

BY-LAW NO. 7200

AS AMENDED BY BY-LAW NO. 7237

BEING A BY-LAW of The City of Brandon to provide for firefighting, fire prevention and the related regulation of fire and other hazards through this by-law and its regulations, as well as for the re-adoption of the Manitoba Fire Code, and to be known as the "Fire Prevention By-law".

WHEREAS The Municipal Act, SM 1996, c.M225 requires every municipality to provide fire protection services within its boundaries to reduce the danger of fire, which may include education programs, inspections of property, the installation of alarms, instructions on lighting fires, the provision of firefighting equipment and a fire protection force;

AND WHEREAS The City of Brandon is empowered by The Municipal Act to pass by-laws respecting the safety, health, protection and well-being of people, and the safety and protection of property, the prevention and fighting of fires, and certain other powers, including authorizing the adoption of the Manitoba Fire Code as referred to hereinafter;

AND WHEREAS The Provincial Offences Act, SM 2013, c.P160 establishes processes for prosecuting offences and The Municipal By-law Enforcement Act, SM 2013, c.M245 establishes an administrative penalty process for enforcing by-laws;

AND WHEREAS it is deemed expedient and in the public interest to update fire prevention standards and enforcement processes;

NOW THEREFORE the Council of The City of Brandon, duly assembled, enacts as follows:

PART I: PURPOSE, DEFINITIONS AND APPLICATION

Purpose

1. It is the purpose of this by-law to establish the standards for fire prevention, firefighting and life safety in buildings and for the prevention, containment and fighting of fires originating outside buildings which may present a hazard to all or any part of the City.

Definitions

2. Unless otherwise provided, or unless the context otherwise requires, words and expressions in this by-law have the same meaning as the same words and expressions in The Municipal Act, The Fires Prevention and Emergency Response Act, SM 2006, c.F80, the Manitoba Fire Code, and the Legislative Standards By-law, as amended.
3. In this by-law:

"AUTHORITY HAVING JURISDICTION" means the Fire Chief, Acting Fire Chief or Deputy Fire Chief, or the responsible City, Provincial or Federal official with legal authority for controlling the subject referred to including, without restricting the generality thereof, City Fire Prevention Officers and Fire Inspectors.

"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.

"BUILDING" means a structure that is used or intended to be used for supporting or sheltering persons or animals or property.

"BUILDING CODE" means the current version of the National Building Code of Canada, the Manitoba Building Code, and all amendments.

"CITY" means the City of Brandon, a municipal corporation in the Province of Manitoba, and where the context so requires, means the area contained within the corporate boundaries of the said municipality.

"CODE" means the current version of the National Fire Code of Canada and all amendments, and the current version of The Fires Prevention and Emergency Response Act and all amendments, and the Manitoba Fire Code, as amended.

"DWELLING UNIT" means a suite operated as a housekeeping unit, used as or intended to be used as domicile by one or more persons and usually contains cooking, eating, living, sleeping and sanitary facilities.

"FALSE FIRE ALARM" means any activation of an alarm system because of human, mechanical or electrical error, lack of maintenance, or negligence.

"FIRE ALARM SYSTEM" means all equipment forming part of or used in connection with the fire alarm system or fire detection system, including without limitation, batteries, alarm gongs, horns, buzzers, switches, wiring, relay apparatus, sensors or other accessories.

“FIRE DEPARTMENT” means the City of Brandon Fire and Emergency Services Department.

“FIRE INSPECTOR” means a person appointed by the Fire Chief, from time to time, to carry out property fire inspections and fire investigations under the provisions of this by-law.

“FIRE PROTECTION / LIFE SAFETY SYSTEM” includes, but is not limited to, automatic sprinkler systems, fire alarm systems, commercial cooking systems, portable fire extinguishers, emergency lighting/power systems, fire hydrants and special extinguishing systems.

“OCCUPIER” includes an owner, tenant, lessee, agent and any other person who has the right of access to and control of a building or premises to which this by-law applies, and in relation to a common property and common facilities in a condominium plan, the condominium corporation.

“ORDER TO REMEDY” means an Order issued in accordance with the Compliance By-law for non-compliance with provisions of this by-law as stipulated.

“OWNER” means any person who has any right, title, estate or interest in land or buildings other than that of a mere occupant, lessee, tenant or mortgagee.

“PERMIT” means any permit issued by the Authority Having Jurisdiction under this by-law.

“PREMISES” means a house or building together with its grounds and appurtenances.

“PROPERTY FIRE INSPECTION” means an inspection of land and/or premises to determine whether the land and/or premises complies with this by-law including regulations, the Code and the regulations thereto, and what actions or measures are necessary to eliminate or reduce the effects of a fire or other emergency that might occur on the land and/or premises.

[AM. B/L 7237]

“PROPERTY FIRE INSPECTION ORDER” means a written Property Fire Inspection Report issued for non-compliance with this by-law, including any relevant regulation established under authority of this by-law, following a Property Fire Inspection and forwarded to the Owner or Occupier.

“QUALIFIED SERVICE PERSON” means an individual who is authorized by this by-law to test, inspect, maintain or clean a fire protection/life safety system in compliance with the Code.

“REGULATION” means any document in relation to this by-law created as a regulation in accordance with authorities established by the Legislative Standards By-law.

[EN. B/L 7237]

“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, including but not limited to a house, condominium, apartment, suite, hotel or motel room, room in a rooming house, room in a boarding house or a dormitory room.

Application

4. The provisions of this by-law shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this by-law shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property.

Adoption of Fire Code

5. The City hereby adopts the Code as part of this by-law, and the whole thereof, save and except such portions as amended, is hereby incorporated as if fully set out at length herein. Any reference to this by-law shall be construed as a reference to the whole by-law, including the Code.

Adoption of Regulations

6. The Fire Chief is authorized to create, enforce, update and discontinue any and all regulations required to establish rules and processes deemed necessary and appropriate in relation to this by-law, upon adoption by resolution of City Council. All such regulations will be posted on the websites of the City and the Fire Department.
[EN. B/L 7237]

PART II: INSPECTION

Authorization to Enter

7. The Authority Having Jurisdiction is authorized, at all reasonable hours, to enter and inspect any property or premises in order to ascertain whether:
- the requirements of this by-law are being complied with;
 - the premises are in such a state of disrepair that a fire starting in them might spread rapidly to endanger life or other property;
 - the premises are so used or occupied that a fire would endanger life or property;
 - combustible, flammable or explosive conditions exist on the premises so as to endanger life or property; or
 - in the opinion of the Fire Inspector, a fire hazard exists on or about the premises.

Inspection of Premises

8. The Authority Having Jurisdiction may establish, revise and maintain a regular system of Property Fire Inspections of buildings and premises. The frequency of such inspections shall be at the discretion of the Authority Having Jurisdiction.
9. No person shall impede, or in any way hinder, an officer or member of the Fire Department while operating in the interest of fire prevention.
10. An owner or occupier who has been notified of a Property Fire Inspection to be conducted under this by-law, or any other enactment relating to fire safety, and fails to schedule an inspection and/or attend at the premises at the date and time specified in the notice to provide access for an inspection, is guilty of an offence.

Re-Inspection of Previously Inspected Properties

11. When violation(s) under this by-law, including related regulations, are observed upon a Property Fire Inspection of a premises, the Authority Having Jurisdiction may issue a Property Fire Inspection Order requiring that the violation(s) be corrected within a specified period of time and advising of a return date for the re-inspection of the premises. An owner or occupier who has not corrected all violations by this re-inspection date, is guilty of an offence.
[AM. B/L 7237]

Immediate Hazards

12. Where, in the course of an investigation or Property Fire Inspection under this bylaw, the Authority Having Jurisdiction is of the opinion that a condition exists creating a serious danger to life or property, the Fire Chief may:
- use any means that the Authority Having Jurisdiction considers appropriate to remove or lessen the condition;
 - evacuate and close the building, portion of the building, structure, premises or yard where the condition exists or any area surrounding such location for any period that the Authority Having Jurisdiction considers appropriate; and
 - order the owner or occupier to immediately do anything necessary to remove or lessen the condition.
13. In the event the property or premises is closed, the Authority Having Jurisdiction shall, if possible, placard the building, portion of the building, structure, premises, yard or area as a serious danger to life or property whereby:
- no person shall enter, attempt to enter or tamper with a building, structure, premises, yard or area that has been closed without prior written approval of the Authority Having Jurisdiction; and
 - no person shall take down, cover up, mutilate, deface, or alter a posted placard.

Recovery of Costs

14. The costs and expenses incurred under the "Immediate Hazards" section of this by-law are a debt due to the City and may be recovered from the owner or occupier of the building, structure, premises, yard or area in or upon which work was carried out. The total costs and expenses incurred shall be the responsibility of the owner. In the event the owner or occupier does not pay the debt, or if the owner or occupier cannot be located to pay the debt, then all costs may be added to the real property taxes for the premises and collected in the same manner as ordinary municipal taxes.

Third-Party Fire Safety Inspections / File Search

13. Every person requesting a Third Party Fire Safety Inspection/File Search on a premises for outstanding violations or infractions or other related information shall pay the applicable fee as prescribed in the City's Annual Schedule of Fees.

PART III: SECURITY OF PREMISES

Demolition of Building, Equipment or Property – Fire Situation

14. The Authority Having Jurisdiction may order the damage, destruction or demolition of any building, part of a building, structure, premises, equipment or other private property, as may be necessary to extinguish, suppress or prevent the spread of fire. Neither the City nor the Fire Department nor any of their elected officials, officers, employees, members or agents shall be obligated to restore or pay compensation for property or premises or otherwise which is damaged, destroyed or demolished under authority of this section.

Security of Premises

15. Where the Fire Department has been unable to make contact with the owner, contact person or occupier, the Authority Having Jurisdiction may take any and all action deemed reasonable for the purpose of securing premises which have been involved in an actual fire situation, or fire watch situation, to protect the property or premises from such activities as vandalism or looting. In the case of suspected arson, such action may involve engaging the services of a security firm to preserve the scene until the investigation can be completed. All costs or expenses incurred in securing the property or premises are the responsibility of the owner or occupier. In the event the owner or occupier does not pay the debt, or if the owner or occupier cannot be located to pay the debt, then all costs and expenses may be added to the real property taxes for the premises and collected in the same manner as ordinary municipal taxes.

Fire Protection/Life Safety Systems

16. Following the activation, or during a shut-down for any reason, of a Fire Protection/Life Safety System, and where the Fire Department has been unable to make contact with the owner, contact person or occupier, or that person fails to attend and reset the system within forty-five (45) minutes after being contacted, the Authority Having Jurisdiction may contact a Qualified Service Person to restore the Fire Protection/Life Safety System to normal operating conditions. The total cost of restoration of the equipment and related costs of hiring the Qualified Service Person, shall be the responsibility of the owner or occupier. In the event the owner or occupier does not pay the debt, or if the owner or occupier cannot be located to pay the debt, then all costs may be added to the real property taxes for the premises and collected in the same manner as ordinary municipal taxes.

Vacant Building or Structure

17. The owner of any vacant building or structure shall, at all times, keep all openings in such building or structure securely closed and fastened so as to prevent entry by unauthorized persons.
18. The Authority Having Jurisdiction may secure any vacant building or fire damaged building if the owner does not comply with the provisions of section 17, and may recover the costs and expenses from the owner. In the event the owner does not pay the debt, or if the owner cannot be located to pay the debt, then all costs and expenses may be added to the real property taxes for the premises and collected in the same manner as ordinary municipal taxes.

PART IV: FIRE PROTECTION/LIFE SAFETY SYSTEM INSTALLATIONS**Fire Protection/Life Safety Systems**

19. The owner or occupier of a building must ensure that a Fire Protection/Life Safety System is operable at all times.

Inspection and Testing of Fire Protection/Life Safety Systems Required

20. The owner or occupier of a building must ensure that an existing Fire Protection/Life Safety System installation with respect to:
- (a) Fire alarm systems;
 - (b) Portable fire extinguishers;
 - (c) Emergency Power System;
 - (d) Sprinkler System with more than 9 heads;
 - (e) Smoke Control System for high buildings (as per 3.26 of the Building Code);
 - (f) Installation of Pre-Engineered Fixed Extinguishing Systems;
 - (g) Maintenance of Pre-Engineered Fixed Extinguishing Systems;
 - (h) Inspection of Commercial Cooking Exhaust Equipment;
 - (i) Maintenance of Exhaust System – Auxiliary Equipment;
 - (j) Special Extinguishing Systems – Water Based;
 - (k) Standpipe System;
 - (l) Hose System;
 - (m) Fire Pump;
 - (n) Firefighters Elevators;
 - (o) Inspection of Private Hydrants;
 - (p) Corrections/Repairs of Private Hydrants;
- is inspected, tested, maintained and at all times operable as required by the Code.

Fire Protection/Life Safety Systems Maintenance Reports

22. An owner or occupier of a building who fails to ensure that any reports related to the testing, inspection, maintenance or cleaning of these systems, as required by the Code, be returned to the Authority Having Jurisdiction within the required time, is guilty of an offence.

Fire Protection/Life Safety Systems Upgrades

23. The Authority Having Jurisdiction may order the owner of an existing multiple-family residential, assembly, mercantile, business and personal services, industrial, care or

detection occupancy to install, or make alterations, to a fire protection/life safety system, fire separation, exit signs, emergency lighting, means of egress in order to provide adequate life safety to its occupants. These requirements may exceed those established by the Building Code or Fire Code or building regulations established in accordance with the Building Code or Fire Code and may include equivalents or alternative solutions as accepted by the Authority Having Jurisdiction.

Qualified Service Person

24. Only a person who meets the qualifications set out in regulation for a particular Fire Protection/Life Safety System installation is deemed a Qualified Service Person with respect to that Fire Protection/Life Safety System installation.
[AM. B/L]
25. Where a person does not hold the qualifications set out in regulation for a particular Fire Protection/Life Safety System installation, the Authority Having Jurisdiction may designate that person as a Qualified Service Person with respect to that Fire Protection/Life Safety System installation if the individual provides evidence to the satisfaction of the Authority Having Jurisdiction of their competence to perform the tests, inspections or maintenance required by the Code with respect to that Fire Protection/Life Safety System installation.
[AM. B/L 7237]

Proof of Proper Training Permit

26. Any person who intends to inspect, test, maintain or clean a Fire Protection/Life Safety System installation specified herein shall submit proof of proper training to, and be in receipt of a permit from, the Fire Department before carrying out any inspections, testing, cleaning or maintenance.
27. Upon proof of proper training the Fire Department shall issue to the person a permit to inspect, test, and maintain Fire Protection/Life Safety System installations, which permit shall be valid for the term specified on the permit.

PART V: CONTACT PERSON

Contact Person Information Requirements

28. Every owner or occupier of premises having either a Fire Alarm System or an automatic fire sprinkler system, monitored or non-monitored, shall submit, on a form prescribed by the Fire Department, the names and telephone numbers of 3 persons who are available to attend, enter and secure the premises ("Contact Person"). The prescribed form may be obtained from the Fire Department and shall be submitted yearly and upon any change in Contact Person. The form must contain the written consent of each person named to act as a Contact Person.

Responsibility of Contact Person

29. A Contact Person must attend all alarms within 45 minutes when requested by the Fire Department and must secure the premises and when appropriate, release the Fire Department from the incident.

Failure to Provide Contact Person Information

30. When an owner or occupier fails to provide proper Contact Person information and the Fire Department is required to respond to an alarm at the premises and a Contact Person fails to attend within 45 minutes, the owner or occupier shall pay the applicable standby fee prescribed in the City's annual Fee Schedule By-law. In the event the owner or occupier does not pay the debt, or if the owner or occupier cannot be located to pay the debt, then all costs may be added to the real property taxes for the premises and collected in the same manner as ordinary municipal taxes.

Contact Person at Fire Incident

31. Upon attending a fire incident, a Contact Person must contact the Incident Commander on scene.

Changes to Designated Contact Persons

32. Any changes to designated Contact Persons or their telephone numbers during the current year must be submitted to the Fire Department on the prescribed form approved by the Authority Having Jurisdiction.

Full Access for Contact Person

33. A Contact Person must have full access to the building and or occupancy of which they have responsibility and be able to take control of the building or occupancy from fire officials on completion of the incident.

PART VI: FALSE FIRE ALARMS

34. Every owner or occupier of a premises containing an automatic fire sprinkler system or a Fire Alarm System shall ensure that:
- (a) The Fire Alarm System is regularly maintained and serviced so as to prevent False Fire Alarms;
 - (b) No Fire Alarm System shall be used where the owner or occupier knows or ought reasonably to know that the same is malfunctioning and may be reasonably expected to cause a False Fire Alarm;
 - (c) Any Fire Alarm System that has been activated and caused 2 or more false fire alarms within a 48 hour period will be immediately serviced or repaired by a Qualified Service Person so as to prevent further False Fire Alarms from occurring.

Excessive False Alarms

40. Within the discretion of the Fire Chief, any owner or occupier of premises containing an automatic fire sprinkler system or a Fire Alarm System, where there have been more than 2 false alarms within a 12 month period, is guilty of an offence.

PART VII: SMOKE ALARMS IN RESIDENTIAL RENTAL UNITS**Smoke Alarms Mandatory in Residential Rental Units**

41. The owner of a Residential Rental Unit must ensure that all smoke alarms are installed and maintained in accordance with regulation.
[AM. B/L 7237]

Installation of Smoke Alarms in Residential Rental Units

42. Except where the regulation provisions provide 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.
[AM. B/L 7237]

Tampering or Removal of Smoke Alarms

43. Any person who at any time removes or disconnects a smoke alarm required within a Residential Rental Unit from its electrical or battery power supply for other than repairs or maintenance, or tampers with the smoke alarm in any way, is guilty of an offence.

PART VIII: OCCUPANT LOAD

44. The Authority Having Jurisdiction will establish the occupant load in all assembly occupancies in accordance with the Code and issue an occupant load limit sign. The owner or occupant of the premises is responsible for posting the occupant load limit sign in conspicuous locations near the principal entrances to the room or floor area.
45. The number of occupants permitted to enter a room shall not exceed the maximum occupant load established by the Authority Having Jurisdiction.
46. Where the Fire Department reasonably believes the number of occupants exceeds the maximum occupant load, the Authority Having Jurisdiction may temporarily close the room or floor area in order to determine the number of occupants. The room or floor area will be re-opened once it is established the number of occupants does not exceed the maximum occupant load.

PART IX: GENERAL FIRE PREVENTION**Barbequing**

47. Any person who uses a barbeque or similar device will comply with the related regulation and all federal and provincial legislation as well as regulations governing the use and storage of propane cylinders.
[AM. B/L 7237]

Wood Piles

48. A person may store lumber, timber or firewood on a residential property providing they comply with those restrictions set out in regulation.
[AM. B/L 7237]

Waste Materials

49. No person shall permit any accumulation of waste materials including but not limited to paper, hay, grass, straw, weeds, litter or combustible waste or rubbish of any kind to be or to remain upon any roof or in any court, yard, vacant lot or open space. All weeds, grass, vines or other growth which may catch fire and endanger property shall be cut down and removed by the owner or occupier of the property or premises upon which they are located.
50. If an owner or occupier fails to comply with a Property Inspection Order to remove an

accumulation of waste materials or cut down and remove any growth, the Authority Having Jurisdiction shall be authorized to carry out or cause to be carried out such removal at the cost of the owner or occupier. The total cost and expenses shall be the responsibility of the owner. In the event the owner or occupier does not pay the debt, or if the owner or occupier cannot be located to pay the debt, then all costs may be added to the real property taxes for the premises and collected in the same manner as ordinary municipal taxes.

Vacant Buildings

51. The owner or occupier of a vacant building shall at all times ensure that the premises are free from debris and combustible or flammable substances, and shall keep all openings to the building securely closed and fastened to prevent entry of unauthorized persons.
52. If the owner or occupier fails to secure a vacant building within a reasonable time or on notice by the Fire Department, the Authority Having Jurisdiction may enter on the property or premises and cause the necessary work to be conducted by employees, agents or contractors of the City. The total cost and expenses shall be the responsibility of the owner. In the event the owner or occupier does not pay the debt, or if the owner or occupier cannot be located to pay the debt, then all costs may be added to the real property taxes for the premises and collected in the same manner as ordinary municipal taxes.

Open Air Fires

53. Any person who wishes to have an open air fire or any other fire upon land owned, occupied, or under their control must first obtain the applicable permit to do so from the Authority Having Jurisdiction and ensure compliance with the provisions set out in the permit.
54. Any person who lights, ignites, starts, or allows or causes to be lighted, ignited, or started any open fire in violation of the related regulation, is guilty of an offence.
[AM. B/L 7237]

Fireworks

55. The selling, storage, and setting off of fireworks, including the selling and using of flying lanterns, is strictly regulated by regulation. Any person found in violation of the regulation is guilty of an offence.
[AM. B/L 7237]

General

56. Any person who does not comply with regulation established and implemented under the authority of this by-law with respect to the safety, health, protection and well-being of people, and the safety and protection of property, is guilty of an offence.
[AM. B/L 7237]

PART X: MISCELLANEOUS

Compliance With Other Legislation

57. 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

58. To the extent that it is not possible to comply with the requirements of this by-law and the requirements of any other by-law, the requirements of the by-law having the greater provisions for the safety of life and property shall apply.

PART XI: VIOLATION NOTICES

59. Any person who contravenes, or does not comply, or improperly complies, or only partly complies with any provision of this by-law commits an offence and is subject to penalty. Such penalty shall follow the process established in the Compliance By-law for an Order to Remedy, a Penalty Notice, or an offence under The Provincial Offences Act, SM 2013, c.P160.

Delivery of Notices

60. Methods of delivering Orders and Notices, as well as determined timelines for deemed receipt of such documentation based on method of delivery, shall be as established in the Compliance By-law.

DIVISION I: PROPERTY FIRE INSPECTION ORDER

Property Fire Inspection Order

61. Upon completion of a Property Fire Inspection, the Fire Inspector, if it is determined a violation of this by-law or a regulation has occurred, may proceed to issue a Property Fire Inspection Order. The Property Fire Inspection Order must clearly set out the right of appeal to the Fire Chief and the time for appeal.

[AM. B/L 7237]

Appeal to Fire Chief

62. Any person claiming to be injuriously affected by a decision or a Property Fire Inspection Order issued under this by-law or a regulation may appeal to the Fire Chief:

(a) In writing and within 48 hours if the Property Fire Inspection Order relates to the removal of materials or the remedying of a dangerous condition; or

(b) In writing and within 10 days if the Property Fire Inspection Order is to repair a building.

[AM. B/L 7237]

Decision of Fire Chief

63. On receipt of a written notice for appeal hereunder, the Fire Chief shall forthwith consider the Property Fire Inspection Order in respect to which the appeal is made and shall make such enquiries as deemed necessary. The Fire Chief shall then affirm, modify or revoke the Property Fire Inspection Order, and cause a copy of the decision to be served upon the Appellant.

No appeal from Decision of Fire Chief

64. There is no appeal from the decision of the Fire Chief.

DIVISION II: ORDER TO REMEDY

65. Upon completion of a Property Fire Inspection, the Fire Inspector may deem the violation warrants issuance of an Order to Remedy and will forward the Property Fire Inspection Order to the Fire Chief for consideration. Any Order to Remedy, if issued, will be in accordance with this by-law and the relevant provisions set out in the Compliance By-law.

DIVISION III: NON-COMPLIANCE WITH ORDER

66. Where any Order under this by-law has been made and not complied with within the time limits prescribed by the Fire Chief or the Authority Having Jurisdiction in the notice issued, then the City or its agent may undertake such action as authorized by Council to clean-up the deficiencies identified in the notice. The total cost and expenses shall be the responsibility of the owner. In the event the owner or occupier does not pay the debt, or if the owner or occupier cannot be located to pay the debt, then all costs and expenses may be added to the real property taxes for the premises and collected in the same manner as ordinary municipal taxes.

DIVISION IV: PENALTY NOTICE

67. Everyone who contravenes, or does not comply, or improperly complies, or only partly complies with any provision of this by-law or regulation, or any provision of a Property Fire Inspection Order, is guilty of a summary offence and liable to a preset fine as set out in the Compliance By-law.

[AM. B/L 7237]

DIVISION V: PROVINCIAL OFFENCE VIOLATION

68. Any person who does not comply, or improperly complies, or only partly complies with any provision set out in an Order to Remedy issued under this by-law is guilty of an offence and liable to a Provincial Offence violation as set out in the Compliance By-law.

69. Any person committing any offence and having been convicted of or having pled guilty to an offence on two or more occasions shall be charged pursuant to section 70 of this by-law and be subject to the penalties as set out therein.

PART XII: PENALTIES

70. Any person who contravenes or disobeys, or refuses or neglects to obey:

- (a) any provision of this by-law, or any provision of any other by-law that by this by-law is made applicable to or proceedings taken or things done under this bylaw; or
- (b) any provision of any by-law, Regulation or Order enacted or made by Council; or
- (c) any Order made under this by-law or any condition attached to a permit or to which the permit is subject; or
- (d) any regulation establishing rules and processes deemed necessary and appropriate in relation to this by-law;

and for which no other penalty is specifically provided, is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$100.00 and no more than \$1,000.00 for each day of neglect or failure to comply therewith, and in default of payment of the fine, to imprisonment for a term not exceeding thirty (30) days.

[AM. B/L 7237]

71. Any person who hinders or obstructs the Authority Having Jurisdiction or a By-law Enforcement Officer under this by-law in the exercise of his duty is guilty of an offence and liable on summary conviction to a fine of not less than \$100.00 and no more than \$1000.00, and in default of payment of the fine, to imprisonment for a term not exceeding 14 days.

Severability

72. Should any section or part of this by-law be declared to be invalid, it is the intent of City Council that it would have passed all other portions of this by-law independent of the elimination of any such portion as may be declared invalid.

PART XV: REPEAL AND ENACTMENT

Repeal

73. By-law No. 6063/12/93 (Fire Prevention By-law) and amending By-law Nos. 6300/27/95, 6611 and 6743 are hereby repealed.
74. By-law No. 6746 (Open Air Fires By-law) and amending By-law Nos. 6768 and 7147 are hereby repealed.
75. By-law No. 5821/06/90 (Fireworks) and amending By-law Nos. 6665, 6706 and 6741 are hereby repealed.

Enactment

76. This by-law shall come into full force and take effect upon the date following its passage.

DONE AND PASSED by the Council of The City of Brandon, duly assembled, this 20th day of November A.D. 2017.

"R. Chrest"

MAYOR

"H. Ewasiuk"

CITY CLERK

Read a first time this	6 th day of	November	A.D. 2017.
Read a second time this	20 th day of	November	A.D. 2017.
Read a third time this	20 th day of	November	A.D. 2017.

I, Heather Coreen Ewasiuk, Clerk of the City of Brandon, DO HEREBY CERTIFY the above within to be a true and correct copy of By-law No. 7200 as amended by By-law No. 7237.

Original Signed By
H. Ewasiuk
H. Ewasiuk, City Clerk