qualifications
Fire Alarm System	In a visible location on the main fire alarm control unit.	Immediately following annual test and inspection (see Manitoba Fire Code section 6.3 and ULC-S536, "Inspection and Testing of Fire Alarm Systems")	Set out in Manitoba Fire Code article 6.3.1.6.
Emergency Power System	In a visible location on the transfer switch. If no transfer switch exists, then on the generator.	Immediately following annual test and inspection (see Manitoba Fire Code section 6.7 and CAN/CSA C282-M, "Emergency Electrical Power Supply for Buildings").	To be determined by the Chief pursuant to section 37 of By-law.
Firefighters Elevators	In a visible location on the Department of Labour elevator certificate and in a manner so as not to obscure the certificate.	Immediately following every 4th test and inspection required by Manitoba Fire Code sentence 7.2.1.1(1) and sentences 7.2.2.1(1) and (2) and immediately following the emergency power test required by Manitoba Fire Code sentence 7.2.2.1(3).	Elevator Mechanic Licence issued by International Union of Elevator Constructors ***or*** an Electrician's License Class M (Elevating Devices) issued by the Province of Manitoba.
Unit Equipment for Emergency Lighting	In a visible location on each battery pack.	Immediately following annual test and inspection (see Manitoba Fire Code subsection 6.7).	Set out in Manitoba Fire Code article 6.3.1.6.
Fire Pump	In a visible location on controller. If no controller, then on fire pump.	Immediately following annual test and inspection (see Manitoba Fire Code subsection 6.6.3).	Sprinkler System Installer: Licence issued by the Province of Manitoba.
Sprinkler System (more than 9 heads)	In a visible location at each main control valve.	Immediately following annual test and inspection (see Manitoba Fire Code subsections 6.5.3. and 6.5.4).	Sprinkler System Installer Licence issued by the Province of Manitoba.

Fire Protection/Life Safety Installation	Label Location	Action Required	Service Personnel Qualifications
Hose System	In a visible location on female hose coupling or inside hose cabinet.	Immediately following each annual inspection and every service test (see Manitoba Fire Code subsection 6.4.1 and NFPA 1962 "Care, Use and Service Testing of Fire Hose Including Couplings and Nozzles").	Sprinkler System Installer Licence issued by the Province of Manitoba ***or*** by certified servicing agency as set out in Manitoba Fire Code Article 6.2.4.6
Standpipe System	In a visible location at top of riser at most remote valve in vicinity of pressure gauge	Immediately following 5 year test and inspection (see Manitoba Fire Code subsection 6.4.1 and NFPA 25, "Inspection, Testing and Maintenance of Water-Based Fire Protection Services").	Sprinkler System Installer License issued by the Province of Manitoba
Heating System – Fuel-Fired other than Wood Burning	In a visible location on each heating system unit	Immediately following annual test and inspection (see Manitoba Fire Code article 2.6.1.6.)	Gas Fitter Licence issued by Province of Manitoba.
Heating System – Wood Burning	In a visible location in the vicinity of the appliance.	Immediately following annual test and inspection (see Manitoba Fire Code article 2.6.1.6.)	To be established by the Chief pursuant to section 37 of By-law.
Smoke Control System (For High Buildings as defined in Subsection 3.2.6. of the Manitoba Building Code)	In a visible location on each fan.	Immediately following 2 year test and inspection (see Manitoba Fire Code section 7.3.)	To be established by the Chief pursuant to section 37 of By-law.

Fire Protection/Life Safety Installation	Label Location	Action Required	Service Personnel Qualifications
Special Extinguishing Systems – Water Based	In a visible location on each main control valve.	Immediately following annual test and inspection (see Manitoba Fire Code subsection 6.8.1 and NFPA 11, " Low Expansion Foam". NFPA 11A, "Medium and High-Expansion Foam Systems"; NFPA 15, "Water Spray Fixed Systems for Fire Protection"; NFPA 16, "Installation of Foam-Water Sprinkler and Foam-Water Spray Systems"; NFPA 18, "Wetting Agents")	Sprinkler System Installer License issued by the Province of Manitoba.
Special Extinguishing Systems – other than Water-Based	In a visible location on each main control valve.	Immediately following annual test and inspections (see Manitoba Fire Code subsection 6.8.1, NFPA 12, "Carbon Dioxide Extinguishing Systems"; NFPA 12A, " Halon 1301 Fire Extinguishing Systems"; NFPA 12B, "H1211 Fire Extinguishing Systems"; NFPA 17, "Dry Chemical Extinguishing Systems" issued by National Fire Protection Association; NFPA 17A, "Wet Chemical Extinguishing Systems").	To be established by the Chief pursuant to section 37 of the Fire Prevention By-law.
Fire Protection/Life Safety Installation	**Label Location**	**Label Required**	**Service Personnel Qualifications**
Commercial Cooking Equipment – Inspection *	In a visible location in the kitchen area.	Immediately following 6 month inspection (see Manitoba Fire Code article 2.6.1.9 and NFPA 96, "Ventilation Control and Fire Protection Commercial Cooking Operations").	To be established by the Chief pursuant to section 37 of the By-law.
Commercial Cooking Equipment – Cleaning *	In a visible location in the kitchen area.	Immediately following every required cleaning (see Manitoba Fire Code article 2.6.1.9 and NFPA 96, "Ventilation Control and Fire Protection Commercial Cooking Operations").	To be established by the Chief pursuant to section 37 of the By-law

Private Hydrants	In a visible location on the hydrant.	Immediately following annual test and inspection (see Manitoba Fire Code Subsection 6.6.4).	Sprinkler-System Installer License issued by the Province of Manitoba.

NOTE: **The Manitoba Fire Code, Part 1 contains details of the agencies that have issued the documents listed in this chart**.