

BY - LAW NO. 516

Village of Delia In The Province of Alberta

Being a by-law of the Village of Delia hereafter referred to as the "Village of Delia Fire By-Law," to provide for the establishment and operation of a Fire Department.

WHEREAS the Council of the Village of Delia wishes to establish a fire service within the Municipality and to provide for efficient operation of such a fire service, all pursuant to the laws of the Province of Alberta;

AND WHEREAS: Section 7 of the Municipal Government Act, R.S.A. 1994 provides that the Council of a Municipality may pass a By-Law for the prevention of extinguishing of fires, the preservation of life and property and the protection of persons from injury or destruction by fire; and

NOW THEREFORE: The Council of the Village of Delia, in the Province of Alberta, duly assembled, does hereby authorize the establishment of a Municipal Fire Department and the carrying out of its operations in the following manner:

SECTION 1. DEFINITIONS

- 2.1 In this By-Law words and phrases shall be constructed as specified here under:
- | | |
|---------------------------|--|
| Administrator: | means the Municipality's Chief Administrative Officer. |
| Apparatus: | means any vehicle provided with machinery, devices, equipment or material for fire fighting as well as vehicles used to transport fire fighters or supplies. |
| Council: | means the Council of the Village of Delia. |
| Equipment: | means any tools, contrivance devices or materials used by the Fire Department to combat an incident or other emergency. |
| Fire: | means any combustible material in a state of combustion. |
| Fire Chief: | means the member appointed as head of the Fire Department. |
| Fire Department: | means the Department established by this Bylaw and includes any person duly appointed to the Fire Department by Council or the Fire Chief. |
| 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; |
| Fire Protection: | means 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 advising.

Fire Protection Committee: means the appointed members made up from the participating municipalities of the Village of Delia, Village of Morrin, Village of Munson and the M.D. of Starland.

Fire Protection Charge: means any or all costs incurred by the Fire Department in providing Fire Protection.

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 and to which the Fire Department has responded.

Member: means any person that is a duly appointed member of the Fire Department.

Municipality: means the Village of Delia

Officer: means a member appointed as the Fire Chief or a Deputy Fire Chief.

Property: means any real or personal property, which, without limiting the generality of the foregoing, includes land and structures.

SECTION 2. FIRE CHIEF AND APPOINTMENT OF MEMBERS

- 2.1 The Fire Chief shall be appointed by Council upon recommendation of the Fire Department and shall be responsible to Council.
- 2.2 The Council may appoint up to three Officers other than the Fire Chief. These other Officers shall be supervised by the Fire Chief.
- 2.3 The Council may appoint additional members to the Fire Department, and in doing so consider the recommendations of the Fire Chief. These members shall be supervised by the Fire Chief and the other Officers;
- 2.4 The limits of the jurisdiction of the Fire Chief, and the officers and members of the Fire Department will extend to the area and boundaries of the Village of Delia, Delia's Rural Community as defined in the M.D. of Starland's Fire Agreement, and no part of the fire apparatus shall be used beyond the limits of the municipality without the express authorization of a written contract or agreement providing for the supply of fire fighting services outside the Municipal boundaries.
- 2.5 The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction and control of the Council to which he shall be responsible, and in particular he may be required to carry out all fire protection activities and such other activities such as Council directs including but not limited to:
 - (a) rescue

- (b) emergency medical services
- (c) other incidents
- (d) pre-fire planning
- (e) disaster planning
- (f) preventive patrols

- 2.6 The Fire Chief, subject to the ratification by the Council, shall establish rules, regulations, policies and committees necessary for the establish rules, regulations, policies and committees necessary for the paper organization and administration of the Fire Department including, but not limited to:
- (a) use, care and protection of Fire Department Property;
 - (b) conduct and discipline of Officers and Members of the Fire Department;
 - (c) efficient operations of the Fire Department;
 - (d) training o Officers and Members of the Fire Department;
- 2.7 The Fire Chief, or in his 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 shall continue to act until relieved by an officer authorized to do so.
- 2.8 The Fire Chief shall take responsibility for all fire protection matters including the enforcement of the Fire Prevention Act and regulations there under.
- 2.9 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.
- 2.10 The Fire Chief, or any other member in charge, at an incident is empowered to enter premises or property where the incident occurred and to cause any member, apparatus or equipment of the Fire Department to enter, as he deems necessary, in order to combat, control or deal with the incident.
- 2.11 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.
- 2.12 The Fire Chief, or the member in charge, at 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 and equipment of the Fire Department to enter or pass through or over the building or property, where he deems it necessary to gain access to the incident or to protect any person or property.

- 2.13 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 by-law.
- 2.14 The Fire Chief or the member in charge of an incident may request persons who are not members to assist in extinguishing a fire, removing furniture, goods and merchandise from any building on fire or in danger thereof and in guarding and securing the same and in demolishing a building or structure at or near the fire or other incidents.
- 2.15 The Fire Chief or the member in charge of an incident is empowered to commandeer privately owned equipment which he considers necessary to deal with an incident.

SECTION 3. POWERS OF FIRE MEMBERS

- 3.1 Each member shall have the authority and power to:
- (a) extinguish or control the Fire or operations to preserve life and Property and enter onto any Property for the purpose of extinguishing or controlling the Fire;
 - (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 4. POWERS OF OFFICERS

- 4.1 Each Officer shall have the authority and power to during an incident, command and authorize payment for the possession nor use of any Equipment for the purposes of fighting the Fire, where that payment has been authorized pursuant to the budget for the Fire Department.

SECTION 5.1 FIRE PROTECTION CHARGES

- 5.1 Upon providing Fire Protection on property within or outside the Municipality's boundaries, the Municipality may in its sole and absolute discretion charge a Fire Protection Charge to:
- (a) the person causing or contributing to the Fire: or
 - (b) the owner or occupant of the Property
- 5.2 The schedule of fees for Fire Protection Charges shall be in accordance with the recommended fee schedule set forth by the Starland Fire Protection Committee and adopted by Council.
- 5.3 A Fire Protection Charge shall be paid within sixty (60) days of being levied.

- 5.4 The owner of a parcel to which Fire Protection is provided is liable for Fire Protection Charges incurred, and the Municipality may add to the tax roll of a parcel of land all unpaid Fire Protection Charges.
- 5.5 Collection of unpaid Fire Protection Charges may be undertaken by civil action in a court of competent jurisdiction, and any civil action does not invalidate any lien which the Municipality is entitled to on the Property in respect of which the indebtedness is incurred.

SECTION 6. ENFORCEMENT

- 6.1 Where property does not comply with this Bylaw or a person contravenes this Bylaw, the Municipality may pursue its enforcement alternatives in accordance with any Act, or common law right, including issuance of an order to remedy contravention, remedying contravention by the Municipality, adding amounts to the tax roll, and pursuing injunctions pursuant to the *Municipal Government Act*.

SECTION 7. NOTICE

- 7.1 Any notice provided for in this Bylaw shall be in writing.
- 7.2 Service of any notice provided for in this Bylaw may be made as follows:
- (a) personally upon the person to be served; or
 - (b) by mailing the copy to the person to be served by double registered mail or certified mail to the last known post office address of the person to be served, and service shall be deemed effected at the time the copy is delivered by an official of the post office to the person to be served or to any person receiving it on his or her behalf;
 - (c) where the property is not occupied, by mailing the notice by double registered mail or certified mail to the mailing address noted on the Municipality's tax roll for that Property, and service shall be deemed to be effective at the time the copy is delivered by an official of the post office to the person to be serviced or to any person receiving it on his or her behalf; or
 - (d) as directed by the Court

SECTION 8. APPEAL

- 8.1 A person who considers himself aggrieved by a written order given pursuant to this Bylaw may appeal the direction to the Council, under the terms prescribed by the *Municipal Government Act*.

SECTION 9. INTERFERENCE WITH DUTIES

- 9.1 No person shall obstruct the Administrator or a person authorized to inspect Property or to perform any work necessary to remedy a condition, from performing his or her duties under this Bylaw.

SECTION 10. OFFENCES

- 10.1 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.
- 10.2 No person shall damage or destroy Fire Department apparatus or equipment.
- 10.3 No person at an incident shall drive a vehicle over any equipment without permission of the Fire Chief or the member in charge.
- 10.4 No person shall obstruct a member from carrying out duties imposed by this by-law.
- 10.5 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.
- 10.6 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 firefighting purposes or any connection provided to a fire main, pipe, standpipe, sprinkler system cistern, or other body of water designated for firefighting purposes.

SECTION 11. PENALTIES

- 11.1 Any person who violates any of the provisions of this by-law, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this by-law, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this by-law, or who omits any act or thing thus violating any of the provisions of this by-law, shall be deemed to be guilty of an

infraction of this by-law, and upon conviction is liable to a fine of not less than \$200.00 and not more than \$2500.00.

- 11.2 No person found guilty of an offence pursuant to this Bylaw shall be liable to imprisonment.

SECTION 12. MISCELLANEOUS

- 12.1 This Bylaw shall come into effect upon the final passing thereof.
- 12.2 Any suit brought against the Fire Chief or member of the Fire Department, because of an act or mission performed by him in the enforcement of any provision of this by-law, shall be defended by the Village of Delia until final determination of the proceedings.
- 12.3 Nothing in this Bylaw shall be construed to give the Fire Department or the Fire Chief control or authority over ambulance services.
- 12.4 Should any section or part of this Bylaw be found to be improperly enacted or ultra vires, for any reason, then such section or part shall be regarded as being severable from the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.

SECTION 13. VIOLATION TAGS

- 13.1 A Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 13.2 A Violation Tag may be issued to such person:
(a) Either personally; or
(b) By mailing a copy to such person at his or her last known Post Office address.
- 13.3 A Violation Tag shall be in a form approved by the Municipality or the responsible Officer of the Municipality and shall state:
(a) the name of the person;
(b) the offence
(c) the appropriate penalty for the offence

(d) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag
(e) any other information as may be required by the Municipality.
- 13.4 Where an offence of this Bylaw continues for more than one day, a Bylaw Enforcement Officer may issue one Violation Tag each day that the offence continues.

- 13.5 Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Municipality's Treasurer the penalty specified in the Violation Tag.
- 13.6 Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any person who contravenes any provision of this Bylaw.

SECTION 14. VIOLATION TAGS

- 14.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who an Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 14.2 A Violation Tag may be issued to such person:
- (a) Either personally; or
 - (b) By mailing a copy to such person at his or her last know Post Office address.
- 14.3 The Violation Tag shall be in a form approved by the Municipality or the responsible Officer of the Municipality and specifies:
- (a) the name of the person;
 - (b) the offence;
 - (c) the appropriate penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
 - (d) that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
 - (e) any other information as may be required by the Municipality.
- 14.4 Where an offence of this Bylaw continues for more than one day, a Bylaw Enforcement Officer may issue one Violation Tag each day that the offence continues.
- 14.5 Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Municipality's Treasurer the penalty specified in the Violation Tag.
- 14.6 Nothing in this Bylaw shall prevent a Bylaw Enforcement Officer from immediately issuing a Violation Ticket for the Court appearance of any person who contravenes any provision of this Bylaw.

SECTION 15. VIOLATION TICKETS

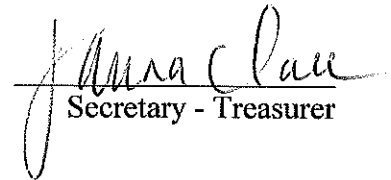
15.1 If the penalty specified in a Violation Tag is not paid within the prescribed time period, then a Bylaw Enforcement Officer may issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Ac.

Read a first time this 8th day of February, 1999.

Read a second time this 8th day of February, 1999.

Read a third time and duly passes this 8th day of February, 1999.


Mayor


Secretary - Treasurer