



Mid-West Planning District

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POLICY

Title	Manitoba Fire Code and Associated Regulations and Administration
Policy #	1-2022
Issue Date	July 7, 2022
Resolution	56/22
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)

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), Sections (20) (21) (23), Section (41)

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.

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.

POLICY:

Request from a member municipality & relevant information:

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 a member Municipality Council.

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.

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.

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

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 for Inspections:

Invoicing shall be addressed to the owner of the building. That owner may then pass along costs to their tenants if any. Timing of the invoicing is after the initial inspection.

Files:

The Planning District shall formulate and retain all files in a digital form and corresponding paper files. Copies of all inspection reports to be sent to the corresponding Fire Chief, for their records. 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.

Termination of Services:

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)).

End of Policy.

This Policy has been reviewed and approved for use or implementation by the Board of the Mid-West Planning District on July 7, 2022 by Resolution # 56/22.

Development Officer/Designated Officer

Chairman of the Board