

VILLAGE OF ANDREW

BYLAW NO. 95-8

BEING A BYLAW OF THE VILLAGE OF ANDREW IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF A FIRE DEPARTMENT.

WHEREAS, the Municipal Government Act, R.S.A. 1994, Chapter M-26.1 as amended, provides that a Council of a Municipality may pass bylaws for the prevention of extinguishing of fires, the preservation of life and property, the protection of persons from injury or destruction by fires; the prevention of prairie or running fires and the enforcement of the provisions of the Forest and Prairie Protection Act; the entering into of agreements with other municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment for extinguishing fires and preserving life and property; the charging of any costs incurred or a minimum fee to the owner or occupant of the land and for the appointment of a Fire Chief, fire-fighter or other officials charged with the responsibility for the investigation of fires;

AND WHEREAS, the Council of the Village of Andrew wishes to establish a fire service within the Village and to provide for operation of such a fire service;

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

SECTION 1 NAME OF BYLAW

- 1.1 This Bylaw may be cited as the "Village of Andrew Fire Bylaw";

SECTION 2 DEFINITIONS

- 2.1 In this Bylaw the following terms shall have the following meanings:
- 2.1.1. "Adult" shall mean any person between the ages of eighteen (18) and sixty-five (65) years, inclusive.
- 2.1.2. "Apparatus" shall mean any vehicle, machinery, devices, equipment, or materials for fighting, as well as any vehicles used for transporting fire-fighters or supplies;
- 2.1.3. "Contained Fire" shall mean a fire which is totally confined within a non-combustible structure or container and which is ventilated in such a manner as to preclude the escape of combustible materials including ash.
- 2.1.4. "Council" shall mean the elected Village Council of the Village of Andrew.
- 2.1.5. "Emergency Equipment" shall mean any vehicle, machine, device, apparatus, contrivance, tool or material designed or used for the purpose of alleviating or eliminating any emergency situation, which, without limiting the generality of the foregoing shall include the extinguishing of fires and the rescue of persons and property.

- 2.1.6. "Emergency Services" shall mean services provided by the Fire Department for the purpose of alleviating or eliminating any emergency situation, which, without limiting the generality of the forgoing shall include the extinguishing of fires and the protection of persons and property.
- 2.1.7. "Emergency Services Charge" shall mean any or all costs incurred by the Fire Department in providing emergency services.
- 2.1.8. "Emergency Situation" shall mean any condition, circumstance or event wherein there exists an imminent serious danger to persons or property.
- 2.1.9. "False Alarm" shall mean any notification to the Fire Department or any member of the Fire Department of an emergency situation in circumstances where an emergency does not exist.
- 2.1.10. "Fire" shall mean any combustible material in a state of combustion.
- 2.1.11. "Fire Chief" shall mean the Member appointed as head of the Fire Department.
- 2.1.12. "Fire Department" shall mean the Village of Andrew Fire Department as established pursuant to this Bylaw, which, without limiting the generality of the foregoing shall include all personnel of the Fire Department.
- 2.1.13. "Fire Hazard" shall mean any condition, circumstance or event wherein the possibility of fire is increased.
- 2.1.14. "Fire Investigation Services" shall mean services provided by the Fire Department for the purpose of preventing fires.
- 2.1.15. "Fire Prevention Services" shall mean services provided by the Fire Department for the purpose of preventing fires.
- 2.1.16. "Fire Protection" shall mean all aspects of fire safety, including but not limited to, fire prevention, fire fighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and advising.
- 2.1.17. "Incident" shall mean a fire, a situation where a fire or explosion is eminent or any other situation presenting a fire or possible danger to a life or property and to which the Fire Department has responded.
- 2.1.18. "Members" shall mean any person that is duly appointed member of the Fire Department.
- 2.1.19. "Open Fire" shall mean any fire which is not a contained fire, which, without limiting the generality of the foregoing shall include grass fires, pit fires, forest and brush fires, structure and building fires and chattel fires.

- 2.1.20. "Outstanding Accounts" shall mean emergency services charges unpaid more than thirty (30) days after they have been levied.
 - 2.1.21. "Property" shall mean any real or personal property, which, without limiting the generality of the foregoing shall include land, building, structures, fixtures and chattels.
 - 2.1.22. "Village Manager" shall mean the senior administrator officer of the Town.
 - 2.1.23. "Village" shall mean the Village of Andrew.
- 2.2 The provisions of this Bylaw, including the duties, responsibilities, powers and authority granted herein shall be subject to the operation of all validly enacted Federal or Provincial legislation.

SECTION 3

ESTABLISHMENT OF THE FIRE DEPARTMENT

- 3.1 The Village hereby authorized the establishment of a Fire Department to provide the following services to the Village:
- a) Emergency Services;
 - b) Fire Prevention Services;
 - c) Fire Investigation Services; and
 - d) Emergency Rescue Services.

SECTION 4

FIRE CHIEF

- 4.1 The Fire Chief shall be voted in by the Fire Department and approved by resolution of Council.
- 4.2 The Fire Chief shall be responsible to Council for fire suppression.
- 4.3 The Fire Chief shall appoint other officers and members to the Fire Department.
- 4.4 Council shall appoint a Safety Codes Officer. Such appointment shall be in writing to the Safety Codes Council.
- 4.5 The Fire Chief, or in his absence, the senior Member present, shall have control, direction and management of any and all Fire Department apparatus, equipment and 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.
- 4.6 The Fire Chief, or the Member in charge, at an Incident may at his discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by him.
- 4.7 No person shall enter the boundaries or limits of an area prescribed in accordance with Section 4.5 herein, unless he has been authorized to enter by the Fire Chief or the Member in charge.

- 4.8 The Fire Chief, or the Member in charge, at an Incident may request peace officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 4.5, herein.
- 4.9 The Fire Chief may obtain assistance from other officials of the Municipality as he deems necessary in order to discharge his duties and responsibilities under this bylaw.
- 4.10 The Fire Chief shall have the responsibility and the powers and authority necessary for the organization, administration and operation of the Fire Department, which, without limiting the generality of the foregoing shall include:
- a) Make recommendations to the Village Council with respect to the promotion, discipline and dismissal of the Fire Department Members.
 - b) Training of Fire Department Members.
 - c) Keeping detailed and accurate records of all matters relating to the organization, administration and operation of the Fire Department.
 - d) Establish committees to assist in the organization, administration and operation of the Fire Department.
 - e) Establish policies, rules, regulations, duties and responsibilities applicable to Fire Department Members for the organization, administration and operation of the Fire Department.
 - f) Fiscal management of the Fire Department, which, without limiting the generality of the foregoing shall include:
 - i) Allocating financial resources provided to the Fire Department by the Village or by any other source;
 - ii) Applying approved accounting procedures in the fiscal organization, administration and operation of the Fire Department;
 - iii) Preparing fiscal budgets for the organization, administration and operation of the Fire Department;
 - iv) Maintaining an accurate account of all permit fees and fire service charges levied and received.
 - g) Assuming such other responsibilities as Council may direct or Provincial or Federal legislation may require, which, without limiting the generality of the foregoing shall include assumption of the position of local assistance to the Fire Commissioner pursuant to the provisions of the Fire Prevention Act R.S.A., 1992 C.F.10 as amended or replaced from time to time.
 - h) Provide information and make recommendations to the Village with respect to the organization, administration and operation of the Fire Department, which, without limiting the generality of the foregoing may include:

- i) Acquisition, use and disposal of Emergency Equipment;
- ii) Establishment, organization, administration and operation of fire stations;
- iii) Establishment, organization, administration and operation of training facilities;
- iv) Establishment, organization, administration and operation of fire prevention programs and procedures;
- v) Establishment, organization, administration and operation of systems for communication with respect to emergency situations, which, without limiting the generality of the foregoing may include fire alarms, telephone and radio communication;
- vi) Regulating the storage or transportation of explosives or other highly inflammable or dangerous materials; and
- vii) Establishment of emergency plans and programs.

SECTION 5 DEPUTY FIRE CHIEF

- 5.1 The Fire Chief may appoint a member of the Fire Department Personnel as Deputy Fire Chief.
- 5.2 The Deputy Fire Chief shall have responsibilities, powers and authority of the Fire Chief in absence of the Fire Chief or in the event that the Fire Chief is unable to perform his duties.
- 5.3 The Fire Chief may appoint members of the Fire Department as other officers of the Fire Department.

SECTION 6 GENERAL POWERS

- 6.1 Fire Department Members shall have the authority to enter any building, structure or place in which fire service members have reason to believe an emergency situation exists for the purpose of alleviating or eliminating the emergency situation, which, without limiting the generality of the foregoing shall include the authority to enter any property which is on fire to attempt to extinguish the fire or to prevent the spread thereof.
- 6.2 The Fire Chief or in his absence the senior Member present shall have the authority to cause a structure to be pulled down, demolished or otherwise removed if he deems it necessary to prevent the spread of fire to other buildings, structures, or things.
- 6.3 Fire Department Members shall have the authority to prevent interference with the efforts of persons engaged in alleviating or eliminating emergency situations by regulating the conduct of the public at or in the vicinity of any emergency situation.
- 6.4 Any person who interferes with the efforts of persons engaged in alleviating

or eliminating emergency situations, which, without limiting the generality of the foregoing shall include interference with the efforts of persons engaged in the extinguishing of fires or prevention of the spread of fire shall be guilty of an offence.

- 6.5 Fire Department Chief, or in his absence, the Senior Member shall have the authority to compel any adult person in the Village to assist in the extinguishing of fires and to assist in the prevention or spread of thereof.
- 6.6 Any adult person who refused the direction of Fire Department to assist in the extinguishing of fires or to assist in the prevention or spread thereof in accordance with Section 6.4, herein, is guilty of an offence.

SECTION 7

EMERGENCY SERVICES CHARGE

- 7.1 Upon providing emergency services on property within or outside the boundaries of the Village the Fire Department may in its sole and absolute discretion charge the owner or occupant of the property an emergency services charge.
- 7.2 An emergency services charge shall be paid within thirty (30) days of the emergency service charge being levied.
- 7.3 Collection of payment on outstanding accounts may be undertaken by civil action in a court of competent jurisdiction.
- 7.4 Any attempt to collect an emergency services charge in accordance with Section 7.3, herein, with respect to emergency services performed with respect to property located within the boundaries of the Village does not in any way invalidate any lien which the Village is entitled to on the property in respect of which the indebtedness is incurred.
- 7.5 Emergency services charges imposed pursuant to this Bylaw with respect to emergency services performed with respect to property located within the boundaries of the Village shall constitute a preferential lien and charge on the property and on the personal property of the debtor and may be levied and collected as municipal taxes due and owing in respect to that property.

SECTION 8

CONTROL OF FIRE HAZARDS

- 8.1 If the Council finds 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.
- 8.2 When the Council finds that an order is made pursuant to Section 8.1, herein, has not been carried out, it may enter on the land with any equipment and any person it considers necessary and may perform the work required to eliminate or reduce the fire hazard.
- 8.3 The owner or occupier of the land on which work was performed pursuant to Section 8.2, herein, 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

SECTION 9 against the land and improvements on it.
FIRE PERMIT

- 9.1 No Fire Permits will be issued within the Village Corporate Limits.
- 9.2 Notwithstanding Section 10.1, the Fire Department shall, at the request of Council, do controlled burns on any grassland the Council deems to be a fire hazard.
- 9.3 Fire Pits (Contained Fires) shall not require a Fire Permit, but can be ordered to cease by an Order in Council or the Fire Chief if deemed unsafe. **Smoke generating substances are prohibited from disposal in fire pits.**

SECTION 10 - OFFENCE

- 10.1 No person shall:
 - 10.1.1 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 at any incident;
 - 10.1.2. damage or destroy Fire Department apparatus or equipment;
 - 10.1.3. at an incident, drive a vehicle over any equipment without permission of the Fire Chief or Member in charge;
 - 10.1.4. obstruct a Member from carrying out any function or activity related in any way to fire protection;
 - 10.1.5. 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;
 - 10.1.6. 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, stand pipe, sprinkler system, cistern or other body of water designated for fire-fighting purposes.

SECTION 11 - PENALTIES

- 11.1 Every person who violates any of the provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or who refrains from doing anything required to be done by the provisions of this Bylaw, or who does any act or thing or omits any act or thing, thus violating any of the provisions of this Bylaw, and upon conviction, is liable to a fine not less than \$1,000.00 and not more than \$2,500.00. No person found guilty of an offence under this Bylaw shall be liable to imprisonment.

SECTION 12 REPEAL

12.1 Village of Andrew Bylaw No. 86-4 and amendments made thereto shall be repealed upon this Bylaw coming into force in accordance with Section 13.1, herein.

SECTION 13 - EFFECTIVE DATE


13.1 This Bylaw shall come into force and effect upon the third and final reading.

FIRST READING this 27th day of September , 1995.

SECOND READING this 11th day of October , 1995.

THIRD and FINAL READING this 13th day of December , 1995.


MAYOR


MUNICIPAL ADMINISTRATOR