



# Mid-West Planning District

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## POLICY

Title	Manitoba Fire Code and Associated Regulations and Administration
Policy #	1-2021
Issue Date	April 1, 2021
Resolution	37/21
Authority	Mid-West Planning District Board; Fires Prevention and Emergency Response Act; Manitoba Regulation 208/2014
Repeals Policy #	2-2020

**SUBJECT / APPLICATION:** The intent of this policy is to implement policy and procedures for the administration of the Manitoba Fire Code and Associated Regulations on behalf of the member municipalities of the Mid-West Planning District. Also included are provisions for interactions between the Board of the Mid-West Planning District and Member Municipalities and the Department of Labor (Office of the Fire Commissioner).

### LEGAL AUTHORITY / RELEVANT BY-LAWS:

#### Preamble:

Where provisions of this policy conflict with Manitoba Provincial Acts the Provincial Act shall prevail.

The implementation of this policy will be by resolution of the Board of the Mid-West Planning District.

Lawful authority for the administration of the Manitoba Fire Code will be by approval of a member municipality by by-law or resolution.

Approval to perform Fire Prevention Inspections and act as a "Local Assistant" will be by approval of the Office of the Fire Commissioner as per Section 23 (1) (b) of ***the Fires Prevention and Emergency Response Act F 80***.

*F 80. The Fires Prevention and Emergency Response Act*

*MB Regulation 208/2014, Fire Safety Inspections (2014) Regulation.*

### RELEVANT SECTIONS UNDER THE FIRES PREVENTION AND EMERGENCIES RESPONSE ACT (FPERA). (Not a complete listing, see current act)

**Terms listed in bold will be as defined from the FPERA:**

### RELEVANT SECTIONS

#### FIRE INVESTIGATIONS AND FIRE SAFETY INSPECTIONS

The staff and board of MWPD will follow procedures from the FPERA, please refer to sections listed below that are more applicable to MWPD:

Sections 7(1) through 15(2)  
Sections 18 (3) (4)  
Section (20) (21) (23)  
Section (41)

**POLICY:**

**Continuance of Policy:**

Responsibility of a municipality as per the FPERA

As per section 20 of the FPERA; a municipality must, enforce The Manitoba Fire Code as it is prescribed for the part for the province in which the local authority is situated.

As per section 21 (1) a municipality) must

- (a) establish a system for conducting regular fire safety inspections of prescribed buildings within its boundaries; and
- (b) ensure that its **local assistant**, or a person exercising the powers, duties and functions of a local assistant, carries out those inspections.

**Request from a member municipality & relevant information:**

As per *The Planning Act*:

Additional responsibilities

15(2) The board of a planning district may

- (a) review and co-ordinate the policies and programs of its member municipalities relating to land use and development and the provision of public facilities; and
- (b) by agreement, perform duties delegated to it by the council of a member municipality.

The Mid-West Planning District Board shall, on request of a member municipality of the planning district, consider assuming the responsibility of the administration of the MB Fire Code and associated regulations.

The request from a member municipality must be provided to the Mid-West Planning District Board in the form of a resolution from the member municipalities Council.

**Mid-West Planning District reply:**

The Mid-West Planning District Board must consider the request from the member municipality and provide their decision in the form of a resolution.

**Mid-West Planning District response;**

Resolution 43/16, Mid-West Planning District Board hereby agrees in principle to enter into an agreement with the member municipalities to provide this service.

Resolution 35/17, Mid-West Planning District Board formally agrees to accept the additional responsibilities and agrees to move forward with the administration of the MB Fire Code and associated regulations.

**Requirements of the member municipality requiring service;**

The member municipality requesting the service shall name the Mid-West Planning District Fire Inspector position as a designated officer.

The municipalities requesting service shall complete a letter of delegation of authority documents and send originals to the Office of the Fire Commissioner and copies to the Planning District.

Note: these documents are to be supplied to the member municipalities by the Planning District.

Note: inspection reports are required from Prairie View Municipality and RM of Oakview.

**Responsibilities of the Planning District:**

The Planning District shall administer the MB Fire Code and associated regulations on behalf of its member municipalities requesting this service.

Inspections as follows until revised by regulation;

**REGULATION PROVISIONS:**

**REQUIRED YEARLY INSPECTIONS:**

As per Manitoba Regulation for yearly inspections etc. the board and staff of MWPD will follow procedures in the MB Regulation 208/2014

**Continuance of Policy:**

**Fees for service:**

Fees charged for providing service to each municipality named shall be at a rate prescribed by the Board of the Mid-West Planning District, in the Mid-West Planning District Fees By-Law.

**Invoicing of costs incurred:**

Invoicing of costs incurred shall be done at the closing of each inspection.

Only buildings that are owned by the Municipality will be invoiced to said Municipality.

All other Fire Inspections shall be billed to the owner of the building inspected. The owner then may wish to forward the costs to their tenant.

**TERMINATION OF SERVICE:**

After giving notice, the Board may by resolution terminate their services provided to a municipality.

After giving notice, a member municipality may by resolution terminate this service provided to the Mid-West Planning District Board.

All agreements for service shall be terminated if there is a change in the "designate" "Local Assistant(s)" (Fire Inspector(s))

**Files:**

The Planning District shall formulate and retain all files in a digital form and corresponding paper files.

All files shall be made available to the member municipality on request.

The files shall be the property of the member municipality and the planning district.

End of Policy.

This Policy has been reviewed and approved for use or implementation by the Board of the Mid-West Planning District on April 1, 2021 by Resolution # 37/21.

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Development Officer/Designated Officer

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Chairman of the Board