

**BYLAW NO. 17/2018**

A BYLAW OF THE MUNICIPAL DISTRICT OF PEACE NO. 135, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF FIRE PROTECTION SERVICES FOR THE MUNICIPAL DISTRICT OF PEACE NO. 135.

WHEREAS the *Municipal Government Act*, R.S.A 2000, Chapter M-26, as amended (hereinafter referred to as "the Act"), provides that a Council of a Municipality may pass bylaws for municipal purposes respecting the safety, health and welfare of people, and the protection of people and property; and for services provided by or on behalf of the Municipality;

WHEREAS the *Forest and Prairie Protection Act*, R.S.A., 2000, Chapter F-19, as amended, provides certain additional powers which may be enacted by the Council of a Municipality so that it can enforce the provisions of the said *Forest and Prairie Protection Act* within the boundaries of the Municipality;

WHEREAS the *Municipal Government Act*, R.S.A. 2000 Chapter M-26, as amended, provides for the entering into agreements with other municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment and for the purpose of providing fire protection within or outside municipal boundaries;

WHEREAS the Council of the Municipal District of Peace No. 135 wishes to establish a Fire Protection Service within the Municipal District of Peace No. 135 and to provide efficient operation of such fire protection service;

NOW THEREFORE the Council of the Municipal District of Peace No. 135, of the Province of Alberta, duly assembled, enacts as follows:

**PART 1 - NAME OF BYLAW**

- 1 This Bylaw may be cited as "The Fire Protection Bylaw".

**PART 2 - DEFINITIONS**

- 2 In this Bylaw:
- (a) "Apparatus" means any vehicle provided with machinery, devices, equipment or materials for firefighting, as well as any vehicles used for transporting firefighters or supplies
  - (b) "Chief Administrative Officer" (CAO) means the person appointed to the position and title of Chief Administrative Officer by the Council of the Municipal District of Peace No. 135 and includes any person appointed by the Chief Administrative Officer to act as his/her appointee
  - (c) "Council" means the Council of the Municipal District of Peace No. 135
  - (d) "Dangerous Goods " means any produce, substance or organism specified in the regulations or included by its nature in any of the classes listed in the regulations under the *Transportation of Dangerous Goods Control Act*, S.C. 1992, c. 34, and any amendments thereto.
  - (e) "Equipment " means any tool, contrivances, devices or materials used by the fire department to mitigate an incident or other emergency
  - (f) "Fire Chief" means the person appointed by Council resolution as the head of the Fire Department, or his/her designate
  - (g) "Fire Guardian" is the Chief Administrative Officer and also includes the chief elected official and each councillor as per Section 4(3) of the *Forest and Prairie Protection Act*
  - (h) "Fire Permit" means a permit issued pursuant to Section 6 of this Bylaw

- (i) "Fire Services" means Fire Department as established and organized for the Municipal District pursuant to the provisions of this Bylaw consisting of all persons appointed or recruited to the various positions prescribed herein, all equipment, apparatus, materials and supplies used in the operation, maintenance and administration of the Fire Department
- (j) "Incident" means a fire or a situation where a fire or an explosion is or may be imminent, or any other situation presenting a danger or possible danger to life or property and to which the Fire Department has responded
- (k) "Member" means any person who is a duly appointed member of the Fire Department and who receives honorarium for his/her services at a rate of pay established by Council
- (l) "Municipality" means the Municipal District of Peace No. 135.

### **PART 3 – FIRE DEPARTMENT**

- 3 Council does hereby establish a Fire Department for the purpose of:
- (i) preventing and extinguishing fires;
  - (ii) preserving life and property and protecting persons and property from injury or destruction by fire;
  - (iii) providing rescue services
  - (iv) preventing, combating and controlling incidents;
  - (v) carrying out agreements made by the Municipality with other municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment
  - (vi) controlling and mitigating incidents involving Dangerous Goods.

### **PART 4 – FIRE CHIEF**

- 4.1 The office of the Fire Chief is granted by this Bylaw. The Fire Chief shall report to the Chief Administrative Officer and will be appointed to the position by Council.
- 4.2 The Fire Chief or designate shall be responsible to Council through the Chief Administrative Officer of the Municipality.
- 4.3 The Fire Chief has responsibility and authority over the Fire Department subject to the direction of Council, and shall, upon approval of Council, prescribe rules, regulations and policies for the ongoing organization and administration of the Fire Department, including but not limited to:
- (i) the use, care and protection of Fire Department property
  - (ii) the appointment, recruitment, conduct, discipline, duties and responsibilities of the members; and
  - (iii) the efficient operation of the Fire Department;
- 4.4 Regulations, rules or policies made pursuant to this Bylaw shall not be inconsistent with the legislation and regulations of the Province of Alberta.
- 4.5 The Fire Chief shall ensure that training is provided to fire department members meeting the requirements of Provincial legislation and industry best practices;
- 4.6 The Fire Chief shall perform such functions and have such powers and responsibilities as Council may from time to time prescribe.
- 4.7 The Fire Chief, or any other member in charge at a fire, is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if deemed necessary to prevent the spread of fire to other buildings, structures or things.



- 4.8 The Fire Chief, or any other member in charge at an incident, is empowered to cause Fire Services to enter on any land or premises, including adjacent land or premises, to combat, control or deal with the incident in whatever manner deemed necessary.
- 4.9 The Fire Chief, or any other member in charge at an incident, may at his/her discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits.
- 4.10 No person at an incident shall impede, obstruct or hinder a member of the Fire Department, or other person assisting or acting under the direction or at the request of the Fire Chief or any other member in charge at an incident.
- 4.11 No person shall willfully damage or destroy Fire Department apparatus or equipment.
- 4.12 No person at an incident shall drive a vehicle over any equipment without permission of the Fire Chief or any other member in charge at an incident.
- 4.13 No person shall obstruct a member from carrying out duties imposed by this bylaw.
- 4.14 No person shall falsely represent himself or herself as a Fire Department member.
- 4.15 No person shall obstruct or otherwise interfere with access roads or streets or other approaches to any fire alarm, fire hydrant, cistern or body of water designated for firefighting purposes or any connections provided to a fire main, pipe, stand pipe, sprinkler system, cistern, or other body of water designated for firefighting purposes.
- 4.16 The Fire Chief or any other member in charge at an incident may request persons who are not members to assist in extinguishing a fire, removing furniture, goods and merchandise from any building on fire or in danger thereof and guarding and securing same and in demolishing a building or structure at or near the incident.
- 4.17 The Fire Chief or any other member in charge at an incident is empowered to commandeer such privately owned equipment as he considers necessary to deal with an incident.

#### **PART 5 - FIRE GUARDIANS**

- 5.1 The Chief Administrative Officer shall be the Fire Guardian for the Municipal District of Peace No. 135, empowered to enforce the provisions of Section 4(2) of the *Forest and Prairie Protection Act* and this Bylaw within the boundaries of the Municipal District of Peace No.135. Under Section 4(3) of the Act, the chief elected official, each councillor, and the Chief Administrative Officer are by virtue of their offices fire guardians in and for the municipal district except that part of the municipal district that is within a forest protection area.
- 5.2 Unless otherwise limited by the Fire Chief, the Chief Administrative Officer as Fire Guardian shall have the authority and power to issue and sign Fire Permits in respect of any land within the Municipal District of Peace No. 135 in accordance with Section 6 of this Bylaw.
- 5.3 The Chief Administrative Officer, as Fire Guardian, may in writing delegate to any Municipal District of Peace employee the duties of Fire Guardian for the Municipality for the purpose of issuing fire permits.

#### **PART 6 – FIRE PERMITS**

- 6.1 Any person wishing to obtain a Fire Permit must apply at the Municipal Office in Berwyn during normal business hours of the Municipal District of Peace No. 135.

- 6.2 Each application for a Fire Permit must contain the following information:
- (i) the name and contact information of the applicant wishing to set a fire;
  - (ii) the legal description of the land on which the fire is proposed to be set;
  - (ii) the period of time for which the fire permit is required;
  - (iii) the precautions that will be taken by the applicant to ensure that the proposed fire remains under his or her control; and
- 6.3 Upon receipt of an application for a Fire Permit, land will be inspected by the Fire Guardian prior to any permit being issued and conditions attached to the permit as deemed necessary by the Fire Guardian.
- 6.4 Fire Permits will be issued by the Fire Guardian during the period April 1<sup>st</sup> to October 31<sup>st</sup> of each year.
- 6.5 Fire Permits will be issued only in that area as outlined on Schedule "A" attached to and forming a part of this bylaw and known as the Permit Area.
- 6.6 A property outside the Fire Permit area designated on Schedule "A" will not require Fire Permits and will be known as the non-permit area.
- 6.7 Persons kindling fires in either a permit area or a non-permit area are subject to the provisions of Section 8 of this bylaw.

#### **PART 7 – FIRE BANS**

- 7.1 The Chief Administrative Officer may from time to time prohibit all fires in the Municipality, whether requiring a Fire Permit or not, when in the opinion of the Fire Chief, Council or the Chief Administrative Officer, that prevailing environmental conditions give rise to an increased risk of a fire running out of control.
- 7.2 A Fire Ban imposed pursuant to this bylaw shall remain in force until such time as the Fire Chief, Council or the Chief Administrative Officer provides notice to the public that the Fire Ban is no longer in effect.
- 7.3 Notice of a Fire Ban shall be provided to the public in the form of public service messages on the local radio, MD website, MD's social media or by any other means which the Fire Chief or CAO determines is appropriate for the purpose of informing the public of the Fire Ban.
- 7.4 When a Fire Ban is in place, no person shall ignite a fire, whether or not the person is the holder of a Fire Permit, and shall immediately extinguish any fire lit once the person knows or ought to reasonably know of the Fire Ban.

#### **PART 8 - OFFENCES AND PENALTIES**

- 8.1 A person who contravenes any provision of this bylaw, or any terms or conditions, is guilty of an offence and upon a conviction, is liable to a fine as outlined in the MD's Fees and Charges Bylaw, which may be updated from time to time.
- 8.2 Where a fire is beyond the control of a person and to which Fire Services responds, then such person may be liable, at the discretion of Council, to pay all costs of all emergency response service incurred by Fire Services and calculated in accordance with the current fee schedule as outlined in the MD's Fees and Charges Bylaw, and which may change from time to time. This may occur in any of the following situations:
- (i) where a person fails to obtain a fire permit as required under this bylaw, or
  - (ii) where a person obtains a fire permit but fails to follow the provisions of this bylaw or the conditions included in the fire permit, or
  - (iii) where a person not requiring a permit allows a fire to pass from his or her own land or to run at large.



- 8.3 The Chief Administrative Officer is hereby authorized and empowered to issue a fine to any person who the Fire Chief has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 8.4 Where a contravention of this bylaw is of a continuing nature, further fines may be issued by the Chief Administrative Officer.
- 8.5 In default of payment of costs and fines levied by Council within ninety (90) days of the issuance of said cost or fine, the Chief Administrative Officer is hereby empowered to levy the fee against the land where the fire originated, as taxes due and owing, and shall be collected in like manner as taxes, according to the provisions of Section 553(1)(g) of the *Municipal Government Act*, R.S.A. 2000 Chapter M-26 as amended.

#### SEVERABILITY PROVISION

Should any provision of this bylaw be invalid, then such invalid provision shall be severed and the remaining bylaw shall be maintained.

#### REPEAL

Upon effective date of the passing of this bylaw, Bylaw No. 816, Bylaw No. 913 and Bylaw No. 5/97 are repealed.

#### EFFECTIVE DATE

This bylaw shall come into force and effect when it receives third reading and is duly signed.

Read a first time this 13th day of November 2018.

Read a second time this 13th day of November 2018.

Read a third and final time this 13th day of November 2018.

  
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Reeve

  
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Chief Administrative Officer