

BYLAW
VILLAGE OF BEISEKER
FIRE SERVICES BYLAW
BYLAW # 2020-05

BEING A BYLAW OF THE VILLAGE OF BEISEKER TO PROVIDE FIRE SERVICES.

WHEREAS Section 7 (a) of the *Municipal Government Act*, R.S.A. 2000, chapter m-26 as amended 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; and

WHEREAS the municipal Council of the Village of Beiseker wishes to provide and maintain efficient fire services for the citizens of the Village of Beiseker; and

NOW THEREFORE, the municipal Council of the Village of Beiseker, in the Province of Alberta, duly assembled, enacts the following:

1. TITLE

1.1 This Bylaw may be cited as the "Fire Services Bylaw".

2. DEFINITIONS

In this Bylaw:

- 2.1 "Agreement" means any Agreement entered into by Council entered into by the Village of Beiseker and another municipality or agency for the provision of fire protection or fire services.
- 2.2 "Apparatus" means any vehicle provided with machinery, devices, equipment or materials for firefighting as well as vehicles used to transport firefighters or supplies.
- 2.3 "Building" means a structure that is used or intended to be used for supporting or sheltering persons, animals or property, except those prescribed by regulation as exempted from the National/Alberta Building Code.
- 2.4 "CAO" means the Chief Administrative Officer appointed to the position and title, or their designate.
- 2.5 "Council" means the Council of the Village of Beiseker.
- 2.6 "Dangerous Goods" means any product, 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*, R.S.A. 2000 Chapter D-4, as amended.
- 2.7 "Enforcement Officer" means a person appointed by Council pursuant to the *Municipal Government Act* and includes a member of the Royal Canadian Mounted Police, a Community Peace Officer or a Bylaw Enforcement Officer.
- 2.8 "Equipment" means any tools, contrivances, devices or materials used by the Fire Department to combat an incident or other emergency.
- 2.9 "False Alarm" means any notification to the Fire Department, or any Member thereof, or the Regional dispatch centre respecting the existence of a condition, circumstance or Event presenting an imminent danger to persons or property, wherein such a condition, Circumstance or event is not in existence and the person providing the notification has done so with intention.
- 2.10 "Fire" means any combustible material in a state of combustion.
- 2.11 "Fire Chief" means the member appointed as the head of the Fire Department.
- 2.12 "Fire Department" means the department established by this Bylaw

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- 2.13 "Fire Department Property" means all property" means all property owned or controlled by, and designated for the use by the Fire Department, regardless of the source of the property.
- 2.14 "Fire Protection" means all aspects of fire safety, including but not limited to the fire prevention, fire-fighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development and advising.
- 2.15 "Fees for Service" refers to the fees charged to landowners of the Village for fire services and refers to the Village of Beiseker Fee Schedule Bylaw.
- 2.16 "Incident" means a fire, a situation where a fire or explosion is imminent or any other situation presenting a danger or possible danger to life or property to which the Fire Department has responded.
- 2.17 "Member" means any person that is duly appointment member of the Fire Department.
- 2.18 "Officer" means a member appointed by the Fire Chief to assist with the management of the Fire Department .
- 2.19 "Property" means any real or personal property which without limiting the generality of the foregoing includes land, buildings and structures.
- 2.20 "Rescue" means those emergency response activities identified in the Fire Services Level Policy and to the levels indicated and amended from time to time.
- 2.21 "Village" means the Village of Beiseker in the Province of Alberta.

3. INTERPRETATION

- 3.1 The Fire Department is a volunteer fire services operation with limitations. Therefore, it is unreasonable for residents, landowners, builders and developers to expect levels of service as they would form a large metropolitan fire service. As growth occurs, the Fire Chief and Council will strive to improve fire services in terms of staffing, equipment, facilities, engineering and performance measures within the financial capacity of the Village.
- 3.2 Where there is any conflict between the provisions of this Bylaw and any other Bylaw of the Village, the specific Bylaw shall prevail.

4. FIRE CHIEF/DEPARTMENT RESPONSIBILITIES

- 4.1 The Fire Chief shall be appointed by Council.
- 4.2 The Fire Chief may appoint other officers and members of the Fire Department as he/she deems necessary.
- 4.3 The limits of the jurisdiction of the Fire Chief, officers and members of the Fire Department will extend to the area and boundaries of the Village, and no part of the fire apparatus shall be used beyond the boundaries of the Village without the express authorization of a written contract or agreement providing for the supply of fire services outside of those boundaries.

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- 4.4. The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction and control of the CAO to which he/she shall be responsible, and in particular he/she shall be required to carry out all fire protection activities and such other activities such as the CAO directs, but not limited to:
- a) rescue;
 - b) emergency medical services;
 - c) other incidents;
 - d) pre-fire planning;
 - e) disaster planning;
 - f) preventative patrols, and
 - g) dangerous goods
- 4.5 The Fire Chief, subject to the safe operating procedures of the Fire Department, 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 Fire Department property;
 - b) the conduct and discipline of officers and members of the Fire Department; and
 - c) efficient operations of the Fire Department.
- 4.6 The Fire Chief, or in his/her absence, the senior ranking member present, shall have control, direction and management of any Fire Department apparatus, equipment or manpower assigned to an incident and where a member is in charge, he/she shall continue to act until relieved by an officer authorized to do so.
- 4.7 The Fire Chief shall take responsibility for all fire protection matters, including the enforcement of the Fire Prevention Act, safe operating procedures of the Fire Department and any other relative regulations.
- 4.8 The Fire Chief, or his/her delegate will provide a report of fire activities and department status to Council at their regular council meetings at least four (4) times annually.
- 4.9 The Fire Chief or any other member in charge of an incident is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if he/she deems it necessary to prevent the spread of fire to other buildings, structures or things.
- 4.10 The Fire Chief, or any other member in charge of an incident is empowered to enter premises or property where the incident occurred and to cause a member, apparatus or equipment of the Fire Department to enter, as he/she deems necessary, in order to combat, control or deal with the incident.
- 4.11 The Fire Chief, or any other member in charge of an incident may at his/her discretion, establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized by the Fire Chief or member in charge.
- 4.12 The Fire Chief, or member in charge of an incident is empowered to enter, pass through or over buildings or property adjacent to an incident and to cause members of the Fire Department and the apparatus or equipment of the Fire Department to enter pass through or over the building or property where he/she deems it necessary to gain access to the incident or to protect any person or property.
- 4.13 The Fire Chief may obtain assistance from any other officials of the municipality as he/she deems necessary in order to perform his/her duties and responsibilities under this Bylaw.
- 4.14 The Fire Chief or member in charge of an incident may request persons who are not members to assist in extinguishing a fire, removing furniture or items from any building that is on fire or in danger thereof and in guarding and securing the same. This includes participation in the demolition of a building or structure at or near the incident.

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- 4.15 The Fire Chief will, subject to budget approval from Council, purchase or otherwise acquire equipment, apparatus, materials and supplies necessary for the safe operation and maintenance of the Fire Department.
- 4.16 The Fire Chief or 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/her duties, shall not hereby render him/herself liable personally and he/she is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of duties.
- 4.17 Upon approval of the CAO, the Fire Chief may negotiate on behalf of the CAO with the Government of Alberta, other municipalities and persons for the purpose of establishing mutual aid agreements and fire control agreements and provide to the CAO any recommendations and concerns regarding the establishment or renewal of any mutual aid or fire control agreement.
- 4.18 Any suit brought against the Fire Chief or a member of the Fire Department because of an act or omission performed by him/her in the enforcement of any provision of this Bylaw, shall be defended by the Village of Beiseker until final determination of the proceedings.

5. OFFENCES

- 5.1 No person shall enter the boundaries of an area prescribed in accordance with Section 4.11 of this Bylaw unless he/she has been authorized to enter by the Fire Chief or the member in charge of the incident.
- 5.2 No person 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 member in charge of the incident.
- 5.3 No person shall damage or destroy Fire Department apparatus or equipment. This includes willfully driving over fire department hoses or other equipment.
- 5.4 No person shall falsely represent themselves as a Fire Department member or wear or display any Fire Department badge, cap, button, insignia or any other paraphernalia for the purpose of such false representation.
- 5.5 No person shall obstruct or otherwise interfere with access to roads or streets or other approaches to any fire alarm, 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.

6. FIRE SERVICES FEES

- 6.1 Where the Fire Department has provided fire services to any resident or landowner of the Village of Beiseker, the applicable fee as set out in the Fees and Schedules Bylaw of the Village shall be paid to the Village.
- 6.2 Where the Fire Department has extinguished a fire or responded to an incident or an emergency within the Village for the purpose of preserving life or property from injury or destruction by fire or any other incident or emergency, the Village may, in respect of any costs incurred by the Fire Department in taking such action, charge any costs so incurred by the Fire Department to:
- a) the person who caused the incident or emergency;
 - b) the owner of the land or the person in possession of the land where the incident or emergency occurred; or
 - c) the owner of the property where the person in possession and control of the property which was the origin of the incident or emergency.
- 6.3 In respect of the fees or charges applicable to this Bylaw:
- a) the Village may recover such fees or charges as a debt due and owing to the Village; or

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- b) where the fees or charges are not paid upon demand by the Village, the CAO shall place the unpaid fees or charges onto the tax roll of the subject property and that amount:
 - i) is deemed to for all purposes to be a tax imposed under Division 2 of Part 10 of the *Municipal Government Act* from the date it was added to the tax roll; and
 - ii) forms a special lien against the property in favour of the Village from the date it was added to the tax roll in accordance with the *Municipal Government Act*.

7. ENFORCEMENT

- 7.1 Any person who violates the provisions of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of 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, shall be deemed to be guilty of an infraction of this Bylaw and upon summary conviction is liable to imprisonment for a term of not more than 6 months or to a fine of not more than \$2,500.00 or to fine and imprisonment both.

- 7.2 The fines associated with the offences of this bylaw are stipulated in Schedule "A" of this bylaw.

- 7.3 An Enforcement Officer is hereby authorized and empowered to use a Violation Tag to any person, whom the Enforcement Officer has reasonable grounds to believe has contravened any provision of this bylaw.

- 7.4 If a Violation Tag is issued in respect of an offence, the person receiving the Violation tag may make payment to the Village of Beiseker as per the amount specified on the Violation Tag in order to avoid prosecution for the offence.

- 7.5 In the event the Violation Tag has been issued and the penalty specified on the Violation Tag has not been paid in the prescribed time, an Enforcement Officer is hereby authorized and Empowered to issue a Violation Ticket to any person to whom the Enforcement Officer has Reasonable grounds to believe has contravened any provision of this bylaw.

- 7.6 If a Violation Ticket is issued in respect of an offence, the person receiving the Violation Ticket may pay the fine amount as per the amount specified on the Violation Ticket on or before the required date in order to avoid further prosecution for the offence.

8. DEEMED SERVED

- 8.1 A Violation Tag issued by the Enforcement Officer pursuant to any of the provisions of this bylaw shall be deemed to have been duly given and served on the person to whom it is addressed:
 - a) being personally delivered to the person named on the Violation Tag; or
 - b) upon sending the Violation Tag by regular mail to the last known address of the accused. A Violation Tag will be considered served after 5 (five) business days of mailing.

- 8.2 A Violation Ticket issued by the Enforcement Officer pursuant to any of the provisions of this Bylaw shall be deemed to have been duly given and served:
 - a) on the Person to whom it is addressed pursuant to the Provincial Offences Procedures Act; or
 - b) swearing an Information and Complaint against the person; or
 - c) by leaving a copy for such person at his/her residence with an individual at the residence who appears to be at least 18 years of age, and such service shall be adequate for the purposes of this bylaw.

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- 8.3 A Violation Ticket may be served on a person which is a corporation, either:
- a) by sending it by registered mail to the registered office of the corporation. A Violation Ticket will be considered served after 5 (five) business days of mailing; or
 - b) by delivering it personally to the manager, secretary or other executive officer of the corporation or the person apparently in charge of a branch office of the corporation at an address held by the corporation to be its address, and such service shall be adequate for the purposes of this bylaw.
- 8.4 This Section does not prevent an Enforcement Officer from issuing a Violation Ticket requiring a court appearance by the Defendant in accordance with the Provincial Offences Procedures Act.
- 9. RECOVERY OF ENFORCEMENT COSTS**
- 9.1 The expenses incurred by the Village in carrying out enforcement action pursuant to this bylaw or any expenses to damages caused by an offence to this bylaw constitutes a debt owing to the Village by the person responsible for the bylaw infraction and may be collected by civil action for debt in a court of competent jurisdiction, in accordance with the *Municipal Government Act*.
- 9.2 The CAO is responsible for sending a demand for payment of enforcement and/or damage expenses incurred by the village to the accused at their last known mailing address.

10. COMING INTO FORCE

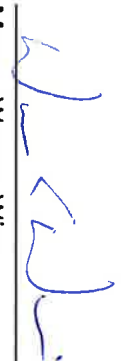
- 10.1 This bylaw comes into force on the final passing thereof and replaces Bylaw 89-03

Read a first time this 10th day of February, 2020

Read a second time this 10th day of February 2020

Moved Unanimously to third reading this 10th day of February 2020

Read a third and final time this 10th day of February 2020



Mayor, Warren Wise



CAO, Heather Leslie

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**SCHEDULE "A"
FINES IN LIEU OF PROSECUTION**

OFFENCE	VIOLATION TAG		VIOLATION TICKET	
	1 st Offence	2 nd Offence	Minimum Penalty	Maximum Penalty
Item 5.1 Entering boundaries of a prescribed area	\$500.00	\$750.00	\$1000.00	\$2000.00
Item 5.2 – Impeding, instructing or hindering a member of the Fire Department	\$750.00	\$1000.00	\$2000.00	\$3000.00
Item 5.3 – Damage or destruction of Fire Department apparatus or equipment * Cost of damages will be added.	\$500.00	\$750.00	\$1000.00	\$2000.00
Item 5.4 – False representation as a Fire Department member	\$500.00	\$750.00	\$1000.00	\$2000.00
Item 5.6 – Obstruct or interfere with access to roads or streets or other approaches to any fire alarm, hydrant, cistern or body of water designated for firefighting, or any connections to any equipment/facility used for firefighting purposes.	\$750.00	\$1000.00	\$2000.00	\$3000.00