

BYLAW NO. 1054

BYLAW 1054 OF THE VILLAGE OF DELBURNE, IN THE PROVINCE OF ALBERTA, AND TO ESTABLISH THE FIRE & RESCUE SERVICE IN AND FOR THE VILLAGE OF DELBURNE.

WHEREAS the Municipal Government Act, RSA 2000, Chapter M-26, as amended, provides that the Council of a Municipality may pass a Bylaw for 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;

AND WHEREAS the Council of the Village of Delburne wishes to establish a fire & rescue service and provide for efficient operation of such a service.

NOW THEREFORE, the Council of the Village of Delburne, of the Province of Alberta, duly assembled, enacts as follows:

SECTION 1 – NAME OF BYLAW

1.1 This bylaw may be cited as “The Fire Department Bylaw.”

SECTION 2 – DEFINITIONS

2.1 In this Bylaw:

- A) “Council” means the Council of the Village of Delburne;
- B) “Village” means the Village of Delburne;
- C) “Apparatus” means any vehicle provided with machinery, devices, equipment or materials for fire fighting as well as vehicles used to transport fire fighters or supplies whether operated on land, water or in the air.
- D) “Dangerous Goods Product” means those products or substances that are regulated by the *Transportation of Dangerous Goods Act* and its regulations or any other Provincial or Federal statute as may be enacted from time to time.
- E) “Equipment” means any tools, contrivances, devices or materials used by the Department to mitigate an Incident.
- F) “Emergency Unit” means a fire truck, pumper truck, rescue truck or tanker.
- G) “Fire Chief” means the person appointed that is responsible for the Fire Department and includes any person designated in his/her absence.
- H) “False Alarm” means any report of an Incident to the Fire Department or a Member whosoever received, which does not exist in fact.
- I) “Department” means the department established by this bylaw.
- J) “Fire Hazard” means any situation, process, material or condition that can cause a fire or explosion or that can provide a ready fuel supply to augment the spread or intensity of a fire or explosion, all of which can pose a threat to life or property.
- K) “Fire Permit” means a document issued pursuant to this bylaw, in a form adopted by Council, permitting an applicant to conduct the activity defined on the permit.
- L) “Fire Protection” means those measure taken to reduce the impact of fire on quality of life including but not limited to fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, public education and

information, rescue, dangerous goods response, training, planning and Fire code enforcement.

- M) “Incident” means an occurrence, whether real or perceived, either human-caused or caused by natural phenomenon, that required action or support from emergency services personnel to prevent or minimize loss of life or damage to property or to natural resources and to which the Department responded or ought normally to have responded.
- N) “Incident Commander” means that person who is responsible for decisions relating to the management of Department resources at an Incident and who is in charge at the Incident site.
- O) “Member” means any person who is a duly appointed member of the Department, including a part-time member or Officer, and includes any person who may be acting on behalf of and under the authority of the Department during the activity on mitigating and recovering from an Incident or for the purpose of carrying out any other Department service.
- P) “Municipality” means the Municipal Corporation for the Village of Delburne in the Province of Alberta and, where the context requires, means all land situated within the corporate boundaries of the Village of Delburne.
- Q) “Municipal Tag” means a form prescribed by the Chief Administrative Officer allowing for the voluntary payment of a fine amount established by bylaw.
- ~~R) “Officer” means a Member appointed as a Deputy Fire Chief.~~
- S) “Open Air Fire” means any fire not contained within a building, vehicle or structure.
- T) “Property” means any real or personal property.
- U) “Running Fire” means a fire burning without being under the proper or effective control of any person.
- V) “Safety Codes Officer” means an individual designated as a safety codes officer under section 31 of the Safety Codes Act, RSA 2000, Chapter S-1.
- W) “Violation Ticket” means a violation ticket as defined in the Provincial Offences Procedures Act, RSA 2000, Chapter P-34.
- X) “Storage Tanks” means *Storage Tanks* as defined in the Alberta Fire Code Section 4.1.
- Y) “Fireworks” means the fireworks listed in Class 7, Division 1 and Class 7 Division 2, Subdivision 1 and 2 in Section 14 of the Explosives Regulations (Canada) and Section 5.7 of the Alberta Fire Code.

SECTION 3 – FIRE SERVICE

- 3.1 The Council hereby establishes the Delburne Fire & Rescue Department (the “Department”) for the purpose of providing Fire Protection services and for carrying out the Municipalities duties as an accredited municipality under the Safety Codes Act, RSA 2000, C. S-1.

SECTION 4 – FIRE CHIEF

- 4.1 The Council shall appoint the Fire Chief ~~subject to the policies set out by Council.~~
- 4.2 The Fire Chief shall report to the Chief Administrative Officer.
- 4.3 The Fire Chief shall have complete responsibility and authority over the Department, subject to the direction of Council and the Chief Administrative Officer and shall

prescribe rules, regulations and procedures for the ongoing organization and administration of the Department, including but not limited to:

- A) the use, care and protection of Department Property;
 - B) the appointment, recruitment, conduct, discipline, duties and responsibilities of the Members of the Fire Department;
 - C) the efficient operation of the Department;
 - D) overseeing the municipality's responsibility under the Safety Codes Act;
 - E) other duties and responsibilities as assigned in job description.
- 4.4 Regulations, under or standard operating procedures made pursuant to this Bylaw shall be inconsistent with the laws of the Province of Alberta.
- 4.5 The Fire Chief shall:
- A) Within budget approval and in accordance with any policies set by Council, purchase or otherwise acquire equipment, apparatus, materials or supplies required for the operation, maintenance, and administration of the Department to be used in connection therewith;
 - B) Keep or cause to be kept, in proper form, records of all business transactions of the Department, 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 or any other records incidental to the operation of the Department.
 - C) or in his or her absence, the senior member present shall act as Incident Commander at an incident and shall have control, direction and management of any Department apparatus, equipment, members or material, assigned to an Incident and, where a Member is in charge, he or she shall continue to act until relieved in accordance with the Department's Incident Command policy.
- 4.6 The limits of the jurisdiction of the Fire Chief, ~~Officers~~ and Members of the Department will extend to the area and boundaries of the Municipality of Delburne and no Member or part of the Department including Apparatus shall be used beyond the limits of the Municipality except under the authority of a written agreement or with the express permission of the ~~Director~~ Chief Administrative Officer.
- 4.7 The Fire Chief, and anyone acting in his or her absence, is hereby authorized to take whatever action he or she deems appropriate in the event that an emergency situation or emergency circumstance arises that is not provided for by the Bylaw. In the event that the Fire Chief, or anyone acting in his absence, takes action under this clause, the action taken shall be limited to those steps necessary to bring the emergency situation or emergency circumstance under control. Anyone taking action under this clause shall make a full report of the particulars to the Chief Administrative Officer within 24 hours of the commencement of the action taken.

SECTION 5 – POWERS OF FIRE MEMBERS

- 5.1 Each Member shall have the authority and power to:
- a) Perform work relating to the extinguishing or controlling of the fire or the operations to preserve life and property and enter onto any property for the purpose of extinguishing or controlling the fire, at the discretion of the Incident Commander;

- b) 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.

SECTION 6 – POWERS OF AN INCIDENT COMMANDER

6.1 Incident Commanders shall have the authority and power to:

- A) commandeer the use of any equipment for the purposes of mitigating an Incident or for the purpose of preserving life or property and authorize payment for such equipment;
- B) 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;
- C) at an Incident, at his/her discretion, establish perimeters around the Incident and keep persons from entering or remaining within the area enclosed by the prescribed boundaries or limits unless authorized to enter by him/her;
- D) request Peace Officers to enforce restrictions on persons entering or remaining within the boundaries or of the limits outlined in Section 6.1 (c);
- E) to enter or cause Members to enter private property and to take all steps he or she thinks necessary in order to directly or indirectly combat, control or deal with an Incident, including, but not limited to:
 - 1) passing through or over buildings or property whether adjacent or otherwise, to an Incident and remaining in or on the building or property and to cause Members of the Department and the Apparatus and Equipment of the Department to enter or pass through or over the building or Property and remain in or on to the building or Property;
 - 2) cause the building, structure or thing to be wholly or partially pulled down, demolished, modified or otherwise removed where at the sole discretion of the Incident Commander such an action is necessary to mitigate the incident

SECTION 7 – FIRE PROTECTION FEES

- 7.1 The Department may charge fees on a cost recovery basis for any Fire Protection services provided, in such amounts and for such services as Council may by resolution determine from time to time.
- 7.2 Where the Department has taken any action whatsoever for the purpose of extinguishing a fire or responding to an Incident, the Municipality shall, in respect of the costs incurred by the Municipality in taking such action, including but not limited to the cost of securing a building, structure or thing or securing privately owned equipment necessary to bring the Incident under control, charge those costs to the person who caused or is responsible for the Incident. ~~as described in the Forest and Prairie Protection Act;~~
- 7.3 Council may, by resolution from time to time, set fees for any response by the Department to a False Alarm when the following conditions occur:
 - a) the Department has responded to more than one false alarm within the calendar year; and
 - b) written notice has been provided to the property owner outlining the possible charge of fees prescribed by Council after the first false alarm.
- 7.4 The Municipality may recover any cost or fee as a debt due and owing to the Municipality; or

- a) in the case of action taken by the Department in respect to land within the Municipality, where the cost or fee is not paid upon demand by the Municipality, then in default or payment, such cost or fee may be charged against the land as taxes due and owing in respect of that land, or
- b) in the case of action taken by the Department in respect to Incidents involving motor vehicles, the Municipality may take any collection action it deems necessary where the amount levied by the Municipality is not paid within sixty (60) days after the mailing on an invoice by the Municipality.

7.5 Council must approve fees in excess of cost recovery rates or for fire suppression services.

SECTION 8 – CONTROL OF FIRE HAZARDS

- 8.1 If the Fire Chief or designate finds within the Municipality boundaries on privately owned land or occupied public land conditions that in his/her opinion constitute a Fire Hazard he/she may order the owner or the person in control of the land on which the Fire Hazard exists reduce or remove the Fire Hazard within a fixed time and in a manner prescribed by the Fire Chief or designate.
- 8.2 If the Fire Chief or designate finds that the order he/she made pursuant to Section 8.1 has not been carried out, the Fire Chief or designate may cause any person he/she considers necessary to enter onto the land with any equipment to perform the work required to eliminate or reduce the Fire Hazard.
- 8.3 The owner or occupant of the land on which work was performed pursuant to section 8.2 shall, upon demand, pay to the Municipality the cost of performing the work, and in default of payment of the cost, such cost or fee shall become a debt due and owing to the Municipality and may be assessed against the land as taxes due and owing in respect of that land.
- 8.4 For the purpose of fire control, the Chief Administrative Officer or any person acting in their position may on the recommendation from the Fire Chief or his/her designate enforce a partial or total fire ban, which will be advertised through local radio for not less than twice a day for two consecutive days and large signs shall be posted at three points on 20th Street.
- 8.5 No person shall purchase, possess, handle, discharge, fire or set off Fireworks within the Village of Delburne unless he/she holds a permit issued by the Fire Department. Permits shall only be issued for the discharge of high hazard fireworks in accordance and pursuant to the Alberta Fire Code.

SECTION 9 – REQUIREMENT TO REPORT

- 9.1 The owner or occupant of any property damaged by fire shall immediately report to the Department particulars of the fire in a form satisfactory to the Fire Chief.
- 9.2 The owner or occupant of any property containing a Dangerous Goods Product, which sustains an accidental or unplanned release, shall immediately report to the Department particulars of the release. The owner or occupant of the property shall provide such information regarding the release in a form satisfactory to the Fire Chief.

SECTION 10 – FIRE PERMIT

- 10.1 No person shall set or permit the setting of an open-air fire or sell or set off any fireworks without having first obtained a fire permit in accordance to this bylaw.
- 10.2 Prohibited debris, as defined within the Environmental Protection and Enhancement Act, RSA 2000, Chapter E-12, shall not be burned in any fire set within the municipality, whether permitted or otherwise.
- 10.3 Notwithstanding Section 10.1 above, a fire permit shall not be required for the cooking of food on or within an outdoor fireplace or fire pit which is designed for that purpose,

fueled by clean wood, charcoal briquettes, natural or propane gas and approved by Underwriters Laboratories of Canada, a Provincial or National parks service or by a Member of the Department.

- 10.4 Notwithstanding Section 10.1 above, a fire permit shall not be required for the setting of a fire used for:
- a) ground thawing operations;
 - b) fire service training;
 - c) controlled burning for safety purposes.
- 10.5 An application for a Fire Permit shall be made to the Village of Delburne in writing on the form adopted from time to time by the Fire chief and accompanied by the fee if any charged by the Department for such Fire Permits. The Fire Chief shall receive and consider the application and he/she may, in his/her absolute discretion, issue or refuse to issue a Fire Permit.
- 10.6 A Fire Permit is not transferable.
- 10.7 A person to whom any Fire Permit has been issued under Section 10.5 shall, at all times, keep at least one person over the age of 18 years in place to continuously supervise the fire or Fireworks. For the purpose of this clause, a fire shall include, but not be limited to, any hot ashes or smoldering embers resulting from the fire or Fireworks.
- 10.8 When issuing any Fire Permit, the fire chief may impose conditions he/she in his/her absolute discretion considers appropriate.
- 10.9 Fire Permits are valid for such period of time as endorsed on the Fire Permit.
- 10.10 The Fire Chief may extend the period of time the Fire Permit is valid, provided the Fire Permit has not expired.
- 10.11 The Fire Chief may, in his/her absolute discretion, suspend or cancel any Fire Permit at any time. A Fire Permit may be suspended or cancelled as follows:
- a) by broadcasting a notice on local radio and/or television stations or;
 - b) by publishing a notice in a newspaper that circulates in the municipality, or;
 - c) by advising a permit holder in person or by telephone, or;
 - d) by delivering a notice by facsimile transmission or by e-mail, or;
 - e) by delivering a notice by regular mail.

SECTION 11 – OFFENCES

- 11.1 No person shall:
- a) contravene any provision(s) of this Bylaw;
 - b) deposit, discard or leave any burning matter or substance where it might ignite other material and cause a fire;
 - c) provide false, incomplete or misleading information to the Municipality, Department or a Safety Codes Officer on or with respect to a Fire or Fire Permit application;
 - d) impede, obstruct, or hinder a Member of the Department, or other person assisting or acting under the direction of the Fire Chief or an Incident Commander;
 - e) damage or destroy Department Apparatus, Equipment or Property without proper authorization;
 - f) falsely represent themselves as a Member or wear or display any Department badge, cap, button, insignia or other paraphernalia for the purpose of such false representation;
 - g) at an Incident drive a vehicle over any Department Apparatus or Equipment without the permission of the Fire Chief or Incident Commander;
 - h) obstruct or otherwise interfere with access roads or streets or their approaches to any Incident, fire hydrant, a cistern or body of water designated for fire fighting

- purposes or any connections provided to a fire main, pipe stand pipe, sprinkler system, cistern or other body of water designated for fire fighting purposes;
- i) at an Incident, enter or remain within the boundaries or limits of an area prescribed in accordance with Section 5.1(s) unless he or she has been authorized to enter by the Director or the Incident Commander;
 - j) obstruct a member from carrying out any function or activity related in any way to Fire Protection;
 - k) allow an Open Air Fire to be lit, unless that person is the holder of a subsisting Fire Permit, or the fire has been set in accordance with Section 10.4 herein;
 - l) have in his or her possession, sell, offer for sale, give away or otherwise distribute, discharge, fire or set off fireworks unless that person is the holder of a subsisting Fire Permit for the purposes of a Firework display or the fireworks have been set by a member for the purpose of training members;
- m) permit a fire to burn when a fire is set in contravention of Section 10.1. The owner or occupier of the land, or the person having control of the land upon which the fire is lit shall:
- i) extinguish the fire immediately, or;
 - ii) if unable to extinguish the fire immediately, report the fire to the Department as soon as possible.
- n) either directly, or indirectly, personally or through an agent, servant or employee kindle a fire or let it become a running fire on any land not his/her own or allow a fire to pass from his/her property to the property of another;
 - o) light a fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times;
 - p) light a fire when the weather conditions are conducive are such the fire may grow out of control;
 - q) fail to take reasonable steps to control a fire for the purpose of preventing it from becoming a running fire or from spreading onto property other than his/her own;
 - r) conduct an activity that involves the use of fire that might reasonably be expected to be a nuisance or annoyance to a neighbor or fail to extinguish a fire that is the subject of a nuisance complaint from a neighbor when ordered to do so by a member of the Department;
 - s) conduct any activity that involves the use of a fire, where smoke from the fire might reasonably be expected to impede visibility of vehicular or pedestrian traffic on any highways as defined in the Traffic Safety Act, RSA 2000, Chapter T-6 as amended;
 - t) light a fire on lands owned or controlled by the Municipality except with the Municipality's express written consent or in specifically designated or approved areas.

SECTION 12 – PENALTIES

- 12.1 Any person who violates any provision of the bylaw or suffers or permits any act or thing to be done in contravention of or in violation of any provision of this Bylaw or neglects to do or refrains from doing anything required to be done by the provisions of this Bylaw, or does nay act or thing or omits any act or thing, thus violating any provision of this Bylaw, is guilty of an offence under this Bylaw.
- 12.2 A person who is found guilty of an offence is liable to a fine in an amount not less than that specified in Schedule “A” to this bylaw, and not exceeding \$10,000, and to imprisonment for not more than one year for non-payment of the fine.
- 12.3 If a person is found guilty of an offence, the court may, in addition to any fine or other penalty imposed, order the person to comply with the bylaw or a license, permit or other authorization issued under the bylaw, or a condition of any of them.

- 12.4 A person who is found guilty of an offence is liable to the imposition of a penalty for the offence that is in addition to a fine so long as the penalty relates to a fee, cost, rate, toll or charge that is associated with the conduct that gives rise to the offence.
- 12.5 A Municipal Tag may be issued in respect of a bylaw offence.
- 12.6 If a Municipal Tag is issued in respect of an offence, the Municipal Tag must specify the fine amount established by the bylaw as set out on Schedule "A" hereto for the offence.
- 12.7 A person who commits an offence my, if a Municipal Tag is issued in respect of the offence, pay the fine amount established by the Bylaw for the offence and if the amount is paid on or before the required date the person will not be prosecuted for the offence.
- 12.8 If a Violation ticket is issued in respect of an offence, the violation ticket may:
- a) specify the fine amount established by the bylaw for the offence, or;
 - b) require a person to appear in court without the alternative of making a voluntary payment.
- 12.9 A person who commits an offence, may:
- a) if a violation ticket is issued in respect of the offence; and
 - b) if the violation ticket specifies the fine amount established by the bylaw for the offence.
 - c) Make a voluntary payment equal to the specified fine.

FIRST READING of Bylaw No. 1054 granted this 12 day of February, 2008.

SECOND READING of Bylaw No. 1054 granted this 12 day of February, 2008.

THIRD AND FINDAL READING of Bylaw No. 1054 granted this 12 day of February, 2008.

Bob Manning, Mayor

Karen M. Fegan, Chief Administrative Officer

BYLAW NUMBER 1054

SCHEDULE "A"

1. EMERGENCY RESPONSE FEES
 - 1.1 FIRE, RESCUE AND DANGEROUS GOODS RESPONSES ON ANY PROPERTY OTHER THAN PROVINCIAL HIGHWAYS.
 - \$500.00 PER HOUR, PER UNIT OR ANY PORTION THEREOF.
 - COST FOR REPLACEMENT OF EQUIPMENT AND/OR MATERIALS USED, LOST, OR DAMAGED AS A RESULT OF THE RESPONSE.
 - 1.2 FIRE AND RESCUE RESPONSES ON PROVINCIAL HIGHWAYS.
 - \$500.00 PER HOUR, PER UNIT OR ANY PORTION THEREOF;
 - COST FOR REPLACEMENT OF EQUIPMENT AND/OR MATERIALS USED, LOST, OR DAMAGED AS RESULT OF THE RESPONSE.
 - 1.3 EMERGENCY RESPONSES TO OTHER MUNICIPALITIES:
 - \$0 PER HOUR, PER UNIT OR ANY PORTION THEREOF.
MUTUAL AID.
 - COST FOR REPLACEMENT OF EQUIPMENT AND/OR MATERIALS USED, LOST OR DAMAGED AS A RESULT OF THE RESPONSE.
 - 1.4 FALSE ALARM RESPONSES:
 - \$50.00 PER INCIDENT AT THE DISCRETION OF THE FIRE OFFICER.
 - 1.5 FIRE PERMIT
 - \$0 PER PERMIT

BYLAW NUMBER 1054

SCHEDULE "B"

	INFRACTION	1 ST OFFENCE	2 ND OFFENCE
	LIGHT FIRE WITHOUT FIRE PERMIT	\$300	\$1000
	PERMIT LIGHTING FIRE WITHOUT PERMIT	\$300	\$1000
	FAIL TO EXTINGUISH FIRE WITHOUT PERMIT	\$500	\$1000
	FAIL TO REPORT TO FIRE DEPARTMENT UNABLE TO EXTINGUISH FIRE	\$500	\$1000
	PERMIT RUNNING FIRE ONTO PROPERTY OF ANOTHER PERSON	\$100	\$500
	INSUFFICIENT PRECAUTION TO KEEP FIRE UNDER CONTROL	\$500	\$1000
	HAVE FIRE WHEN WEATHER CONDUCTIVE TO CREATE RUNNING FIRE	\$500	\$1000
	FAIL TO TAKE STEPS TO PREVENT RUNNING FIRE ONTO ANOTHER PERSON'S PROPERTY	\$100	\$500
	DEPOSIT, DISCARD, LEAVE BURNING MATTER THAT MAY CAUSE IGNITION OF FIRE	\$100	\$250
	CONDUCT ACTIVITY THAT MIGHT CAUSE FIRE	\$500	\$750
	MAKE FALSE STATEMENT IN FIRE PERMIT APPLICATION	\$100	\$250
	INTERFERE WITH PERSONS EXTINGUISHING FIRES, PRESERVING LIFE OR PROPERTY	\$750	\$1000
	INTERFERE WITH FIRE DEPT. EQUIPMENT	\$750	\$1000
	DAMAGE, DESTROY FIRE DEPT. EQUIPMENT	\$750	\$1000
	FALSELY REPRESENT HIMSELF AS A MEMBER OF FIRE DEPT. BY ANY MEANS.	\$750	\$1000
	CONTINUE TO KINDLE FIRE CAUSING INCONVENIENCE, SMOKE OR DISTRESS TO A NEIGHBORING PROPERTY.	\$500	\$750
	BURN RESTRICTED MATERIALS CONTRARY TO PERMIT.	\$750	\$1000