



THE CORPORATION OF THE TOWN OF FOX CREEK, ALBERTA

BY-LAW 679-2009

FIRE RESCUE SERVICES

Being a By-law of the Municipal Corporation of the Town of Fox Creek, in the Province of Alberta for the establishment of a Fire Department, Fire Protection, and Rescue Services pursuant to the provisions of the Municipal Government Act, Chapter M26, Revised Status of Alberta 2000.

WHEREAS Council of the Corporation of the Town of Fox Creek has authority to pass a by-law respecting to the safety, health and welfare of the of people and the protection of people and property pursuant to Section 7(a) of the Municipal Government Act, Chapter M-26,

AND WHEREAS Council may pass by-laws respecting to people, activities and things in, on or near a public place or place that is open to the public pursuant to section 7(b) of the Municipal Government Act, Chapter M-26,

AND WHEREAS Council has authority to regulate or prohibit pursuant to section 8(a) of the Municipal Government Act, Chapter M-26,

NOW THEREFORE PURSUANT to the provisions of the Municipal Government Act, Chapter M26, the Council of the Town of Fox Creek, Alberta, in regular session duly assembled, enacts as follows:

SEVERABILITY

If any provision of this by-law is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this by-law or any documents which form part of this by-law or an application thereof to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby, but shall remain in force.

SECTION 1 – SHORT TITLE

This By-law may be cited as the “Fire Rescue Services By-law”.

SECTION 2 – DEFINITIONS

- 2.1 "Administrator" means Chief Administrative Officer of the Town of Fox Creek.
- 2.2 "Apparatus" means any vehicle provided with machinery, devices, equipment or materials used for fire and rescue services.
- 2.3 "Council" means the Council of the Town of Fox Creek.
- 2.4 "Equipment" means any tools, contrivances, devices or materials used by the Fire Department to combat an incident or other emergency or any vehicle provided with machinery, devices, equipment or materials for firefighting as well as vehicles used to transport firefighters or supplies.

- 2.5 "False Alarm" means any notification to the Fire Department or any Member respecting the existence of a condition, circumstance or event containing an imminent serious danger to persons or property, wherein such a condition, circumstance or event is in fact not in existence.
- 2.6 "Fire" means any combustible material in a state of combustion, a situation where a fire or explosion is imminent or any other situation presenting a fire or a danger or possible danger to life or property from fire.
- 2.7 "Fire Chief" means the person appointed by Council as head of the Department.
- 2.8 "Fire Department" means the department established by this Bylaw and includes any person duly appointed to the Fire Department by the Chief Administrative Officer or by the Fire Chief.
- 2.9 "Fire Department Property" means all Property owned or controlled by the Municipality and designated for use by the Fire Department, regardless of the source of the Property.
- 2.10 "Fire Investigation" means the analysis of fire-related incidents utilizing a systematic approach that is approved by the Fire Service or outside Experts to meet the requirement of the Province of Alberta.
- 2.11 "Fire Rescue Service" means all aspects of fire safety, including but not limited to, fire prevention, firefighting or suppression, pre-fire planning, fire inspection, fire investigation, public education and information, training or other staff development, advising, and responding to a request for Fire Rescue Service including legitimate emergencies and False Alarms.
- 2.12 "Fire Rescue Service Charge" means any or all costs incurred by the Fire Department in providing Fire Rescue Service.
- 2.13 "Fox Creek Fire Department Level of Service" means the extent of service the department is able to provide to the community and its ratepayers given the resources, training, workforce, and legislation.
- 2.14 "Incident" means a fire or motor vehicle collision where a fire or explosion is imminent and requires a response of fire and rescue services to mitigate possible danger to life or property.
- 2.15 "Incinerator Fire" means a fire that is confined within a non-combustible structure or container that has the draft and smoke vents thereof covered with a gauge metal screen having a mesh size not larger than 13 mm., which Fire is set for the purpose of burning household refuse.
- 2.16 "Member" means any person that is a duly appointed Member of the Fire Department and includes the Fire Chief, Deputy Fire Chief, Captains and Lieutenants.
- 2.17 "Member in Charge" means the Member assigned senior authority at the scene of an Incident (otherwise known as the Site Commander). This position may be the Fire Chief or his or her Designated Officer.
- 2.18 "Municipality" means the Town of Fox Creek.
- 2.19 "Outdoor Fire" means any fire not contained within a building or structure and shall include fire involving humus soil, piles of coal, farm produce, waste, bush, grass, seed, straw or any fire that has escaped or spread from a building, structure, machine or vehicle and any fire set for the purpose of thawing frozen ground.

- 2.20 "Peace Officer" means a member of the Royal Canadian Mounted Police or a Community Peace Officer appointed by the Administrator to enforce the bylaws of the Municipality.
- 2.21 "Property" means any real or personal Property, which, without limiting the generality of the foregoing includes land and structures.
- 2.22 "Running Fire" means a fire burning without being under proper or any control of any person.
- 2.23 "Smudge Fire" means a fire confined within a non-combustible structure or container that is set on land of one (1) acre or more in area for the purpose of protecting livestock from insects or for protecting garden plants from frost.
- 2.24 "Structure Fire" means a fire confined to and within any building, structure, machine or vehicle which will or is likely to cause the destruction of or damage to such building, structure, machine or vehicle, excluding an Incinerator Fire.
- 2.25 "Violation Tag" means a tag or similar document issued by the Town of Fox Creek pursuant to the Municipal Government Act.
- 2.26 "Violation Ticket" means a ticket issued pursuant to Part II of the Provincial Offences Procedures Act, R.S.A. 2000 c P-34, as amended.

SECTION 3 – FIRE DEPARTMENT

- 3.1 The Fire Department is hereby authorized to control and mitigate incidents involving the Dangerous Goods Transportation and Handling Act and Regulations.
- 3.2 The Fire Department of the Town shall consist of a Fire Chief, Officers, Members, buildings and equipment as is deemed necessary by Council for the safety, health and welfare of the people and to protect the people, property and environment.
- 3.3 Membership of the Department shall at no time be more than thirty-six (36) or less than fifteen (15). Members must provide a criminal record check.
- 3.4 The Town of Fox Creek shall provide an annual Honorarium to the Fire Department of \$10.00 on a per capita basis according to the most recent Town census.
- 3.5 The Town of Fox Creek recognizes the personal and work time devoted by members to the Fire Department and in compensation for their time, an Honorarium shall be paid to the Department and distributed according to a fair and equitable process to be decided by the membership.
- 3.6 The Town of Fox Creek recognizes that it depends on a Fire Rescue Service and that the same level of services will not necessarily be provided to all incidents within the Town due to the limitations of staffing resources Appendix "A".
- 3.7 The Fire Chief, subject to the ratification by Town Council, shall establish rules, regulations, policies and committees necessary for the proper organization and administration of the fire department.
- 3.8 Regulations, rules or policies made pursuant to Section 3.7 of this By-law shall be consistent with the legislation and regulations of the province of Alberta.

- 3.9 Any member with less than (1) one year of service, leaving the Fire department without just cause, as decided on by the current membership, shall not be entitled to their pay.
- 3.10 The Fire Chief shall review attendance records on a quarterly basis.

SECTION 4 – FIRE CHIEF

- 4.1 The Fire Chief shall be appointed by Council and shall be responsible to Council through the Chief Administrative Officer.
- 4.2 The Fire Chief, subject to Town Policy, shall have complete and full authority over the Fox Creek Fire Department, its members, its organization and administration, subject to the direction of the Chief Administrative Officer to whom he will be responsible. He will carry out fire and rescue activities and other fire related duties to the best of the financial and human resources ability of the town. He is responsible for the operation of the fire department.
- 4.3 The Fire Chief, or in his/her absence, the senior ranking member present, shall have control, direction and management of any fire department equipment or personnel 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.
- 4.4 The Fire Chief shall be notified of all applications of building and occupancy permits prior to the permit being issued.
- 4.5 The Fire Chief or Fire Guardians shall have authority to enter structures or property where an emergency exists and to cause any member or equipment to enter the structure or property, as deemed necessary, in or to combat, control or deal with the incident.
- 4.6 The Fire Chief, or any other member in charge at a fire, is empowered to cause a building, structure or thing to be pulled down, demolished or otherwise removed if he/she deems it necessary, in or to combat, control or deal with the incident.
- 4.7 The Fire Chief, or any other member in charge at 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 to enter.
- 4.8 The Fire Chief, or member in charge at an incident, may request Peace Officers to enforce restrictions on persons entering within the boundaries or limits of an incident area and use reasonable force if necessary.
- 4.9 The Fire Chief, or member in charge at an incident, is empowered to enter through or over buildings or property adjacent to an incident and to cause members and equipment of the fire department to pass or enter 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.
- 4.10 The Fire Chief, or member in charge at an incident, shall at his discretion obtain assistance from employees of the municipality as he/she deems necessary in order to discharge his duties and responsibilities.
- 4.11 The Fire Chief, or member in charge at an incident, may request persons who are not members to assist at an incident if he/she deems it necessary.

- 4.12 The Fire Chief, or member in charge at an incident, is empowered to commandeer and authorize payment for the possession or use of any privately owned equipment, which he/she deems necessary.
- 4.13 The Fire Chief shall have authority to order the evacuation of persons and establish boundaries or limits to prevent unauthorized persons from entering the area or vicinity where an emergency exists.
- 4.14 The Fire Chief, or a member of the fire department charged with the enforcement of this By-law, acting in good faith and without malice for the municipality in the discharge of his/her duties, shall not hereby render himself/herself liable personally and he/she is hereby relieved from all personal liability for any damage that may accrue to person or property as a result of any act required or by reason of any act or omission in the discharge of his/her duties.
- 4.15 During 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 By-law, shall be defended by the Town of Fox Creek until final determination of the proceedings.

SECTION 5 – LIMITS OF JURISDICTION

- 5.1 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 Town of Fox Creek, and no part of the fire department shall be used beyond the limits of the Town without the expressed authorization of a written contract or agreement providing for the supply of fire and rescue services outside the Town boundaries.

SECTION 6 – FIRE GUARDIANS

- 6.1 Each duly appointed Member, as designated, shall be a Fire Guardian for the purpose as required by this By-law.
- 6.2 The Municipality recognizes the use of intermittent green flashers in the vehicle of a Fire Department Member, to indicate that the vehicle is proceeding to a fire of other emergency service.

SECTION 7 – POWERS OF FIRE GUARDIANS

- 7.1 Each Fire Guardian upon direction of the Fire Chief or designate, shall be given access at reasonable hours, to both public and private places, for the purpose of inspecting the premises to ascertain whether the same constitutes or is likely to constitute a fire hazard.
- 7.2 Each Fire Guardian, upon approval of the Fire Chief or designate, shall have the authority and power to:
 - 7.2.1 Enter a closed area under the Forest and Prairie Protection Act without a permit or written permission of a Forest Officer, subject only to the regulations of the Forest and Prairie Protection Act;
 - 7.2.2 Without a warrant, enter on any land and premises, including a private dwelling which is on fire and proceed to extinguish the fire or prevent the spread thereof;

7.2.3 Direct the operations of extinguishing or controlling the fire or the operations to preserve life and property;

7.2.4 Prevent interference with the efforts of persons engaged in the extinguishing of fires and preventing the spread thereof by regulating the conduct of the public at or in the vicinity of any fire.

SECTION 8 – CONTROL OF FIRE HAZARDS

8.1 If the Town of Fox Creek find, 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 Town of Fox Creek.

8.2 When the Town of Fox Creek finds that the order it made pursuant to Section 8.1 has not been carried out the Town of Fox Creek 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 the person in control of the land on which work was performed pursuant to Section 8.2 shall on demand reimburse the Town of Fox Creek for the cost of the work performed, and in default of payment the Town may place a lien for the amount against the land and improvements on it, and such amounts shall be a debt owing to the Town of Fox Creek which may be charged against the Tax Roll for the land.

8.4 For the purpose of fire control the Fire Chief may:

8.4.1 Suspend or cancel within any part or all of the municipality to which this By-law applies, all Fire permits; or

8.4.2 Prohibit the lighting of or require the extinguishing of a fire set other than under the authority of a Fire permit.

8.5 In any area affected by an order made pursuant to Section 8.4, the notice shall be immediately posted on the Town's digital board for at least two (2) weeks during the period of the ban.

8.6 In an area affected by an order made pursuant to Section 8.4, every person shall immediately proceed to extinguish every open fire lit by him or under his authority and every fire located on land occupied or owned by him.

SECTION 9 – REQUIREMENT TO REPORT

9.1 The owner or occupant of any property damaged by fire, or their authorized agent, shall immediately report to the Fire Department all particulars of the fire that is required by the Fire Chief.

9.2 The owner or occupant of any property containing a Dangerous Good(s) product which sustains an accidental or unplanned release of the Dangerous Good(s) product, or their authorized agent, shall immediately report to the Fire Department particulars of the release which are satisfactory to the Fire Chief in addition to any and all reporting required by provincial and federal legislation.

SECTION 10 – RECOVERY OF COSTS

- 10.1 Council may consider other areas that a fee may apply other than approved in this By-law and upon appeal, Council may suspend or waive any fees included in this By-law for special circumstances.
- 10.2 With approval of Council, where the Fire Department has taken any action whatsoever for the purpose of responding and/or mitigating an emergency incident within or outside Town for the purpose of preserving life property from injury or destruction by fire or other incident including any such action taken by the Fire Department on a false alarm, the Fire Chief 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 the person who caused the fire or the owner or occupant of the land in respect of which the action was taken.
- 10.3 The Council may decide to issue a fee for other services provided by the Fire Department, and such fees shall be due and payable upon receipt of such services.
- 10.4 The schedule of costs and fees to be charged by the Fire Department for services rendered pursuant to this By-law shall be set out in Appendix “B” attached to and forming part of this By-law.
- 10.5 In respect of the costs and fees described in Sections 10.1, 10.2, 10.3,
 - 10.5.1 The Town may recover such cost or fee as a debt due and owing to the Town,
 - 10.5.2 In the case of action taken by the Fire department in respect to land within the Town, where the cost or fee is not paid upon demand by the Town, 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.
 - 10.5.3 The Town may charge fees on a cost recovery basis for any service provided by the department including costs of consumables that are incurred at a fire or a Motor Vehicle Accident.

SECTION 11 – OFFENCES

- 11.1 No person shall obstruct the Chief Administrative Officer or any person authorized by the Chief Administrative Officer to inspect property or to perform any work necessary to remedy a condition, from performing his/her duties under this By-law.
- 11.2 No person shall falsely represent themselves as a member, or wear or display any Fire Department badge, cap, button, insignia, or other paraphernalia for the purpose of such false representation.
- 11.3 No person shall obstruct or otherwise interfere with access roads or streets or 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, sprinkler system, cistern, or body of water designated for fire-fighting purposes.
- 11.4 No person shall ignite, cause, fuel, supervise, maintain or permit an Open Fire within the Town of Fox Creek to which this By-law applies, without a valid Fire Permit as required by this By-law, or contrary to conditions applicable to a Fire Permit under the Open Burning By-law.
- 11.5 The owner or occupier of the land or the person having control of the land upon which a fire occurs contrary to Section 11.4, shall;

- 11.5.1 Extinguish the fire immediately;
- 11.5.2 Where he/she is unable to extinguish the fire immediately, report the fire to the Fire Department.
- 11.6 No person shall, either directly or indirectly, personally or through an agent, servant or employee kindles a fire and let it become a Running Fire on any land not his/her own property, or allow a Running Fire to pass from his/her property to the property of another.
- 11.7 No person shall be permitted to sell fireworks or discharge any fireworks within the Corporate limits of the Town of Fox Creek without Council consent. Approval to discharge fireworks shall be limited to the Fire Department or a qualified pyrotechnician.
- 11.8 No person shall;
 - 11.8.1 Fail to take adequate steps to control a fire for the purpose of preventing it from becoming a Running Fire or from spreading onto land other than his own.
 - 11.8.2 Deposit, discard or leave any burning matter of substance where it might ignite other material and cause a fire.
 - 11.8.3 Conduct any activity that involves the use of fire that could be expected to cause a fire, unless he/she exercised sufficient care to prevent another fire from occurring.
 - 11.8.4 Providing false, incomplete or misleading information to the Town of Fox Creek or to the Fire Department on or with respect to the Fire Permit application on any investigation as to the cause or origin of a fire.
 - 11.8.5 Interfere with the efforts or persons authorized in this By-law to extinguish fires or preserve life or property.
 - 11.8.6 Interfere with the operation of any Fire department equipment or apparatus required to extinguish fires or preserve life or property.
 - 11.8.7 Damage or destroy Fire department property.
 - 11.8.8 Intentionally and fallaciously report a fire or accident when no such condition exists.

SECTION 12 – VIOLATION TAG AND PENALTIES

- 12.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person whom the Peace Officer has reasonable grounds to believe has contravened any provision of this By-law. A Violation tag may be issued to such person:
 - 12.1.1 Either personally; or
 - 12.1.2 By mailing a copy to such person at his/her last known post office address.
- 12.2 The Violation Tag shall be in an approved Town of Fox Creek form and shall state:
 - 12.2.1 The name of the person and the offence;

- 12.2.2 The appropriate penalty for the offence as specified in Appendix "C" of this By-law;
- 12.2.3 The penalty shall be paid within thirty days of the Violation Tag issuance;
- 12.2.4 Any other information as may be required by the Town of Fox Creek.
- 12.3 Any person who contravenes or fails to comply with this By-law, any Permit, any condition on a Permit, or with any Order or request directed to him/her pursuant to this By-law, is guilty of an offence and liable, upon the issuance of a Violation Tag, to pay:
- 12.3.1 A fine of \$300.00 for a first offence;
- 12.3.2 A fine of \$500.00 for a second offence within any one year period;
- 12.3.3 A fine of \$1,000.00 for a third, or subsequent offence within any one year period;
- 12.4 Where a Violation Tag is issued pursuant to this By-law, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town of Fox Creek the penalty specified on the Violation Tag.
- 12.5 Nothing in this By-law shall prevent a Peace Officer from immediately issuing a Violation Ticket for a mandatory Court appearance of any person who contravenes any provisions of this By-law.

SECTION 13 – VIOLATION TICKET

- 13.1 A Peace Officer is hereby authorized and empowered to issue a Violation Ticket in respect to any contravention or failure to comply with any Permit or condition of a Permit, pursuant to the Provincial Offences Procedures Act.
- 13.2 If the penalty specified on a Violation Tag is not paid within the prescribed time period, a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offences Procedures Act.

SECTION 14 – REPEAL

This By-law repeals By-law # 19, By-law # 605-2002 and By-law #613-2003 Amendment.

SECTION 15 – EFFECTIVE DATE

This By-law shall come into effect the date upon third and final reading.

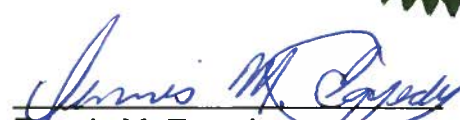
READ A FIRST TIME this 25th day of May 2009

READ A SECOND TIME this 22nd day of June 2009

READ A THIRD AND FINAL TIME this 22nd day of June 2009




Leora MacKinnon
Mayor


Dennis M. Egyedy
Chief Administrative Officer

APPENDIX "A"

Fire Department Level of Service

The Town of Fox Creek agrees to provide sufficient funds to the Fire Department for training and equipment to ensure the safety of the public and workforce.

Fire Prevention/Safety Codes Services

- To investigate fire causes and origins;
- To conduct inspections of existing and new properties under the Town's Fire Quality Management Plan;
- To provide occupancy Load calculations of buildings;
- To assist in development planning and interpretation of the Alberta Fire Code;
- To provide public education on fire prevention

Defensive/Offensive Fire and Rescue Operations

- To provide fire and rescue operations for structures and vehicles;
- To provide fire and rescue operations for small grass and brush fires;
- To provide fire and rescue operations for small petrochemical facilities (small compressors and well sites);
- To provide fire and rescue operations for small Lumber industries and buildings;
- To provide fire and rescue operations for farming operations;
- To provide fire and rescue operations for industrial operations

Technical Rescue

- To provide for rope rescue;
- To provide ice and water surface operations;
- To provide off highway vehicle operations;
- To provide rescue in confined spaces or trenches

Responder or Support Services

- To assist in aircraft rescues;
- To assist with large industrial facility incidents at gas plants or saw mills;
- To assist with Hazmat operations;
- To assist with swift water or under water operations;
- To assist with traffic control at motor vehicle collisions

Training

- To provide training to meet recognized standards based on NFPA requirements;
- To provide Department hosted courses approved by the Fire Commissioners Office or Alberta Emergency Management Agency;
- To provide training in accordance with Standard Operating Procedures, guidelines and policies;
- To ensure other industry standards are applied for H2S Alive or Confined Spaces

Equipment

- To provide equipment based on the appropriate standards deemed by the industry;
- To ensure equipment is maintained, repaired and replaced based on manufacturers standards

APPENDIX "B"**Fire Department Fee Schedule**

Costs and fees shall apply for Fire Department response or rescue services rendered to Motor Vehicle accidents, Motor Vehicle fires and any provisions of this By-law.

Emergency and Incident Responses

Pumper #1 and crew	\$400.00/hour
Pumper #2 and crew	\$400.00/hour
Rescue Vehicle #1	\$400.00/hour
Rapid Attack Vehicle	\$400.00/hour

Alarm Responses

First false-alarm in a 6 month period	N/C
Second false-alarm in a 6 month period	N/C
Subsequent false-alarm in a 6 month period	\$200.00

Incident and Scene Security

Crew Charge	\$100.00/hour/person
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Fire Investigation Services	\$100.00/hour
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Fire Inspection Services	\$100.00/hour
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APPENDIX "C"**Fire Department Penalties Schedule**

<u>Section</u>	<u>Penalty Offence</u>	<u>Penalty Fee</u>
11.1	obstructing any person authorized by the Chief Administrative Officer to inspect a property	\$400.00
11.2	false representations as a Member of the Fire Department by displaying a badge or other paraphernalia	\$400.00
11.3	obstruct or interference of roads, fire alarms, hydrants or water sources for fire fighting	\$350.00
11.5.1	failure to extinguish an Open Fire where a Fire Permit has not be obtained	\$250.00
11.5.2	failure to report a fire that is inextinguishable	\$250.00
11.6	kindling a fire and allowing it to become a Running Fire on their property or another property	\$250.00
11.7	unauthorized sale or discharge of fireworks	\$250.00
11.8.1	failure to take steps to prevent a Running Fire	\$250.00
11.8.2	discarding burning matter which it may cause a fire	\$250.00
11.8.3	conduct any activity that involves the use of fire that could cause a fire	\$250.00
11.8.4	providing false information to Fire Department in reference to a Fire Permit or investigation	\$250.00
11.8.5	interfere with persons authorized in this By-law to extinguish fires	\$250.00
11.8.6	interfere with Fire Department equipment or apparatus to extinguish fires	\$250.00
11.8.7	damaging or destroying Fire Department property	\$250.00
11.8.8	intentionally reporting a false fire or accident alarm	\$250.00