

BY-LAW NO. 767/91

A BY-LAW OF THE COUNTY OF LACOMBE NO. 14, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF PROVIDING FOR THE ESTABLISHMENT AND OPERATION OF FIRE DEPARTMENTS.

WHEREAS, the Municipal Government Act, R.S.A. 1980, as amended, provides that a Council of a municipality may pass by-laws for the prevention or extinguishing of fires, the preservation of life and property, the protection of persons from injury or destruction by fires; the entering into of agreements with other municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment; the charging of any costs incurred:

AND WHEREAS, the Council of the County of Lacombe No. 14 wishes to establish a fire protection service within the County and to provide for efficient operation of such a fire protection service;

NOW THEREFORE, the Council of the County of Lacombe No. 14 of the Province of Alberta, duly assembled, enacts as follows:

SECTION 1 – NAME OF BY-LAW

1.1 This By-Law may be cited as the “Fire By-Law”.

SECTION 2 – DEFINITIONS

2.1 In this By-Law:

- (a) “Apparatus” means any vehicle provided with machinery, devices, equipment, or materials for firefighting, as well as any vehicles used for transporting firefighters or supplies.
- (b) “Council” means the Council of the County of Lacombe No. 14.
- (c) “Equipment” means any tools, contrivances, devices, or materials used by a Fire Department to combat an incident or other emergency.
- (d) “Fire Chief” means the member appointed as head of a Fire Department.
- (e) “Fire Department” means a volunteer fire department established by this By-Law or a volunteer fire department which has agreed to provide fire protection to the County and includes any person duly appointed to the Fire Department by Council or the Fire Chief.
- (f) “Fire Protection” means all aspects of fire safety, including but not limited to fire protection, fire fighting or suppression, pre-fire planning, fire investigation, public education and information, training or other staff development.
- (g) “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 a Fire Department has responded.
- (h) “Member” means any person that is a duly appointed member of a Fire Department.

SECTION 3 – AGREEMENT AND OPERATION

- 3.1 The Council may by resolution authorize the entering into of agreements with other Municipalities for the joint use, control and management of fire extinguishing apparatus and equipment.
- 3.2 The Council may by resolution authorize the purchase and operation of apparatus and equipment for extinguishing fires and preserving life and property.

SECTION 3 – AGREEMENTS AND OPERATION

- 3.3 The Council may by resolution authorize the expenditure of funds to volunteer fire departments, as deemed appropriate by the County, and to further the objectives of a volunteer fire department.
- 3.4 The Council will by resolution divide the County into areas and will assign the areas to the respective Fire Chief's and volunteer fire departments.

SECTION 4 – FIRE CHIEF

- 4.1 A Fire Chief for each fire department shall be appointed by Council.
- 4.2 The Fire Chief shall manage and administer the Fire Department.
- 4.3 The Fire Chief shall be responsible to the County Commissioner for the performance of his/her duties pursuant to this By-Law and such other duties as may be assigned from time to time by the Council or the County Commissioner.
- 4.4 The Fire Chief may appoint other officers and members of the Fire Department.
- 4.5 The Fire Chief may appoint other officers of the Fire Department to act as Fire Chief on his behalf.
- 4.6 The Officers and Members shall be responsible to the Fire Chief for the performance of their duties pursuant to this By-Law and such other duties as may be assigned from time to time by the Fire Chief.
- 4.7 The Fire Department shall respond to fire calls within the assigned area. The Fire Chief or any other member in charge at the fire shall take action as deemed necessary for the preservation of lives and property and to control and extinguish the fire.
- 4.8 The Fire Chief, Officers and Members are authorized:
- (a) to provide emergency rescue services;
 - (b) to provide emergency medical services pending arrival of ambulance or other appropriate medical services;
 - (c) to act in the absence of other authorities, or to assist other authorities in an emergency or disaster within the meaning of the Alberta Public Safety Services Act RSA 1980.
- 4.9 The Fire Chief 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 the County apparatus and equipment assigned to the Fire Department
 - (b) conduct and discipline of officers and members of the Fire Department
 - (c) efficient operations of the Fire Department.
- 4.10 The Fire Chief has authority for all fire protection matters including the Fire Prevention Act and regulations there under.
- 4.11 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 deems it necessary to prevent the spread of fire to other buildings, structures or things.
- 4.12 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.

- 4.13 The Fire Chief, or in his absence, the senior 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.
- 4.14 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.
- 4.15 No person shall enter the boundaries or limits of an area prescribed in accordance with Section 4.14 unless he has been authorized to enter by the Fire Chief or member in charge.
- 4.16 The Fire Chief, or the member in charge, at an incident may request peace officers to enforce restrictions on persons entering within the boundaries or limits outlined in Section 4.14.
- 4.17 The Fire Chief, or 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 persons or property.
- 4.18 The Fire Chief, or member in charge, may obtain assistance from other officials of the Municipality as he deems necessary in order to discharge his duties and responsibilities of this By-Law.
- 4.19 The Fire Chief, or member in charge, of an incident is empowered to hire privately owned equipment which he considers necessary to deal with an incident.
- 4.20 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, goods, materials, machinery, equipment, or livestock from any building or structure on fire or in danger thereof and in guarding and securing same and in demolishing a building so structure at or near the fire or other incident.
- 4.21 Regulations, rules or policies made pursuant to Section 4.9 of this By-Law shall not be inconsistent with the legislation and regulations of the Province of Alberta.

SECTION 5 – RECOVERY OF COSTS

- 5.1 Where the Fire Department has taken any action whatsoever for the purpose of extinguishing a fire or responding to a fire call or incident within or outside the County or for the purpose of preserving life or property from injury or destruction by fire or other incident on land within or outside of the County, including any such action taken by the Fire Department on a false alarm, the Council 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 or property in respect of which the action was taken.
- 5.2 The schedule of fees to be charged for any fire, including a false alarm, or incident may be established by resolution to Council.
- 5.3 In respect of the cost or fee described in Sections 5.1 and 5.2:
- (a) the County may recover such cost or fee as a debt due and owing to the County; or
 - (b) in the case of action taken by the Fire Department in respect of land within the County, where the cost or fee is not paid upon demand by the County, 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.

SECTION 6 – OFFENCES

6.1 No person shall:

- (a) impede, obstruct or hinder a member of the Fire Department, or other person assisting or action under the direction of the Fire Chief or the member in charge a any incident;
- (b) damage or destroy Fire Department apparatus or equipment;
- (c) at an incident, drive a vehicle over any equipment without permission of the Fire Chief or the member in charge;
- (d) obstruct a member from carrying out any duties authorized by this By-Law;
- (e) 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;
- (f) 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 fire-fighting purposes or any connections provided to a fire main, pope, stand pipe, sprinkler system, cistern, or other body of water designated for fire-fighting purposes.

SECTION 7 – PENALTIES

7.1 Every 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 the By-Law, or who neglects to do or who refrains from doing anything required to be done by the provisions of this By-Law, or who does any act or thing or omits any act or thing, thus violating any of the provisions of this By-Law, and upon conviction, is liable to a fine not less than \$100.00 and not more than \$2500.00

SECTION 8 – SEVERABILITY

8.1 Should any section or part of this By-Law be found to have been improperly enacted or ultra vires, for any reason, then such section or part shall be regarded as been severable from the By-Law and the By-Law 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 By-Law.

SECTION 9 – EFFECTIVE DATE

9.1 This By-Law shall come into force and effect on the final date of passing thereof.

Received first and second reading, and by unanimous consent of the Councillors present, a third reading and finally passed this 7th day of November, A.D., 1991.