



TOWN OF BASHAW

BYLAW NO. #770 - 2015

A BYLAW OF TOWN OF BASHAW, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF A FIRE SERVICES DEPARTMENT(S) WITHIN BASHAW.

WHEREAS THE Municipal Government Act R.S.A 2000, Chapter M-26 and amendments thereto provides that a council of a municipality may pass bylaws 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

AND WHEREAS Section 8 (a) of the Municipal Government Act provides for municipalities to enact bylaws to regulate or prohibit;

AND WHEREAS Section 8 (c) of the Municipal Government Act provides for municipalities to enact bylaws to provide a system of licences, permits or approvals;

AND WHEREAS the *Alberta Fire Code* 2014, as established by the Fire Technical Council, Safety Codes Council and under the provisions of the *Safety Codes Act*, provide Town of Bashaw with the authority to establish a joint Quality Management Program, which has provided the municipalities a Quality Management Program under the guidance and control of the Safety Codes Council and direction of the Town of Bashaw Council;

AND WHEREAS the *Forest and Prairie Protection Act*, R.S.A 2000, Chapter F-19, as amended in 2013, provides for the prevention of prairie or running fires and places responsibility for fighting and controlling fires within a municipal district or a county;

AND WHEREAS the *Environmental Protection and Enhancement Act* provides the guidelines for environmental contamination, Town of Bashaw Council will endeavor to prevent or bring under control the emissions of contaminants and will inform the Department of the Environment of infractions occurring in the municipality;

AND WHEREAS the Town of Bashaw Council wishes to establish a fire and rescue service within the municipality to provide for efficient operation of such a service.

BE IT RESOLVED THAT the Town of Bashaw Council of the Province of Alberta, duly assembled, enacts as follows:

SECTION 1 - NAME OF BYLAW

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

NOW THEREFORE BE IT ENACTED as a bylaw of the Town of Bashaw Council as follows:

SECTION 2 - DEFINITIONS

In this bylaw,

- 2.1 “Act” shall mean the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended.
- 2.2 “Administrator” shall mean the Chief Administrative Officer for Bashaw.
- 2.3 “Assistant Chief Administrative Officer” shall mean the Assistant Chief Administrative Officer for Bashaw.
- 2.4 “Apparatus” means any vehicle provided with machinery, devices, equipment or materials for emergency use, as well as any vehicles used for transporting firefighters or supplies.
- 2.5 “Bylaw Enforcement Officer” shall mean:
- i) A person appointed under Section 555 and 556 pursuant to the Municipal Government Act, RSA 2000, Chapter M-26, employed or contracted by the Town of Bashaw to enforce Town Bylaws;
 - ii) A community Peace Officer as defined under the Peace Officer Act, SA 2006, Chapter P-3.5 or;
 - iii) A member of the Royal Canadian Mounted Police.
- 2.6 “Council” shall mean the Council of Bashaw;
- 2.7 “Councillor” shall mean an elected official of Council;
- 2.8 “Committee” or “Committees” shall mean any Standing or Ad Hoc Committee established from time to time pursuant to this bylaw;
- 2.9 “Deputy Fire Chief” means the person appointed by the Fire Chief, pursuant to Standard Operating Procedures;
- 2.10 “Emergency Incident” means a fire, a situation where a fire or an explosion is imminent or any other situation presenting a fire or possible danger to life, property or the environment and to which the Fire Department has responded. These incidents include transportation accidents, hazardous materials releases or potential releases, medical assists or any life threatening situation.
- 2.11 “Equipment” means any tools, contrivances, devices or materials used by the Fire Services Department that may be applied at an emergency incident.
- 2.12 “Fees for Services” shall be charges or fees for services provided identified throughout this Bylaw and in Schedule A of this Bylaw, or within the Master Rates Bylaw.
- 2.13 “Fire Ban” means a declaration by the Fire Chief that a restriction has been placed on the setting of fires.
- 2.14 “Fire Chief” means the person appointed by the Council as head of the Fire Services Department administered by Town of Bashaw, with duties as described in the Standard Operating Guidelines.
- 2.15 “Fire Department” means the Fire Services Department of Bashaw established in this Bylaw and includes any person duly appointed to the Department by the Chief and Deputy Fire Chief; performing such functions as are prescribed herein, together with all firefighting equipment, including fire stations, established to prevent,

extinguish, and investigate the cause of fires, to preserve life and property from injury or destruction by fire.

- 2.16 “*Firefighter*” means a person appointed to perform the duties of a firefighter as described in the Standard Operating Guidelines
- 2.17 “Occupant” shall mean any person who is found on a property, whether or not the individual is the owner or tenant of the property and whether or not the individual resides on the property or having the right to occupy or exercise control over the land.
- 2.18 “*Regional Fire Services Coordinator*” means the person appointed by the Regional Fire Services Committee pursuant to the Agreement for Collaboration between Town of Bashaw, Villages of Bawlf, Edberg, Ferintosh, Hay Lakes, Rosalind and the County of Camrose;
- 2.19 “*Safety Codes Accreditation*” as approved by the Safety Codes Council for Bashaw to administer a Quality Management Program Fire Discipline for members.
- 2.20 “*Safety Codes Officer*” means a person certified by the Safety Codes Council under the authority of the Safety Codes Act.
- 2.21 “*Safety Codes Officer Certified*” means a person certified under the Safety Codes Act with Designation of Powers to administer the Alberta Fire Code and Safety Codes Act.
- 2.22 “*Standard Operating Guidelines*” means the guidelines adopted by the Council concerning Fire, Rescue and other, administrative and operational activities of the Fire Services of Camrose County.
- 2.23 “*Town*” means Town of Bashaw.

SECTION 3 – OBJECTIVES

- 3.1 The objectives of Bashaw Fire Services are:
- 1) to provide fire protection services to the Town of Bashaw and vicinity.
 - 2) to provide fire protection services to municipalities to whom Town of Bashaw has entered a fire services mutual aid agreement or through service agreement;
- 3.2 Without in any way limiting the generality of the foregoing, the Town may undertake such studies, research, projects or programs and enter into such contracts as may be deemed necessary or desirable in the furtherance of its objectives and to the economic, safety, health and environmental benefits of Town of Bashaw residents.

SECTION 4 – FEES

- 4.1 The Council shall establish by policy contained in this Bylaw the fees to be charged by the Town of Bashaw for services provided and shall be entitled to levy fees differently to separate classes of persons, corporations or entities receiving services as specified in Schedule A, or referenced in Master Rates Bylaw.
- 4.2 The Council may amend any policy establishing fees at any time.

SECTION 5 - FIRE SERVICES

5.1.1 Town of Bashaw does hereby establish the Fire Services Department(s), for the purpose of:
preventing and extinguishing fires;

- 1) performing basic rescues, first responder care and control of dangerous goods incidents to a first responder level;
- 2) investigating the cause and origin of fires in accordance with the Alberta Fire Code 2014 and Quality Management Plan, as approved by the Safety Codes Council;
- 3) preserving life, property and protecting the environment
- 4) preventing and extinguishing non-permitted ground cover fires or running at large fires and enforcing the provisions of the *Forest and Prairie Protection Act*;
- 5) enforcing the provisions of the Alberta Fire Code 2014 and Safety Codes Act and its regulations;
- 6) carrying out prevention patrols, pre-fire planning and fire inspections in accordance with the Accredited Safety Codes Council Quality Management Program.
- 7) entering into mutual aid agreements with other municipalities, agencies or persons to provide assistance in controlling an emergency incident subject to approval of the Council; and
- 8) purchasing and operating Apparatus and Equipment for preservation of lives and property.

SECTION 6 - RESCUE AND EXTRICATION SERVICES

- 6.2 Response to emergency calls, or the dispatch of a Fire and Rescue Service by 911 for fire, rescue, medical first response, traffic control, or other requests for assistance at an incident; an invoice from the Town of Bashaw for services rendered, may be issued to recover costs according to this Bylaw.
- 6.3 The Town of Bashaw has established and maintains response areas within the Town of Bashaw areas for fire, rescue and extrication services.
- 6.4 The Town of Bashaw permits a vehicle, other than an emergency vehicle, that is transporting a full-time fire fighter or a volunteer fire fighter to have/use a flashing green lamp.
- 6.5 The use of the flashing green lamp is only to be used by volunteer fire fighters as approved by the Fire Chief. Flashing green lamp use; is restricted to response to a fire or other emergency, as defined within the Standard Operating Guidelines.
- 6.6 The Fire Chief has the authority to remove/restrict the flashing green lamp use; as they deem necessary.

SECTION 7 - FIRE PREVENTION/INSPECTION

- 7.1 The Bashaw Fire Chief, and/or Regional Fire Services Coordinator may establish a fire prevention program within the member municipalities including but not limited to:
 - 1) preventative fire inspections of properties or structures in accordance with the Alberta Fire Code 2014 and the Quality Management Plan approved by the Safety Codes Council.
 - 2) review of designs, plans, specifications and processes to ensure conformity with the Safety Codes Act, or Alberta Fire Code 2014 or Quality Management Program as amended from time to time,

- 3) preparation of pre-fire plans
- 4) dissemination of fire prevention information to the general public.

SECTION 8 - INVESTIGATIONS

- 8.1 The Fire Safety Codes Officer and/ or delegated Certified Safety Codes Officer shall investigate the cause and origin of every dollars loss fire within said officer's jurisdiction, in accordance with the Quality Management Plan and requirements set forth by the Safety Codes Act.
- 8.2 If the person investigating an incident as described in Sentence 8.1 has information that indicates a fire is or may be of incendiary in origin or has resulted in loss of life, the RCMP, Bashaw Fire Chief, Regional Fire Services Coordinator and Fire Commissioners Office shall be advised of the incident immediately.

SECTION 9- REQUIREMENT TO REPORT

- 9.1 The Owner or authorized agent of any property damaged by fire which incurs a dollar loss amount within Bashaw shall immediately report details of the fire to the fire department(s), or Safety Codes Officer, within whose jurisdiction the property is located.
- 9.2 A Fire Department(s) which responds to an incident or is made aware of a fire within its area of jurisdiction, in which a life is lost the officer in charge, shall report the incident to the RCMP, Bashaw Fire Chief, the Regional Fire Services Coordinator and the Fire Commissioners Office immediately. If a person suffers injury requiring medical attention, or in which property is damaged or destroyed, the Officer in Charge shall report the incident to the Regional Fire Services Coordinator as soon as possible.
- 9.3 A person conducting the investigation or reporting the incident as described in Section 8 must be a Certified Safety Codes Officer. A completed investigation report shall be forwarded to the Bashaw Fire Chief with an Incident Report and all relevant information relating to the incident. A Provincial Fire Report shall be submitted to the Fire Commissioners Office within 30 (thirty) days of incident occurrence as required by provincial law.
- 9.5 The Owner or authorized agent of any property containing a dangerous good(s) product which sustains an accidental or unplanned release of the dangerous good(s) product shall immediately report particulars of the release to the Bashaw Fire Chief, Regional Fire Services Coordinator and the proper authorities.

SECTION 10 - BURNING REGULATIONS

- 10.1 Fires may be set by the Fire Department for the purpose of training firefighters;
- 10.2 Fire Pit Regulations and details are located in the Fire Pit Bylaw # 728 – 2010, or subsequently amended as applicable. In the absence of amendments/replacement Fire Pit Bylaw existing bylaw prevails.

SECTION 11 - RECOVERY OF COSTS

- 11.1 Where a Fire Department(s) has taken any action whatsoever for the purpose of extinguishing a fire or responding to an Emergency Incident within or outside the

municipality for the purpose of preserving life or property or destruction by fire or other incident on land or property within or outside the specified areas, including any such action taken by the Department(s) on a false alarm, the Town may, in respect of any costs incurred by the Department(s) in taking such action, charge any costs so incurred by the Department(s) to the person who caused the fire or the owner or occupant of the land or property in respect of which the action was taken.

- 11.2 The schedule of fees to be charged for fire, rescue, dangerous goods, false alarm responses, fire inspections, fire investigations, occupant load determination, and other services not identified that may be performed by the Town of Bashaw Fire Department or the Fire Chief shall be described in Schedule A of this Bylaw.
- 11.3 Charges to be levied to the owner or occupant of any land, vehicle, machinery, equipment or structure of any type within the Town with regard to the emergency response and or other services provided are specified in Schedule A of this Bylaw.
- i) the Town may take such actions to recover costs incurred providing services described in the fee schedule specified in Schedule A of this Bylaw.
 - ii) Should circumstances arise that require no fire protection equipment, Town of Bashaw reserves the right to charge the owner or occupant the actual labour charges incurred by the Fire Department.
 - iii) Town of Bashaw shall establish a ceiling of \$10,000 being the maximum charge that a resident, owner or occupant of land classified as residential or farmland will be expected to pay for fire or emergency response services.
 - iv) Land that is not classified as residential or farmland is exempted the maximum \$10,000 charge and will be charged all applicable costs.
 - v) in all situations of emergency response service or other service provided by Town Fire Department(s) and/ or all other billable services provided by the Town according to the fee for service policy, outstanding account(s) will be recovered
- 11.4 In respect of the cost or fee described in this bylaw:
- i) The Town may recover such cost of fee as a debt due and owing the Town, or
 - ii) In the case of action taken by the Town in respect of land within the Town where the cost or fee is not paid upon demand by the Town, then in default of payment such cost of fee may be charged against the land as taxes due and owing in respect of that land.
 - iii) Fees as described in Schedule A or Master Rates Bylaw. In the event of conflicting information, the most date current will prevail.

SECTION 12 – ENTRY ON LAND AND PREMISES

12.1 A Bylaw Enforcement Officer may without warrant enter on any land and premises or place, except a private dwelling house, for the purpose of discharging duties specified under this bylaw.

SECTION 13 - OFFENCES

13.1 Any person who lights an outdoor fire when the weather conditions are conducive to a fire running at large is guilty of an offence, and

- 13.2 Any person who ignites and burns fuels that contravene the *Alberta Environmental Protection Act*, is guilty of an offence, and
- 13.3 Any person who ignites a fire or burns during a Fire Ban which clearly specifies the prohibition of such an ignition is guilty of an offence, and
- 13.4 Any person who ignites a wood burning appliance or other materials for burning outdoors during a Total Fire Ban is guilty of an offence.
- 13.5 Persons who commit any of the following offences are subject to Section 14 Penalties:
- 1) impeding, obstructing or hindering a firefighter, or fire officer of the Fire Department(s), or other persons assisting or acting under the direction of a Fire Chief, Regional Fire Services Coordinator or authorized delegate in charge at an incident;
 - 2) damaging or destroying Fire Department(s) Apparatus or Equipment;
 - 3) driving a vehicle over any Equipment, in particular fire hose, at an incident without the permission of the Fire Chief or authorized delegate in charge at an incident;
 - 4) obstructing a firefighter from carrying out any function or activity related in any way to fire protection;
 - 5) falsely representing themselves as a Department member or wearing or displaying any Department badge, cap, button, insignia or other paraphernalia for the purpose of such false representation;
 - 6) obstructing or otherwise interfering 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, standpipe, sprinkler system, cistern or other body of water designated for fire-fighting purposes.

SECTION 14 - PENALTIES

- 14.1 Any person who is guilty of an offence under Section 13, or 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, shall be deemed to be guilty of an offence under the Bylaw, and upon conviction, is liable to a fine of not less than \$200.00 and not more than \$5,000.00 plus costs. No person found guilty of an offence under this Bylaw shall be liable to imprisonment.

SECTION 15 - SEVERABILITY

- 15.1 Should any Section or part of this Bylaw be found to have been 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 as if the Section found to be improperly enacted had not been enacted as part of this Bylaw.

SECTION 16 - MISCELLANEOUS

- 16.1 Schedule A attached hereto forms part of this bylaw, or as indicated in Master Rates Bylaw as amended from time to time. Most date current amendment will apply.

SECTION 17 - REPEAL

17.1 This bylaw repeals Bylaw # 671 - 04.

17.2 This bylaw shall take effect on the date it is passed.

READ a first time this 3rd day of December, 2015.

READ a second time this _____ day of _____, 2015.

UNANIMOUS CONSENT for a third reading this _____ day of _____, 2015.

READ a third time and finally passed this _____ day of _____, 2015.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE A

FEEES

Section in Bylaw	Fee Description
Alberta Transportation Policy TCE-DC-501(v3) or subsequent version as applicable	Hourly Fire protection cost per unit Schedule of Fees: As per Alberta Transportation Policy
	<i>Fees include all personnel involved</i> <i>Fees include all consumables – such as foam, dry chemical etc. – used within reason (determined by Fire Chief of designate)</i>

Response fees may apply for the following types of responses:

1. Vehicle Fires
2. Vehicle Extrication
3. Grass fires on railway right of way
4. Grass fires in ditches or median on numbered highways
5. Cancelled Calls
6. False Alarms
7. Standby for dangerous goods incidents, controlled burns, structure fires, motor vehicle collisions.

Other Fees:

	Fire Inspection(s) hourly charge	\$50
	Fire Investigation(s) hourly charge	\$50
	Occupant Load Determination	\$50
	Plan, Drawing, Design Review hourly charged	\$50
	Mileage charges as per Government Rate	
	Fire and/ or other report copies provided to requesting party.	\$50
	Contracted Fire Investigation/ Inspection Services Cost Recovery + Administration Service Charges	(\$50 Admin Fee)