

**TOWN OF NEEPAWA
BY-LAW NO. 3063**

BEING A BY-LAW OF THE TOWN OF NEEPAWA REGARDING THE DESIGNATION OF A LOCAL ASSISTANT AND THE ADMINISTRATION OF THE RELEVANT SECTIONS OF THE FIRES PREVENTION AND EMERGENCIES RESPONSE ACT, THE ASSOCIATED REGULATIONS AND THE MANITOBA FIRE CODE.

WHEREAS Section 130 of the Municipal Act authorizes a council to pass enforcement by-laws and to establish positions to carry out the powers, duties and functions of a designated officer under a by-law, the Act or any other Act.

AND WHEREAS Section 232(1) of the Municipal Act 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.

AND WHEREAS Section 232(2) of the Municipal Act a council may in a by-law:

(b) adopt by reference in whole or in part, with any changes council considers necessary or advisable, a code or standard made or recommended by the Government or a province or a recognized technical or professional organization, and require compliance with the code or standard

AND WHEREAS Section 20 of the Fires Prevention and Emergency Response Act states that “ a local authority (municipality) must, in accordance with the procedures of this Act, enforce the Manitoba Fire Code as it is prescribed for the province in which the local authority is situated” and that the local authority must inspect prescribed buildings.

AND WHEREAS Section 232(2)(d) of the Municipal Act providing (in part) that a council may pass by-laws for municipal purposes resection the following matters:

(a) to establish fees or other charges for services, activities or things provided by the municipality, and

b) for establishing fees and terms of payment of fees, for inspections.

AND WHEREAS Section 23(1) of the Fires Prevention and Emergency Response Act states that the following persons are Local Assistants under this Act: the chief of the fire department of a local authority or a person designated in writing as Local Assistant by the Fire Commissioner. As appointed by the local authority who will assume the responsibilities and authority as a local assistant under the Act.

AND WHEREAS Section 7(6) of the Fires Prevention and Emergency Response Act states that a fee for carrying out a fire safety inspection under this section may be charged by the local authority, where the inspection is carried out by a Local Assistant.

NOW THEREFORE the Council of the Town of Neepawa enacts as a by-law the following:

1. The purpose of this by-law is to establish a designated officer position to enforce the applicable provisions of The Fires Prevention and Emergency Response Act and to establish administrative provisions for the administration of the applicable sections in the Act and associated regulations and hereby named the duly appointed Fire Chief of the Town of Neepawa to assume this position and responsibilities and is named as a “Local Assistant” under The Fires Prevention and Emergency Response Act.

2. The appointed and approved Local Assistant has all powers, duties, discretion and function set out in The Fires Prevention and Emergency Response Act and is authorized (notwithstanding other provisions of The Fires Prevention and Emergency Response Act) to:

(a) Enforce and administer the applicable provisions of The Fires Prevention and Emergency Response Act and associated regulations of the Act.

3. To carry out any enforcement actions in accordance with Sections 11(1) to 14(2) of The Fires Prevention and Emergency Response Act and to ensure Appeals of Orders shall be in accordance with Section 15(1) to 16(4) of the Act.

4. Fees and charges for services by the named Local Assistant for requested or required inspections shall be charged to the municipality (or building owner, or applicant, being served by a rate prescribed in Schedule A of this By-Law.

5. Regarding the collecting of costs owing to the local authority under Section 18(4) of The Fires Prevention and Emergency Response Act, an amount owing under this section may be collected by action in a court of competent jurisdiction, or by adding the amount to the real property taxes imposed by the local authority on the property, in which case the amount added may be collected in the same manner and with the same priority as those taxes.

DONE AND ENACTED AS A By-Law of the Town of Neepawa thereof duly assembled in the Town of Neepawa this _____ day of _____ A.D. 2008.

MAYOR

CAO

READ A FIRST TIME this ___6___ day of ___May___ 2008

READ A SECOND TIME this _____ day of _____ 2008

READ A THIRD TIME this _____ day of _____ 2008

SCHEDULE "A"
to BY-LAW NO. 3063

of the
TOWN OF NEEPAWA

The following fees and charges have been accepted by the Council of the Town of Neepawa as being a fair basis for providing fire prevention inspection and related services:

SECTION 1: INSPECTIONS

1. Whenever an inspection is requested of a building or structure along with the writing of a report, and conducted within business hours and within jurisdiction of the Town of Neepawa the fee shall be as per current resolution of Council, for the inspection and the writing of the report.
2. Inspections outside of regular business hours, including requested inspections, the fee shall be as per current resolution of council, for the inspection and the writing of the report
3. Whenever an inspection is requested of a building or structure along with, the writing of a report, and conducted within business hours and outside the jurisdiction of the Town of Neepawa, the fee shall be as per current resolution of council, plus travel expenses, for the inspection and writing of the report.
4. Inspections outside of regular business hours, including requested inspections, and outside the jurisdiction of the Town of Neepawa, the fee shall be as per current resolution of council, for the inspection and the writing of the report.
5. Travel expenses for items listed above shall be set as per current resolution of council.
6. Additional time spent on enforcement actions shall be billed to the respective municipality (or building owner or applicant) and shall be set as per current resolution of council.