

BYLAW – 1354/15
FIRE SERVICES
STURGEON COUNTY, MORINVILLE, ALBERTA

BEING A BYLAW OF STURGEON COUNTY, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE PURPOSE OF ESTABLISHING AND OPERATION OF FIRE SERVICES WITHIN STURGEON COUNTY.

WHEREAS, the *Municipal Government Act* being R.S.A. 2000, c. M-26, as amended, provides that 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

AND WHEREAS, the *Forest and Prairie Protection Act*, R.S.A. 2000, c.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*, R.S.A. 2000, c.F-19, as amended, within the boundaries of the Municipality; and

AND WHEREAS, the Council of Sturgeon County wishes to establish and maintain fire services within the County and to provide for the efficient operation of such fire services;

“AND WHEREAS the Council of Sturgeon County acknowledges that the provision of fire and emergency response services is dependent upon a number of factors including the infrastructure, personnel and resources which may be available for such services, competing demands upon such resources, and the large geographic size of the County, and that in the result, the County is unable to provide fire and emergency response services in the same manner or to the same standards which may be available in other jurisdictions, or to provide such services in the same manner or to the same standards in all areas of the County, or to all people within the County.”

NOW THEREFORE, the Council of Sturgeon County in the Province of Alberta, duly assembled, and pursuant to the authority conferred upon it by the *Municipal Government Act*, R.S.A., 2000, c. M-26, with amendments thereto, enacts as follows:

1. SHORT TITLE

1.1 This Bylaw is called “Fire Services Bylaw”.

2. DEFINITIONS

2.1 “Apparatus” shall mean any vehicle, machinery, device, equipment or material for Firefighting, as well as any vehicle used for transporting firefighters or supplies;

2.2 “Chief Administrative Officer” shall mean the Chief Administrative Officer for Sturgeon County pursuant to the *Municipal Government Act*, R.S.A., 2000, c. M-26;

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- 2.3 “Council” shall mean the Council for Sturgeon County;
- 2.4 “County” shall mean Sturgeon County;
- 2.5 “Fire Department” shall mean the Sturgeon County Emergency Services and shall include District Fire Stations established and organized pursuant to the provisions of this Bylaw consisting of, inter alia, 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, including fire stations;
- 2.6 “Dangerous Goods” means any product, substance or organism specified in the regulations or included by its nature in the regulations or included by its nature in any of the classes listed in the regulations under the Transportation of Dangerous Goods Act, 1992, c. 34, as amended, that impose an unreasonable risk to the health and safety of person and or environment if not properly controlled;
- 2.7 “Deputy Fire Chief” means the assistant to the Fire Chief who may act as an alternate to be Fire Chief when necessary;
- 2.8 “District Fire Chief” means the member appointed by the Fire Chief to direct fire protection activities in each district;
- 2.9 “District Fire Station” shall mean a fire station providing coverage to a designated area in Sturgeon County through a formal agreement with the County or any fire station operated directly by the County;
- 2.10 “Equipment” shall mean any tools, contrivances, devices or materials used by the Department to combat an incident or other emergency;
- 2.11 “Fees and Charges Schedule” means the Sturgeon County’s Fees and Charges Schedule as amended or replaced from time to time.
- 2.12 “Fire Chief” means the employee appointed by the Chief Administrative Officer, to be the head of the Fire Department and shall also mean a Fire Guardian duly appointed under the *Forest and Prairie Protection Act* together with all authority and power given to a Fire Guardian pursuant to that Act;
- 2.13 “Fire Hazard” means any condition, circumstance or event that increases the possibility and/or probability of Fire occurrence.

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- 2.14 “Fire Protection” shall mean all aspects of fire safety, including but not limited to, fire prevention, firefighting or suppression, pre-fire planning, fire inspection, public education and information, training or other staff development and advising;
- 2.15 “Incident” shall mean a fire or situation where an explosion is imminent or any other situation where there is a danger or a possible danger to life or property or both and to which the department has responded;
- 2.16 “Member” shall mean:
- the Fire Chief and any member of the department in good standing operating within the County, including part-time and volunteer members;
- 2.17 “Peace Officer” means a person appointed as a Peace Officer under the Peace Officer Act, RSA 2000, c. P.-3.5, as amended or member of the RCMP; and
- 2.18 “Violation Ticket” means a Violation Ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act R.S.A 2000, Chapter P-34 (POPA) or the regulations there under

3. PURPOSE – LEVELS OF SERVICE

- 3.1 Council does hereby establish the County Fire Department for the purposes of providing the follow services:
- (a) preserving life and property and protecting persons from injury or destruction by fire;
 - (b) preventing and extinguishing fires;
 - (c) investigating the cause and origin of fires;
 - (d) control and extinguishing of wildland/urban interface fires;
 - (e) vehicle extrication;
 - (f) preventing prairie or running fires and enforcing the provisions of the *Forest and Prairie Protection Act*;
 - (g) carrying out agreements with other municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment;

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- (h) purchasing, maintaining and operating apparatus, fire halls and equipment for extinguishing fires or preserving life and property;
- (i) assisting medical services to a first aider and automatic external defibrillator level;
- (j) mitigation and control of dangerous goods incidents;
- (k) assist industrial businesses in controlling emergency situations within fire department capabilities;
- (l) disaster planning;
- (m) public education and information;
- (n) training of or other staff development and advising;
- (o) assist with other emergency incidents as requested; and
- (p) enforcing any fire bylaws of the County, fire policies of the County and any applicable Alberta fire legislation.

4. ADMINISTRATION

- 4.1 The Fire Chief shall be appointed by the Chief Administrative Officer and, such appointment may be terminated by the Chief Administrative Officer.
- 4.2 The Chief Administrative Officer shall delegate the duty of management of the Fire Department to the Fire Chief.
- 4.3 The Fire Chief, with the approval of the Chief Administrative Officer, shall assign a qualified member as the Deputy Fire Chief and as the District Fire Chief for each District Station and any other officers as he deems necessary to manage the day to day operations of the District Fire Stations.
- 4.4 The Fire Chief or the member of the fire department charged with the enforcement of this bylaw, acting in good faith and without malice in the discharge of his duties, shall not hereby render himself liable personally and he is hereby relieved from all personal liability for any damages that may occur to persons, or property as a result of any act required, or by reason of any act, or omission in the discharge of his duties.

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4.5 The County shall defend and indemnify the Fire Chief and any member of the fire department in any suit brought against the Fire Chief, or a member of the fire department, because of an act or omission performed by him in the performance of any duties under this bylaw or the enforcement of any provision of this bylaw, until final determination of the proceedings.

5. POWERS OF FIRE CHIEF

5.1 The Fire Chief is authorized to perform and carry out such duties and responsibilities as shall be assigned to the Fire Chief from time to time by the Chief Administrative Officer, or pursuant to any Act or Bylaw.

5.2 The District Fire Chiefs shall perform such duties as assigned by the Fire Chief from time to time and represent the County pursuant to any Act or Bylaw.

5.3 The Fire Chief shall establish rules, regulations, policies, standard operating guidelines necessary for the proper organization, training and administration of the Fire Department including:

- (a) use, care and protection of the Fire Department property;
- (b) the conduct and discipline of the officers and members of the Fire Department; and
- (c) the effective and efficient operations of the Fire Department.

Regulations, rules or policy made pursuant to Section 5.3 of this bylaw shall not be inconsistent with the legislation and regulations of Sturgeon County and the Province of Alberta.

5.4 The Fire Chief shall:

- (a) upon approval of the Council, by way of the annual approved budget, in accordance with County procurement policies, be authorized to purchase or otherwise acquire equipment, apparatus, materials or supplies required for the operation, maintenance and administration of Fire Services to be used in connection therewith;
- (b) keep or cause to be kept, in proper form, records of all business transactions of Fire Services, including the purchase or acquisition of equipment, apparatus, materials or supplies and records of fires attended, actions taken in extinguishing fires, inspections carried out and actions taken on account of inspections carried out and

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actions taken on account of inspections and any other records incidental to the operation of fire services;

- (c) upon approval of the Council, negotiate on behalf of the County, with the Provincial Government of Alberta, other municipalities and persons for the purpose of establishing mutual aid agreements and fire control agreements and to make recommendations and raise concerns regarding the establishing or renewing of any mutual aid agreement or fire control agreement or amendments thereto;
- (d) perform such functions and have such powers and responsibilities as Council may from time to time prescribe.

The Fire Chief, or in his absence, the Deputy Fire Chief, or in his absence, the most senior member present, shall have control, direction and management of the Fire Department apparatus, equipment or manpower assigned to an incident and, where a member is in charge, he shall continue to act until relieved by an officer authorized to do so.

5.5 The Fire Chief, or any other member in charge at an incident, shall have authority and power to:

- (a) without a warrant enter on any land and premises, except a private dwelling house, for the purpose of discharging his duties under this bylaw or the *Forest and Prairie Protection Act*;
- (b) without a warrant enter any private dwelling house which is on fire and proceed to extinguish the fire or to prevent the spread thereof;
- (c) direct the operations of extinguishing or controlling the fire or the operations to preserve life and property;
- (d) cause a building, structure, or thing to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to the building structures or things;
- (e) enter, pass through, or over buildings, or property adjacent to an incident and to cause members of the fire department, and the apparatus, and equipment of the fire department to enter, or pass through, or over the building, or property, where he deems it necessary to gain access to the incident or to protect any

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persons or property;

- (f) prevent interference with the efforts of persons engaged in the extinguishing of fires or preventing the spread thereof by regulating the conduct of the public at or in the vicinity of any fire and without restricting the generality of the foregoing, may, in the course of extinguishing or controlling a fire, prohibit the approach of any person, animal, vehicle, machine, aircraft or thing as seen at the fire or any area in the vicinity of the fire and also may remove or cause to be removed from the scene of the fire or surrounding area, any person, animal, vehicle, machine or thing not usefully employed in extinguishing or controlling the fire, or preserving life or property in the vicinity thereof;
- (g) require any able bodied adult person, who is not exempt by the regulations of the *Forest and Prairie Protection Act*, to assist in extinguishing fires and to assist in preventing the spread thereof;
- (h) commandeer and authorize payment for the possession or use of any equipment for the purpose of fighting a fire;
- (i) request peace officers to enforce restrictions on persons entering within the vicinity of any fire.

6. DEPARTMENT MEMBERSHIP

- 6.1 All members of the department must be registered by filling out an approved application form. All members must have their applications endorsed by both the Fire Chief and the applicable District Fire Chief or his designate.
- 6.2 Only persons aged 16 or over are eligible to be Members of the Fire Department.
- 6.3 Members shall abide by the chain of command and all other Regulations, Policies and Standard Operating Guidelines.
- 6.4 All Members representing the fire department must conduct themselves in a professional manner while performing their duties. This includes complying with the fire department policies and initiatives, this bylaw and applicable fire legislation.
- 6.5 Unless otherwise limited by the Fire Chief, each Fire Guardian shall have the authority and power to enforce the provisions of the *Forest and Prairie Protection Act* and this bylaw within the boundaries of the County.

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7. LEVELS OF TRAINING

7.1 Members will train in accordance with the following:

- (a) Structural Firefighting in accordance with National Fire Protection Association standards;
- (b) Wildland/Urban Interface in accordance with National Fire Protection Association standards;
- (c) Standard First Aid, CPR and AED;
- (d) Incident Command System Canada (ICS);
- (e) Dangerous Goods Mitigation and Control, Awareness and Operations Levels; and
- (f) Fire Officer Training in accordance with National Fire Protection Association standards.

8. FIRE PROTECTION BOUNDARIES

8.1 Jurisdiction of the Fire Chief, Deputy Fire Chief, District Chiefs and Members of the fire department shall be limited to the area within the boundaries of the County, unless there is a written agreement with another municipal authority providing authorization for the provision of firefighting services outside the boundaries of the County.

8.2 Ad Hoc co-operation may occur for emergent situations and for non-emergent situations such as training and education. In any event, emergency responses should generally occur only in life threatening or major disaster situations.

9. OFFENCES

9.1 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 of the Fire Chief or the member in charge.

9.2 No person shall damage or destroy Fire Department apparatus or equipment.

9.3 No person at an Incident shall drive a vehicle over any equipment without permission of the Fire Chief or the member in charge.

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- 9.4 No person shall obstruct a member carrying out duties imposed by this bylaw.
- 9.5 No person shall falsely represent themselves as a Fire Department member or wear or display any Fire Department badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.
- 9.6 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 fire fighting purposes or any connections provided to a fire main, pipe, standpipe, sprinkler system, cistern or other body of water designated for firefighting purposes.

10. RECOVERY OF FIREFIGHTING COSTS

- 10.1 Where the department has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call or incident in or outside the County or for the purpose of preserving life or property from injury or destruction by fire or other incident on land within or outside the County, including any action taken by the department on a false alarm, the Fire Chief may in respect of any costs and expenses incurred by the department in taking such action, if the Fire Chief is of the opinion that grounds for doing so exist, charge any costs and expenses so incurred to the owner or occupant of the land in respect of which the action was taken.
- 10.2 The costs and fees to be charged by the Fire Department for services rendered pursuant to this bylaw shall be determined by Council by resolution from time to time and shall be set out in the Sturgeon County Fee and Charges Schedule.
- 10.3 In the event that the owner or occupant of any land within the County shall feel aggrieved by any action taken by the Fire Chief pursuant to Section 10.1, such owner or occupant shall have a period of thirty (30) days from the date of mailing or notice of the action taken by the Fire Chief to appeal to Council for the County the action taken by the Fire Chief and the decision of Council on any such appeal shall be final and binding upon the owner or occupancy of the land and shall not be subject to any further appeal.
- 10.4 In respect of land within Sturgeon County, in the event that the amount levied by the Fire Chief shall not be paid within sixty (60) days after the mailing of a notice by the Fire Chief pursuant to Section 10.1, or in the event of an appeal, within sixty (60) days of the date of mailing of the decision of Council on the appeal, the amount levied and unpaid shall be charged against the land upon which the action was taken as taxes due and owing in respect of that land.

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11. CONTROL OF FIRE HAZARDS

- 11.1 If the Fire Chief finds within County boundaries on privately owned land or occupied public land conditions that in his opinion constitute a fire hazard, he may order the owner or the person in control of the land on which the fire hazard exists to reduce or remove the hazard within a fixed time and in a manner he prescribes.
- 11.2 When the County finds that the order it made pursuant to Section 11.1 has not been carried out, it may enter on the land with any equipment and men it considers necessary and may perform the work required to eliminate or reduce the fire hazard.
- 11.3 The Owner or the person in control of the land on which work was performed pursuant to Section 11.2 shall on demand reimburse the County for the cost of the work performed and in default of payment the County has a lien for the amount against the land and improvements on it as referred to in Section 10.4.

12. VIOLATION TICKET

- 12.1 A Peace Officer is hereby authorized and empowered to issue a Violation Ticket to any person who contravenes any provision of this Bylaw.
- 12.2 Any Person who contravenes the provisions of this bylaw is guilty of an offence and is liable for the penalty set out in Schedule "A".
- 12.3 A Violation Ticket may be served:
- a) Either personally or by leaving a copy of the Violation Ticket at the last or most usual place of abode of the person being charged; or
 - b) by mailing a copy to a person being charged to their last known address.
- 12.4 The Violation Ticket shall state, inter alia:
- a) The name of the person being charged with an offence;
 - b) The offence charged;
 - c) The specified fine for the offence as specified in Schedule "A" of the Bylaw, if applicable;

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12.5 If the payment specified in the Violation Ticket is not paid in accordance with the terms of the ticket and in the time required by the ticket, a prosecution may be commenced for the alleged contravention of this bylaw.

13. REPORTING

13.1 The Owner, tenant or authorized agent of a property damaged by fire shall immediately report the particulars of the fire to the County in a manner and form satisfactory to the Fire Chief or his designate.

13.2 The Owner or authorized agent of any property containing a dangerous goods product or products, which sustain accidental or unplanned release, shall immediately report such a spill or release to the County in a manner and form satisfactory to the Fire Chief or his designate.

14. SEVERABILITY

14.1 Should any section or part of the Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as severable from the rest of this bylaw and this bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of the Bylaw.

15. REPEAL

15.1 This bylaw shall repeal Sturgeon County Bylaw No. 1178/09.

15.2 This bylaw comes into force at the beginning of the day that it is passed in accordance with Section 189 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended.

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READ a first time this 9th day of June, A.D., 2015.

READ a second time this 23rd day of _____, A.D., 2015.

READ a third time this 23rd day of _____, A.D., 2015.

SIGNED this _____ day of _____, A.D., 2015.

Mayor, Tom Flynn

Chief Administrative Officer, Peter Tarnawsky

SCHEDULE A

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PENALTIES:

Section	+Offence	Penalty \$
9.1	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 of the Fire Chief or the member in charge.	\$1000.00
9.2	No person shall damage or destroy Fire Department apparatus or equipment.	\$500.00
9.3	No person at an Incident shall drive a vehicle over any equipment without permission of the Fire Chief or the member in charge.	\$500.00
9.4	No person shall obstruct a member carrying out duties imposed by this bylaw	\$500.00
9.5	No person shall falsely represent themselves as a Fire Department member or wear or display any Fire Department badge, cap, button, insignia or other paraphernalia for the purpose of such false representation.	\$500.00
9.6	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, standpipe, sprinkler system, cistern or other body of water designated for firefighting purposes.	\$1000.00