



Village of Delia - Province of Alberta

By-Law #628-2018 – Fire Protection Services Bylaw

A bylaw for the purpose of providing for the establishment and operation of Fire Protection Services.

Whereas, the Council of the Village of Delia wishes to establish a fire service within the municipality and to provide for the efficient operation of such a fire service, pursuant to the laws of the Province of Alberta, and

WHEREAS the Council of the Village of Delia wishes to recognize that an inter-municipal agreement for fire services is necessary to provide for the efficient operation of a fire service,

NOW THEREFORE, the Council of the Village of Delia, in the Province of Alberta, duly assembled, authorizes the establishment of Fire Protection Services and enacts as follows:

Short Title

1 This Bylaw shall be cited as the "Fire Protection Services Bylaw".

Definitions

2 In this Bylaw the following words shall be defined as:

- (a) "Apparatus" means any vehicle provided with machinery, devices, equipment or materials for fire fighting, as well as any vehicles used for transporting fire fighters or supplies.
- (b) "Contained Fire" means 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.
- (c) "Chief Administrative Officer" means the Chief Administrative Officer as appointed by Council or his/her designate.
- (d) "Council" means the Council of the Village of Delia.
- (e) "Equipment" means any tools, contrivances, devices or materials used by the Fire Department to combat an incident or other emergency.
- (f) "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.
- (g) "Fire" means any combustible material in a state of combustion.
- (h) "Fire Chief" means the Member appointed as head of the Fire Department.

- (i) "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.
- (j) "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.
- (k) "Fire Enforcement Officer" means a Bylaw Enforcement Officer appointed by the Council to do any act or perform any duties as directed under this bylaw and includes a member of the RCMP, or an independent contractor who is under contract with the Village to provide bylaw enforcement services.
- (l) "Fire Marshall" means an appointed official by Starland County Council to act as liaison between the Villages and the Fire Departments that make up the Fire Protection Agreement.
- (m) "Fire Protection" means all aspects of Fire safety, including but not limited to, Fire prevention, Fire fighting 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 Protection (including legitimate emergencies and false alarms).
- (n) "Fire Protection Committee" means the appointed members of the committee referred to in the agreement between the participating municipalities of the Village of Morrin, the Village of Delia, the Village of Munson and Starland County.
- (o) "Fire Protection Fees or Charges" means any or all costs incurred by the Fire Department in providing protection.
- (p) "Incident" means a Fire, a situation where a Fire or explosion is imminent or any other situation presenting a Fire or possible danger to life or property.
- (q) "Member" means any person that is a duly appointed Member of the Fire Department, and includes the Fire Chief.
- (r) "Officer" means a Member appointed as the Fire Chief, Deputy Fire Chief, Captain or Lieutenant.
- (s) "Property" means any real or personal property, which, without limiting the generality of the foregoing, includes land and structures.
- (t) "Out of Control Fire" means a Fire burning without being under proper or any control of any person.
- (u) "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.

(v) "Village or Municipality" means the Village of Delia.

Fire Chief, Fire Chief Duties and Appointment of Members

- 3 The Fire Chief shall be appointed by and responsible to Council.
- 4 The Fire Chief shall perform duties as outlined in the Fire Chiefs job description and report to the CAO on the operations of the department as requested. The Fire Chief shall forward all documentation including fire reports, requests for requisitions of supplies or equipment, repairs to apparatus, violations of the bylaw, and policy and procedure changes or additions to the CAO.
- 5 Any Council directions or matters relevant to the Fire Protection Service shall be coordinated and dispersed to the Fire Chief by the CAO.
- 6 The Fire Chief shall appoint the Officers and additional members of the Fire Department. Those Officers and members will be responsible to and supervised by the Fire Chief.
- 7 The Fire Chief has complete responsibility and authority over the Fire Department, subject to the direction and control of Council and in particular may carry out all Fire Protection activities and such other activities as Council directs, including but not limited to:
 - a. Rescue
 - b. Emergency medical services, excepting ambulance services
 - c. Pre-fire planning
 - d. Disaster
 - e. Preventative patrols
 - f. The issuing of fire bans or other preventative measures within the Village to restrict recreational or other fires within Village boundaries
- 8 The Fire Chief, subject to the ratification by the Council by bylaw, may establish rules, regulations, policies and committees necessary for the proper organization and administration of the Fire department including but not limited to:
 - a. Use, care and protection of Fire Department Property
 - b. Organizational structure and management of the Fire Department
 - c. Recruiting, training, evaluation of Officers and Members of the Fire Department
 - d. Conduct, discipline and as necessary, dismissal of Officers and Members of the Fire Department
 - e. Efficient operations of the Fire Department
- 9 The Fire Chief or in his or her absence, the designated officer or member, 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 or she shall continue to act until relieved by an Officer authorized to do so.

- 10 The Fire Chief, or the designated officer or member in charge, at an incident may at his or her discretion establish boundaries or limits and keep persons from entering the area within the prescribed boundaries or limits unless authorized to enter by him or her.
- 11 The Fire Chief, or the designated officer or member in charge, at an incident may request peace officers to enforce restrictions on persons entering within the boundaries of the limits in Section 11.
- 12 The Fire Chief, or the designated officer or member in charge, at an incident is empowered to enter premises or property to take all steps he or she deems necessary in order to directly or indirectly combat, control or deal with an incident, including:
 - a. 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
 - b. Cause a building, structure or thing to be pulled down, demolished or otherwise removed.
- 13 The Fire Chief may request to obtain assistance from persons and other officials of the Municipality as he or she deems necessary in order to discharge his or her duties and responsibilities under this Bylaw.
- 14 Regulations, rules or policies made pursuant to this Bylaw shall not be inconsistent with the legislation and regulations of the Province of Alberta.
- 15 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 Municipality and no part of the fire apparatus or equipment shall be used beyond the limits of the jurisdiction without:
 - a. The express authorizations of a written contract or agreement providing for the supply of Fire Protection outside the Municipality's boundaries, or
 - b. The approval of the CAO as requested by neighboring municipalities for mutual aid.

Powers of Fire Members

- 16 Each Member shall have the authority and power to:
 - a. Extinguish or control a Fire or the operations to preserve life and Property and enter onto any Property for the purpose of extinguishing or controlling a 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.

Powers of Officers

17 Each Officer shall have the authority and power to:

- a. During an incident, commandeer and authorize payment for the possession or use of any Equipment for the purposes of fighting a Fire, where that payment has been authorized pursuant to the budget for the Fire Department.

Agreement for Fire Protection Services

18 The Village of Delia is hereby authorized to enter into an agreement for fire protection (attached and marked as Exhibit "A") with the councils of:

Starland County, the Village of Morrin, and the Village of Munson

19 The Mayor and CAO of the Village of Delia are hereby authorized to sign and execute an agreement, the terms of which are set out in Exhibit "A" heretofore referred to.

Fire Protection Fees and Charges

20 Upon providing fire protection on property within or outside the municipality's boundaries, the municipality may in its sole discretion charge any fees to:

- a. the person causing or contributing to the fire or
- b. the owner or occupant of the property

21 The schedule of fees for Fire Protection Charges shall be set out in accordance with the recommended fee schedule set forth by the Fire Protection Committee, at the annual meeting, and ratified by Council.

22 The Fire Chief shall forward a "Fire Report" to the Fire Marshall at Starland County within 14 days of the incident.

23 The CAO shall issue an invoice to Starland County or Alberta Transportation, in the case of highway incidents, for the associated charges indicated on a Fire Report.

24 The fee or charge becomes a debt of the owner of a parcel to the municipality and shall be collected as any other debt would be, including the municipality adding such amounts to the tax roll of the property, or other civil action as deemed necessary.

Miscellaneous

25 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 members in charge including access to property for firefighting purposes. No person shall damage or destroy fire department equipment, including driving a vehicle over any equipment without permission of the Fire Chief or member in charge. No person shall enter the boundaries of an incident without being authorized.

- 26 No person shall light a fire without first taking sufficient precautions to ensure that the fire can be kept under control at all times.
- 27 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.
- 28 Any person that violates any provision of this bylaw is guilty of an offence and upon conviction is liable to a fine of not less than \$100 and not more than \$5000. Enforcement of this bylaw shall be carried out in the manner prescribed by the bylaw enforcement mechanism as determined by council.
- 29 A person who considers themselves 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.
- 30 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 bylaw, shall be defended by the Village of Delia until final determination of the proceedings.

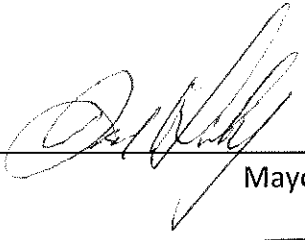
Repeal

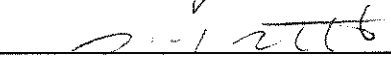
- 68 Bylaw #516-1999 is hereby repealed.

In Force

- 68 This by-law shall come into full force and effect on the day that it is finally passed by Council by giving it third and final reading and it is signed in accordance with the MGA.

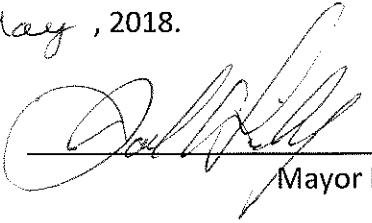
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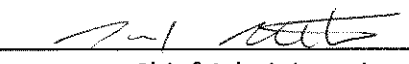

Mayor David Sisley


Chief Administrative Officer
Mark Nikota

READ A SECOND TIME THIS 16 DAY OF May, 2018.

READ A THIRD TIME AND FINALLY PASSED THIS 16 DAY OF May, 2018.


Mayor David Sisley


Chief Administrative Officer
Mark Nikota