

BYLAW 96 - 14

OF THE MUNICIPAL DISTRICT OF OPPORTUNITY NO. 17 In the Province of Alberta

Being a Bylaw of the Municipal District of Opportunity No. 17 to provide for the establishment and operation of a fire department.

Whereas, pursuant to the Municipal Government Act, Statutes of Alberta, 1994 Chapter M-26.1 and amendments thereto, including but not limited to Sections 7 and 553, the Council may pass a bylaw respecting the safety, health and welfare of people and the protection of people and property;

And Whereas the Forest and Prairie Protection Act provide 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;

And Whereas the Council of the Municipal District of Opportunity No. 17 wishes to establish fire departments within the Municipal District and to provide for the efficient operation of such fire departments;

Now Therefore, the Council of the Municipal District of Opportunity No. 17, duly assembled, hereby adopts and enacts the following:

Name of Bylaw

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

Definitions

- 2 In this Bylaw:
- a) "Apparatus" means any vehicle provided with machinery, devices, equipment or materials for firefighting as well as vehicles used to transport firefighters or supplies;
 - b) "Council" means the Council of the Municipal District of Opportunity No. 17;
 - c) "Deputy Fire Chief" means the assistant to the Fire Chief who may act as an alternate to be Fire Chief when necessary;
 - d) "Equipment" means any tools, contrivances, devices or materials used to combat an incident or other emergency;
 - e) "Fire Chief" means the member appointed as 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;
 - f) "Fire Department" means a Municipal District of Opportunity No. 17 fire department 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;
 - g) "Incident" means a fire, a situation where a fire or explosion is imminent or any other situation representing a danger or possible danger to life or property and to which the Fire Department has responded;

- h) "Member" means:
 - (i) any member in good standing of any Fire Department operating within the Municipal District and;
 - (ii) any person who is required to fight fires pursuant to this Bylaw;
- i) "Municipal District" means the Municipal District of Opportunity No.17

Purpose

- 3 The Council does hereby establish the Municipal District Fire Department(s) as outlined on Schedule "A" attached, this Schedule may be amended from time to time by Council motion, the said Fire Department(s) being established for the purpose of:
 - a) preventing and extinguishing fires;
 - b) investigating the cause of fires;
 - c) preserving life and property and protecting persons from injury or destruction by fire;
 - d) preventing prairie or running fires and enforcing the provisions of the Forest and Prairie Protection Act;
 - e) carrying out agreements with other municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment;
 - f) maintaining and operating apparatus and equipment for extinguishing fires or preserving life and property;
 - g) rescue;
 - h) emergency medical services;
 - i) other incidents;
 - j) disaster planning;
 - k) preventative controls;
 - l) public education and information;
 - m) training or other staff development and advising.

Administration

- 4.1 The Fire Chief shall be appointed by Council and may be terminated by Council.
- 4.2 Other officers and Members may be appointed by the Fire Department.
- 4.3 The Fire Chief or the member of the fire department charged with the enforcement of this bylaw, acting in good faith and without malice for the Municipality 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.

- 4.4 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 enforcement of any provision of this bylaw, shall be defended by the Municipal District until final determination of the proceedings.

Powers of the Fire Chief

- 5.1 The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction and control of the Council and in particular, he shall carry out the purposes for which of the Fire Department is established and such other activities as the Council directs.
- 5.2 The Fire Chief, subject to ratification by the Council, shall establish rules, regulations, policies and committees necessary for the proper organization 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 efficient operations of the Fire Department
- 5.3 The Fire Chief may appoint other officers of the Fire Department to act as Fire Chief on his behalf.
- 5.4 The Fire Chief, or in his absence, the Deputy Fire Chief or 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 Officers and members of the Fire Department shall carry out duties and responsibilities assigned to the Fire Department by the Council, and the Fire Chief shall report to the Council on the operations of the Fire Department or on any other matter, in the manner designated by Council.
- 5.6 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 is necessary to gain access to the incident or to protect any 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 of 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.

Fire Protection Boundaries

- 6.1 Jurisdiction of the Fire Chiefs, officers and members of the fire departments shall be limited to the area within the boundaries of the Municipal District, unless there is a written agreement with another municipal authority providing authorization for the provision of firefighting services outside the boundaries of the Municipal District.
- 6.2 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.

Offenses

- 7.1 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.
- 7.2 No person shall damage or destroy Fire Department apparatus or equipment.
- 7.3 No person at an incident shall drive a vehicle over any equipment without permission of the Fire Chief or the member in charge.
- 7.4 No person shall obstruct a member carrying out duties imposed by this bylaw.
- 7.5 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.
- 7.6 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 fire fighting purposes.

Recovery of Costs

- 8.1 Where the Fire Department has taken any action whatsoever for the purpose of extinguishing a fire within or outside the Municipal District or for the purpose of preserving life or property from injury or destruction by fire on land within or outside the Municipal District, the Council may, in respect of any costs incurred by the Fire Department in taking such action:
- a) charge any costs so incurred to the owner of the land or property in respect of which the action was taken;
 - b) by resolution, establish a fee schedule which will be charged to the owner or occupant of the land or the owner of the property in respect of which the action was taken. The fee schedule may be amended from time to time by Council resolution.
- 8.2 In respect of the cost or fee described in Section 8.1:
- a) the Municipal District may recover such cost or fee as a debt due and owing to the Municipal District; or,
 - b) in the case of action taken by the Fire Department in respect of land within the Municipal District, where the cost or fee is not paid upon demand by the Municipal District, then in default of payment, such cost or fee may be charged against the land as taxes due and owing in respect of that land.

Control of Fire Hazards

- 9.1 If the Council finds within its Municipal boundaries on privately owned land or occupied public land conditions that in its opinion constitute a fire hazard, it 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 prescribed by the Council.
- 9.2 When the Council finds that the order it made pursuant to Section 9.1 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.
- 9.3 The Owner or the person in control of the land on which work was performed pursuant to Section 9.2 shall on demand reimburse the Council for the cost of the work performed and in default of payment the Council has a lien for the amount against the land and improvements on it.

Penalties

- 10 Any person who contravenes or fails to comply with any section of this Bylaw is guilty of an offense and is liable on summary conviction to a fine of not less than \$200.00 and not more than \$2,500.00 and in default of payment to imprisonment for a term of not more than 6 months.

MUNICIPAL DISTRICT OF OPPORTUNITY NO. 17

**BYLAW 96 - 14
SCHEDULE "A"**

The establishment and operation of the following fire departments in the Municipal District of Opportunity No. 17 shall be governed by the provisions contained within Bylaw 96 - 14.

1. Wabasca Volunteer Fire Department
2. Red Earth Creek Volunteer Fire Department
3. Calling Lake Volunteer Fire Department 108-97-17-MDC
4. Sandy Lake Volunteer Fire Department 481-98-17MDC

Severability

- 11 Should any section or part of this Bylaw be found to have been improperly enacted, for any reason, then such section or part shall be regarded as being severable from the rest of the Bylaw and the 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 this Bylaw.

Read a first time in this 11 day of December, 1996

Read a second time this 11 day of December, 1996

Read a third time and final this 8 day of January, 1997

John Gladue
CHAIRMAN

Alan R. [Signature]
MANAGER